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The Political System of Saudi Arabia

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In the Name of Allah
Most Gracious, Most Merciful

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Preface

More than 1400 years have passed since the revelation of Islam, during which it has established a magnificent civilization that for many years brought happiness to mankind.

For a number of reasons however, this civilization has seemingly dwindled. Some seem to think it has perished, died, and become a never to be repeated relic of history; they consider the natural alternative and successor to this to be Western civilization, with its materialist global ideology. However, this is a fallacy as the fact remains that Islam has maintained all its pillars and therefore remains, theoretically, robust and dynamic enough to contend with and relate to reality.

The Saudi state, established in the mid 12th Hijri century and continuing till the present day, is an extant proof of this. This state has maintained its pillars and principles whilst concurrently deploying all measures and processes relevant to contemporary civilization.

We present this model to the reader not as a nostalgic link to history, but rather because its origins and principles

stem from the timeless Islamic *shari'ah*, whose relevance never depletes. As Leopold Weiss (Muhammad Asad (d. 1992)), said: "The rules of this *shari'ah* were formulated in a way that no rule would contradict with the original nature of man and the significant requirements of human community at all places and times."[1]

It is a model that is built upon this classic and enduring system and which adds to that a unique variety of contemporary modernity that influences and interacts with reality and benefits from all that is modern, positive and beneficial, without adopting westernization or integration with the other.

It is a model that exerts all efforts in realizing Islam and reviving its principles and civilization without claiming perfection or infallibility.

Sufficient proof for the rectitude and suitability of this model is the fact that it is a beacon of light in an era of diversity and challenge replete with secularism, atheism and materialist conflict.

Despite the practicality and applicability of Islam, it is true that there will always be shortcomings between its theory and application. This is such because man is, by his very nature, erroneous and has limited capabilities, even if he combined his efforts. Notwithstanding this, we present the Islamic system as that which is the finest and most suitable.

We hope that the reader would join us, with objectivity and sincerity, in searching for the truth and reality, wherever and whatever it is, and regardless of whether

it has an increasing number of opponents or competing viewpoints. Such a search, we wish, would be an optimistic one and not a pessimistic one that prejudges the Islamic civilization as one of aggression and evil, as portrayed by Samuel Huntington in his book *The Clash of Civilizations*.

The fact that the Islamic governmental model, like other models, has substance and profile, is best demonstrated when we present it, as we are doing in this work, in comparison and contrast to comparative jurisprudence. The substance is the bases, principles, values and legislation upon which the system stands, which are found within the pages of this study, and which remain constant despite the ever changing condition of people and their customs.

The profile consists of the patterns, mechanisms and means of which the system consists of, such as: relations between authorities, administrative practices, *shoura* (consultation) and so forth, and these are subject to change, according to welfare and situation.

We hope, dear reader, that this brief study about the system of governance in Islam and its modern application in the Kingdom of Saudi Arabia, will be of interest to you.

Prelude

Literally, Islam means submission, peace and salvation. The Islamic religion is the absolute submission to God according to the heavenly revelations.

Thus all Prophets, peace be upon them, came with the same essentials of belief: belief in God's Existence and Unity, final destruction, Resurrection and Judgment etc., as well as common pillars such as worshipping God, paying *zakat* and abiding by noble values.

Each prophethood differed in terms of details of rules and duties. Islam, which was revealed to Prophet Muhammad, is the most comprehensive of all these forms.

This was clearly stated in the Holy Qur'an: "This day have I perfected your religion for you. Completed My favor upon you, and have chosen for you Islam as your religion." (5:3)

Once a Jewish man read this verse and then came to the second Muslim Caliph, Umar bin Al-Khattab, and said to him: "O the ruler of the believers! There is a verse in your Holy Book which is read by all you (Muslims),

and which, had it been revealed to us, we would have taken the day (on which it was revealed) as one of celebration." Umar asked: "Which verse is that?" The man replied: "This day have I perfected your religion for you." Umar then said: "I swear by God that I know the day and the hour it was revealed to Prophet Muhammad. It was on a Friday and on the night of 'Arafat (i.e. the Day of Hajj)."[2]

From the attributes of perfection that this unique religion has, is that it is one of absolute comprehensiveness: comprehensiveness of time (from its revelation to Prophet Muhammad, peace be upon him, until the Day of Judgment), comprehensiveness of place (its applicability in any place on earth), comprehensiveness of its human application (on body, brain, psyche and soul) and comprehensiveness on life's affairs (in terms of the religion and of the secular).

Hence we can say that Islam is a combined set of rules and legislation. There is the system of faith and ideology, the system of worship, and the system of people's mutual dealings, in addition to other systems such as that of ethics, sociology, politics, management etc. All this serves to confirm Islam as a comprehensive, integrated way of life.

Many orientalists have acknowledged this fact. Here are some examples:

1- Dr. Fitzgerald: "Islam is not a religion only, it is a political system too."

2- Dr. Schacht: "Islam means more than a religion; it also represents legal and political theories and to sum up, it is a comprehensive system of culture that covers religion and state together."

3- Sir Thomas Arnold: "The Prophet (Muhammad) has been a religious leader as well as the leader of state."

4- Gibb: "And hence it appeared clearly that Islam is not mere individual religious rituals; it requires the establishment of an independent society with a special way of ruling with its own rules and laws."[3]

Our study will solely deal with one of these systems, namely that of government and politics. Before discussing this topic, we ask some preliminary questions:

What is the reality of this system?

What form does it take, and is there any relationship or resemblance between it and other contemporary political systems?

What are the fundamentals it stands upon? What are the goals and objectives that this system works to achieve?

How has this system emerged?

Is it merely theories, or has it realistic application?

What are the authorities of the state and what is the relationship between these authorities?

What is the relationship between the ruler and his subjects, and what are the rights and duties of both?

Is there any jurisdiction over the state's policy, and how?

How is freedom understood, and what are its limits?

What is the position of woman in Islamic policy making?

This study attempts to answer all these questions in light of the texts of the Islamic *shari'ah* and its contemporary application in the governmental system of the Kingdom of Saudi Arabia.

Chapter (1)

Objectives and Purposes

All things advance due to the nobility of their goals, and any state will prosper solely due to this nobility of purpose and aim.

As people differ in their aims and purposes as they do in their levels of nobility, ration and logic dictate that God is best to command, and His Wisdom and Will are infinitely ahead of those of His creatures. Moreover, God has sent His prophets for the sole reason of the happiness of mankind in this life and the Hereafter.

Prophet Muhammad, peace be upon him, said: "The prophets ruled over the children of Israel. Whenever a prophet died, another prophet succeeded him, but there will be no prophet after me."

If the prophets have therefore ruled their nations, their seal, Prophet Muhammad, peace be upon him, has comprehensively led his nation in all matters related to this life and the Hereafter and has initiated very clear objectives within an established political system, as

mentioned in the prelude.

The objectives that the Islamic system of governance aims to realize need expounding upon, especially given the fact that these objectives cannot be separated from the objectives that the prophets sought to achieve. These objectives can be summarized as follows:

1- Ensuring justice

God Almighty says: "We sent aforetime Our apostles with clear signs and sent down with them the Book and the balance (of right and wrong), that men may stand forth in justice." (57:25).

This entails that the ultimate objective of the prophets is to stand firm for justice.

2- Guiding to good and warning against evil

God says: "(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong. With God rests the end (and decision) of (all) affairs." (22:41).

3- Preserving the religion through statement and advocating

This is done via statements by explaining the rights of non Muslims, clarifying the principles and virtues of Islam, and detailing the rights of Muslims, as required.

Advocating Islam is done via two means:

The first is through proof and evidence by refuting the accusations and insinuations of those who seek to

attribute falseness and evil to Islam.

The second is through the use of force, when necessary, and this is a legitimate right according to all laws and religions.

4- Execution of verdicts

That is to implement verdicts according to the *shari'ah* law, without any alteration or negligence.

5- Giving due care to others' rights

Which are in fact general interests that Islam has ratified, and this is of three categories:

a- Necessities associated with religion, soul, mind, family and wealth.

b- Man's needs in this life and the Hereafter, the lack of which leads to difficulty or harm.

c- Ameliorations that are considered as virtues and noble values.

6- Arranging the affairs of life

This is done in any manner that is in the interest of people and where its virtue overcomes its vice.

7- Preservation of public order

This is the most important objective and principle as it is only when there is maintenance of public order that life can move in a systematic and secure way. With the absence of this order, chaos prevails.

These then are the objectives and principles that Islam aims to achieve through its political system.

If we were to look for these objectives within the Saudi system of governance, we would find them clearly represented in theory as well as in application.

The theoretical base lies in the laws.

Article (1) of the "Basic Law of Governance" states: "The Kingdom of Saudi Arabia is an Arab, Islamic state; its religion is Islam and its constitution is the Holy Qur'an and the *Sunnah* (Prophetic sayings and deeds). Arabic is its language and Riyadh is its capital."

This article includes seven paragraphs detailing the State's identity, objectives and principles.

Article (9) states: "The family is the kernel of Saudi society, and its members shall be brought up on the basis of the Islamic faith, and loyalty and obedience to God, His Messenger, and to guardians, respect for and implementation of the law, and love of and pride in the homeland and its glorious history."

Article (13) states: "The purpose of education is to instill the Islamic faith in the younger generation, providing its members with knowledge and skills and preparing them to become useful members in the building of their society; members who love their homeland and are proud of its history."

Whoever looks at the practical and applied aspect will notice these aims, particularly in areas that have specific *shari'ah* characteristics such as the judiciary, education, administration, the affairs of *da'wah* (Islamic propagation), *fatawa* (Islamic legal opinion), *hisbah* (promotion of virtue and prevention of vice) and so forth.

The judiciary aims to make justice prevail and maintain

human rights and public order.

Education, at all levels, instills the Islamic faith and its values in the younger generation.

Administration aims at the realization of benefits and management of life's affairs.

Da'wah targets the uprightness of individuals, communities, the state and all other nations whether by an open discourse for all or by addressing each case separately.

Fatawa solves people's problems and issues on all affairs that require an Islamic *shari'ah* verdict or opinion.

Hisbah is a social control apparatus that remedies moral errors and visible Islamic violations.

Thus, the exploits and practices of the state are very clearly meaningful and noble in objective.

Chapter (2)

Features and Characteristics

The Islamic political system is distinguished by a number of features and characteristics. The most important of them are as follows:

1- The fundamentals and rules are from God: The fundamentals on which this system is based are *shoura* (consultation), justice, the pledge of allegiance, obedience and responsibility. These are all derived from their source, which is the revelation of God to His Messenger, Prophet Muhammad, peace be upon him.

This was stated in the following verses from the Holy Qur'an:

"And consult them in the affairs." (3: 159).

"God commands you to render trusts to whom they are due and when you judge between people to judge with justice." (4: 58).

"O you who believe! Obey God and obey the Messenger and those in authority among you." (4: 59).

Prophet Muhammad, peace be upon him, said, "Every one of you is a guardian and every one of you is liable (for his responsibilities)."

2- This is an ideological and intellectual system, and not merely an earthly and legal one.

This system is based on the fact that God is the Commander and Legislator; both the ruler and the ruled are subject to His Divine *shari'ah*.

To reiterate our point, this system is based upon two great pillars:

The first: The system is Islamic as it is based on the Islamic *shari'ah*.

"And this (He commands): judge between them by what God has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what God has revealed to you." (5:49).

The second: The ruler administering this system should be a Muslim. God states: "O you who believe! Obey God and obey the Messenger and those in authority among you." (4: 59).

Obedience here is confined to the Muslim ruler. A non-Muslim would have a separate faith and ideology, and would thus be non-indigenous to this system. It would, thus, be irrational and impractical to have him rule a nation that differs with him in faith and ideology, or for him to rule with a *shari'ah* that he does not even believe in.

3- The permanent correlation and inseparable nature of worldly affairs and those of religion

All matters, be it individual or community, or man's relationship with his God, or with himself, or with his society and homeland, or with his environment, are governed by God's *shari'ah*.

4- This is an ethical system on which relations between its constituents, relations between constituents and the state, and relations between the state and other states, are based on deep-rooted moral values such as integrity, sincerity, counsel, mercy, respect and reciprocal trust, justice, virtue and fulfillment of undertakings, and trust.

5- It is a system that combines appliance of the general with the elucidation of the specific; the aggregate fundamental regulations such as justice, consultation, the pledge of allegiance and obedience, are encapsulated and applied in various methods, depending upon situation and circumstance.

At the same time, the system includes intrinsic elaboration in areas such as rights and responsibilities. Again, the specific *shari'ah* rules, which are to be applied in civil, criminal, commercial, financial and other areas, are stated in details in the *shari'ah*.

Chapter (3)

Foundations and Rules

The Islamic system of governance is based on solid and deep-rooted pillars, which are in fact indistinguishable from the foundations of the religion itself.

They can be categorized into three types:

1- Ideological
2- Constitutional
3- Moral

The First Type: Ideological Foundations

*1- **Istikhlaf*** (vicegerency), which is for two main purposes:

The first is that God alone be worshipped.

The second is to develop and reconstruct the earth.

This concept has been confirmed in the Holy Qur'an in a number of verses, such as:

"And when your Lord said to the angels: 'I will create a vicegerent on earth.' They said: 'Will you place upon it one who causes corruption therein and sheds blood, while

we declare Your praise and sanctify You?' He (God) said: 'Indeed, I know that which you do not know.'" (2: 30).

"And it is He who has made you (His) agents, inheritors of the earth." (6:165).

Thus the existence of man on earth is according to what God has decided and according to His wisdom.

This vicegerency entails that man has to organize his political and administrative life according to divine legislation, which was revealed by God to His Prophet Muhammad, peace be upon him, and can only be attained by believing in this legislation, as revealed to Muhammad, the Messenger of God.

This type of vicegerency has been mentioned in several verses of the Holy Qur'an:

"God has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and that He will surely establish for them [therein] their religion which He has preferred for them and that He will surely substitute for them, after their fear, security, [for] they worship Me, not associating anything with Me." (24: 55).

2- Man's responsibility

If God has created this universe and sent man as His vicegerent on earth, then there is, no doubt, a great wisdom behind this, as God, would not create anything in mere jest.

This vicegerent should then be responsible and

trustworthy, for these responsibilities and entrustments are immense in magnitude.

This has been highlighted in the Holy Qur'an:

"We did indeed offer the trust to the heavens and the earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it; he was indeed unjust and foolish." (33:72).

"O mankind! Worship your Lord, who created you and those before you, that you may become righteous." (2: 21).

This responsibility has two given times: this life and the Hereafter.

Some responsibilities are undertaken in this life, others in the Hereafter, and a third in both, depending upon its type, volume and liability.

3- Legislation is for God

Believing that God is the sole Creator and the One who guarantees the means of living and disposition necessitates that He should also therefore be the sole Legislator of all man's affairs, in matters related to what is lawful and what is forbidden, and what is correct and what leads to corruption. This is clearly mentioned in the Holy Qur'an:

"Legislation is not but for God. He has commanded that you worship not except Him." (12:40).

"Unquestionably, His is the creation and the command." (7:54).

4- Honoring the Human

The entire life system in Islam, including the political

system, is based upon this concept which is an Islamic philosophy that is inextricably linked to its faith. In the Holy Qur'an, God says: "We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference." (17:70).

Man is therefore the creature addressed and entrusted in Islamic legal and organization discourse.

5- Unity of the Muslim *Ummah* (Nation)

The international community can be divided into three loops, each linked with one another: small, medium and large.

The small one represents the state and its subjects. The medium one represents communities and people who have mutual beliefs and objectives, like the Islamic faith, which assembles all Muslims.

The large circle represents the entire human race.

Communication and cooperation is a characteristic of human nature because man is a social being by nature, and cooperation and communication between Muslims is, in fact, a matter that is ordered by Islam. God says in the Holy Qur'an: "The believers are but a single brotherhood." (49:10).

Prophet Muhammad, peace be upon him, said:

"The believers in their mutual kindness, compassion and sympathy are just like one body. When one of its limbs is afflicted, the whole body responds to it with

wakefulness and fever."

This solidarity is not aimed at dissenting against other communities, nor does it wish to take their rights, but rather it is for the sake of creating the ideal, moral, strong-willed society that is concerned with the affairs of mankind in its entirety.

The Second Type: Constitutional Foundations

These denote foundations of a political and constitutional nature. In general terms, they are:

1- Fairness and equity

The specific meaning of fairness here is righteousness, moderation and equality. Fairness can be categorized as being of two types: fairness as dictated by ration, and that dictated by the *shari'ah*.

Rational fairness is what the mind indicates, and through which each who has a right is granted it.

Shari'ah-based fairness is what is specified by the Islamic *shari'ah* such as set penalties, the law of equality, distribution of inheritances and so forth.[4] These are constitutional rules that must be followed, as verses from the Holy Qur'an indicate; God says: "Indeed, God orders justice and good conduct and giving to relatives." (16:90).

And: "Say: 'My Lord has ordered justice.'" (7:29).

***2- Shoura* (Consultation)**

Consultation is the exchange and review of views, as

no party could otherwise receive that which it does not have.[5] The political position of consultation, as Ibn Atiya Al-Andalusi (d. 542H.)[6] said, is: "(It is) one of the rules of the *shari'ah* and of the strictest laws of the religion." In the Holy Qur'an, God states: "Those [who believe are those] who have responded to their Lord and established prayer and whose affair is [determined by] consultation among themselves. And from what We have provided them, they spend." (42:38).

***3- Bay'ah* (Pledge of allegiance)**

This is a contract, which includes offer and acceptance between two parties, one being the representative or deputy of the people, and the other being the prospective political ruler.

The first party is obliged to listen and obey in all matters of virtue as well as give all its due support while the second party has to rule with fairness and righteousness.

Muslim scholars have mentioned several conditions for the validity of this contract. They are as follows:

a- The one selected for *ba'yah* must meet the Islamic requirements of *imamah* (leadership).

b- The one who concludes the *bay'ah* contract must be a leading figure in religious as well as wordly affairs.

c- The consent of the two parties.[7]

4- Listening and obeying in all that which is good.

Listening means understanding while obeying means compliance and submission. This means that such

compliance and submission only come after understanding and awareness, and thus it is an awareness-based obedience rather than a blind one. Moreover, it is obedience only in that which is good and not in matters that violate the rules of God and His Messenger.

Verses from the Holy Qur'an and the *Sunnah* refer to this:

"O you who believe! Obey God and obey the Messenger and those in authority among you." (4: 59).

Prophet Muhammad, peace be upon him, said: "Indeed, obedience is only to what is good."

Many other texts have confirmed this rule. The reason for having so many texts on the subject was that large Arab as well as non-Arab communities had been living in chaos before Islam and did not abide by obeying a leader, so these texts came to accustom people to follow a system.

This serves to refute the absurd allegations of some orientalists who have stated that Islam is a religion of blind obedience.

5- State responsibility

Responsibility is a trust. It is the trait of being answerable and being responsible for one's conduct.

The state, represented by its officials, is responsible for its duties and behaviors. Any good work or behavior is to be appreciated and any wrongdoing must be corrected and be something that the state is liable for.

As for accountability, then this is something that can take place in this life as well as in the Hereafter.

Prophet Muhammad, peace be upon him, said, "Every one of you is a guardian and every one of you is liable (for his responsibilities)."

It is known in the *shari'ah* as well as in man-made legal systems that the state bears full responsibility for the errors of its employees.

The Third Type: Ethical Foundations

These are the foundations upon which the attitude and behavior of individuals, communities and the state are based.

Those characteristics which proceed according to ration, instinct, and the *shari'ah* such as honesty, faithfulness, generosity, courage, benevolence, leniency, firmness and sincere advice are commendable by God as well as by people, whereas what runs contrary to instinct, ration, and the *shari'ah* such as dishonesty, perfidy, stinginess, cowardice, abuse, aggression, violence, unfairness and deceit are dispraised by God as well as by people.

The following are some of the principles that should govern the relationship between the ruler and the ruled:

1- Advice, which is the sincere desire that the advised attain all forms of goodness. Prophet Muhammad, peace be upon him, said, "Religion is advice."

2- Forbearance, which is facilitation and leniency in dealing with others. Prophet Muhammad, peace be upon him, said, "Whenever forbearance is added to

something, it adorns it; and whenever it is withdrawn from something, it leaves it defective."

3- Mutual respect between the ruler and the ruled, in such a way that each party respects the other.

God says in the Holy Qur'an, narrating the wise Luqman's advice to his son: "And do not turn your cheek [in contempt] toward people and do not walk through the earth exultantly. Indeed God does not like everyone self-deluded and boastful." (31:18).

Shared trust between the ruler and the ruled entails having sincerity and transparency prevail between them without any mistrust or eavesdropping.

Whenever such trust is prevalent, tranquility, calmness and security exist, and people focus their efforts on work and production. However, if mistrust spreads, it is anxiety, fear and disorder that prevail.

The preceding discussion was a brief presentation of the pillars upon which the Islamic political system is based, but how does this relate to the Saudi system of government, and to what extent are these foundations inculcated in this system?

While there can be no doubt that these foundations were fully adopted during the era of the four righteous caliphs, Abu Bakr, Umar, Uthman and Ali bin Abi Talib (i.e., those who succeeded the Prophet Muhammad, peace be upon him), those rulers who came after them varied in their degree of application of these bases.

If we look at how the Saudi state has applied these, we

will note that since its establishment in 1743 by Imam Muhammad bin Saud (d. 1764) and Muhammad bin Abdul Wahab (d. 1790), the Saudi state has endeavored to adopt the model of the Islamic state that flourished during the prosperous era of the first centuries of Islam.

We believe that it has largely succeeded in this attempt, and this success has been recognized by a number of orientalists.

American scholar Lothrop Stoddard, while writing about the life of Muhammad bin Abdul Wahab and his meeting with Prince Muhammad bin Saud in Diriyyah (on the outskirts of Riyadh), said, "He spent many years travelling from one place to another in the Arabian Peninsula preaching his call among people until, after strenuous effort, he succeeded in having Muhammad bin Saud, a senior emir (ruler) of Najd, accept his call. By this bin Abdul Wahab gained a noble position that enabled him to fulfill his objectives. A religious and political entity similar to the one established by the Messenger of Islam was then found in all of the Arabian desert."

As a matter of fact, the methodology adopted by bin Abdul Wahab was very similar to that adopted by the righteous caliphs, Abu Bakr and Umar, and when bin Abdul Wahab passed away, his followers followed in his footsteps and continued the tradition.[8]

If we move to the modern Saudi state - the Kingdom of Saudi Arabia - we would face no difficulty in acknowledging its reality and seeing to what extent it has adopted the aforementioned pillars.

Let us start with the establishment of the Kingdom of Saudi Arabia by the late King Abdul Aziz in 1932:

King Abdul Aziz vowed from the very outset to renew the *da'wah* (Islamic call) that was revived by Imam Muhammad bin Saud and Imam Muhammad bin Abdul Wahab. By applying the Islamic *shari'ah*, King Abdul Aziz demonstrated that he was fully convinced that the call of these two imams was to what the early Muslims had adhered to. In this regard, he said, "My constitution, my law, my system and my dictum is the religion of Prophet Muhammad, peace be upon him, either to live a happy life or die a happy death."[9]

He also said, "I am a caller to the faith of the early Muslims."[10] He also said, "The strategy that I have followed is to apply the *shari'ah*, and my duty is to develop the Arabian Peninsula and adopt all means that would make it a developed country, while at the same time abiding by the Islamic *shari'ah*."[11]

When he travelled to Hejaz in 1923 in order to merge it, he said, "I am travelling to Makkah not to conquer it, but rather to lift the injustices and debts that have consumed the people. I am going to Makkah to spread the provisions of the *shari'ah* there, and from now on there will be no authority there except that of the *shari'ah*."[12]

This shows King Abdul Aziz's keenness in applying the Islamic *shari'ah*, regardless of the costs and sacrifices.

He exerted great efforts in realizing this by nominating upright personalities for leading and guiding positions, creating official *shari'ah* institutions, (such as the *hisbah*

[the commission for the promotion of virtue and prevention of vice], *fatawa*, the judiciary, *shari'ah* institutes and colleges, and many others) as well as the large scale printing and distribution of books of Islamic heritage.

What gave impetus to King Abdul Aziz's keenness was the religious desire and commitment of Saudi society, a society that abides by the principles of the Islamic *shari'ah*.

If we compare the era of King Abdul Aziz to the contemporary one in Saudi Arabia, even though more than half a century has passed, we will find that the two eras are remarkably similar with regard to the spirit of the state and its adherence to the Islamic *shari'ah*. The only variation has been in terms of mechanisms, forms and means.

If we look at the constitution of the modern state, the picture will be very clear. Note the following examples from the Basic Law of Governance:

Article (9) states: "The family is the kernel of Saudi society, and its members shall be brought up on the basis of the Islamic faith, and loyalty and obedience to God, His Messenger, and to guardians." In Article (13) we read: "The purpose of education is to instill the Islamic faith in the younger generation."

Article (25) states: "The state strives for the achievement of the hopes of the Arab and Islamic nation for solidarity and unity of word, and to consolidate its relations with friendly states."

In Article (26), we read: "The state protects human rights in accordance with the Islamic *shari'ah*."

He who examines the broad policy of the Saudi state will recognize its intellectual depth, which is based on precision of thought, faith and validity of direction.

We have two examples that support our statements on this; they are the education policy and the information or media policy. The two reflect the valid assessment of any state or government.

The following are paragraphs from the two policies:

First: The Education Policy:

1- Paragraph (1) of the education policy reads: "The education policy in the Kingdom emanates from Islam, which is the religion that the nation adopts as a faith in terms of worship, morals, the *shari'ah* ruling system, and an integrated system of life, and this is an essential part of the general policy of the government."

Among the main fundamentals of education are the following:

- Belief in God, in Islam as the religion, and Muhammad as God's Messenger and Prophet.

- That the message of Prophet Muhammad is the most correct and suitable course for a virtuous course of life that attains true happiness for mankind and saves it from corruption and misery.

- Belief in honoring the human, as stated in the Holy Qur'an.

- That the Islamic sciences are key subjects in all primary, intermediate and secondary schools, and that

Islamic culture is a main subject in all higher education institutions.

- Respect of all common rights guaranteed and protected by Islam.

3- About the purpose of education, the Saudi education policy states:

"The purpose of education is to understand Islam correctly and comprehensively, to instill and disseminate the Islamic faith, and to provide students with Islamic values, instructions and eminent principles."

Second: The Media Policy:

Here are excerpts of some paragraphs of this policy:

"The Saudi media shall abide by Islam in all that it releases. It shall maintain the faith of the early Muslims and put aside anything that runs contrary to the *shari'ah*." (Article 1).

"The Saudi media shall resist and disclose the falsity of destructive movements, disbelieving trends, hostile philosophies, and attempts that aim at diverting Muslims from their faith." (Article 2).

"The Saudi media shall continue serving society by disseminating the meaning of the noble Islamic values and consolidating its fine Arabic traditions."(Article 3).

This was a summary of the Ideological foundation in the era of the Saudi state. The constitutional foundations (justice, equity, *shoura*, *bay'ah* (the pledge of allegiance), listening and obeying in what is good, and state responsibility, occupy a huge area in the Basic Law of

Governance.

Article (8) states: "The rule in the Kingdom of Saudi Arabia is based on the premise of justice, consultation, and equity, in accordance with the Islamic *shari'ah*."

While Article (6) states: "Citizens shall pledge allegiance to the King in accordance with the Holy Qur'an and the *Sunnah* (tradition of the Prophet), in submission and obedience, in times of ease and difficulty, fortune and adversity."

It is true that these foundations can be applied in different forms. *Shoura*, for instance, can be applied in several modes and can be realized without establishing *shoura* councils. This can be made through seeking the advice of learned elders and *ulama* (Muslim scholars) in problematic and ambiguous matters, similar to what happened during the era of the righteous caliphs. It can also, of course, be applied by establishing *shoura* councils that have binding or non-binding decisions.

These foundations with their various applications are rather like a multi-story building whose foundations and pillars are built and whose architect or owner then begins to make changes in the distribution of its rooms, aisles, doors, windows and decor. These cosmetic changes can be made whilst retaining the fundamental structure.

The moral foundations (such as integrity, sincerity, counsel, mercy, mutual respect and reciprocal trust), are noble values and individuals, communities and states are expected to differ in their application of these. Indeed, few would be able to apply these values in totality, so it

would be problematic, to say the least, to claim that any individual or party is fully abiding by these values, or totally lacking them for that matter.

Many people combine values with their opposite; one may deceive and counsel, be peaceful and violent, and hold a mix of good and evil opinions, depending on situation and circumstance. Such people join good acts with evil ones, and indeed most Muslims belong to this category. This is a fact of life.

However, how and where does one find the noble aforementioned values and morals in the real world? We believe that they exist and that many government departments practice them, although they may not be visible by those who are on the outside looking in. While it is a fact that non-acceptable behavior may be exhibited by certain officials, if this leads to his whole department being branded as deficient then this would be far from being a fair assumption.

Chapter (4)

The Form of Governing System

Dr. Muhammad Farouq Al-Nabhan, in his book: *The System of Governance in Islam* (P.66) categorizes governments into several different types:

First: With regard to their subject to law, governments are divided into two types:

Dictatorship: The autocratic rule of an individual or group.

Monocracy: Government through established laws.

Second: With regard to the leadership, governments are also of two types:

Monarchy: Government of hereditary succession of leadership.

Republic: Government of which a president is elected through voting.

Third: With regards to the source of authority, governments are of three types:

Dictatorship: An autocratic form of government where the government is ruled by a single person.

Oligarchy: leadership by the few, where political power effectively rests with a small elite segment of society (whether distinguished by wealth, lineage or military power).

Democracy: government by the people, either directly (through referenda or popular assembly) or representatively (via elections).

Which of the aforementioned types would then apply to the system of government in the Kingdom of Saudi Arabia?

The answer is, in respect of subjectivity to law, one can see that this system cannot be labeled as a dictatorship, as dictatorship is usually based on whims, desires, injustice and aggression. The system is in fact one of a legitimate government is based on rule of law and liable legislation.

This is exactly what is stipulated in Article (7) of the Basic Law of Governance: "The Government in Saudi Arabia derives power from the Holy Qur'an and the prophetic tradition."

As for the Saudi leadership, then the system is a monarchy. This is what stated in Article 5/A of the Basic Law of Governance: "The system of government in the Kingdom of Saudi Arabia is that of a monarchy."

This is a recognized form of government, past and present. Many countries of the world such as the UK, Spain, Belgium and Japan follow this pattern of rule.

As for the source of authority, then it is apparent that the Saudi system of government cannot in any way be described as autocratic, as we have clarified earlier. The

system is in fact a combination of the latter two types (Oligarchy and Democracy).

With regard to rule passing to the sons of the founding King Abdul Aziz, as stipulated in Article (5)/B, it can classified as monarchy.

Regarding the fact that the rule is attained through paying allegiance to the King, as stipulated in article (6), it is similar to democracy in some aspects; especially when we know that the democratic process is formulated in several forms, such as like:

1- Establishment of a *Shoura* Council.

2- The state's authorities consisting of:
- The Judicial Authority
- The Executive Authority
- The Regulatory Authority

Each of these authorities exercises its duties independently and in cooperation with the others, as stipulated in Article (44) of the Basic Law of Governance.

3- The existence of general administration over the government's bodies as stipulated in Article (80).

4- Public participation in several and various forms.

This is one of the key forms of democracy.

As for the issue of the actual source of power, then we believe that this is something not confined to the three aforementioned types (dictatorship, oligarchy and democracy). A fourth type can be added, namely that of

Islamic Legislation, as it is the one most fitting, suitable and eligible for authority, and it is this type that must be in place before authority is granted to any individual, group or nation. If a nation is to have a share in such authority, this share is to be limited to procedure and regulation only.

There can be no doubt, therefore, that the Saudi system of governance derives its authority from Islamic legislation.

Chapter (5)

General Authorities of Government

Key functions of government are referred to here as authorities or powers, and are of three types:

1. The Legislative Authority is the lawmaking body, having the power to make new laws.
2. The Executive Authority is authority that enforces orders and ensures that they are carried out as proposed.
3. The Judicial Authority is the authority that is assigned the task of interpreting and implementing laws.[13]

The Saudi governmental system is very close to this, the only difference being that the term 'Regulatory Authority' has been added.

A clearer picture of the Saudi system is obtained if we look at these authorities individually, as found in the Basic Law of Governance.

First: The Judicial Authority

The judiciary is the most noble and respected authority

in Islam, and is, as stated by the second caliph Umar bin Al-Khattab: "A firm obligation and an adherence to the *Sunnah*."[14] Prophets have guided their people and have ruled them with justice, one of the most famous among being Prophet David, whom God addressed in the Holy Qur'an saying: "O David! Indeed We have made you a successor upon the earth, so judge between the people in truth and do not follow [your own] desire, as it will lead you astray from the way of God. Indeed, those who go astray from the way of God will have a severe punishment for having forgotten the Day of Account." (38: 26).

Thus Muslim scholars have paid great attention and given the utmost concern to the judiciary; they have written extensively and exhaustively regarding its importance, virtues, pillars, prerequisites of becoming a judge and how he assumes his post, measures, procedures, proofs and their constituents, and many other aspects.

Bearing this in mind, it is not strange to see the judiciary as one of the three key authorities in the Saudi political system.

The following are the most important issues of this authority that the Basic Law of Governance focuses upon:

1- **Independence of the Judiciary**

Article (46) states: "The judiciary is an independent authority. There is no control over judges in the dispensation of their judgments, except that of the Islamic *shari'ah*."

This is the proper position of the judiciary in Islam. It

is an independent authority with links to the executive authority in two areas only:

The first: Administrative arrangements and procedures.

The second: the execution of verdicts.

And this is what is underlined in article (50).

2- **Litigation is a common right for all**

Article (47) states: "The right to litigation is guaranteed to citizens and residents of the Kingdom on an equal basis. The law defines the required procedures for this."

3- Judges are to abide by the Law of Islamic *shari'ah*.

Article (48) states: "The courts will apply the rules of the Islamic *shari'ah* in the cases that are brought before them, in accordance with what is indicated in the Book and the *Sunnah*, as well as statutes decreed by the ruler which do not contradict the Book or the *Sunnah*."

The 'Book' here refers to the Holy Qur'an.

The *Sunnah*, is the saying and deeds of Prophet Muhammad, peace be upon him.

The statutes are laws issued by the government that do not run contrary to the provisions of the Holy Qur'an and the *Sunnah*.

There are many other laws related to the judiciary, but they are merely of an organizational nature, the most famous of them being:

1. The Law of Procedure before the *Shari'ah* Courts
2. The Law of Criminal Procedures

3. The Code of Law Practice

In addition to other related laws, like:

1. Real Estate Registration Law
2. Money Laundering Law
3. Arbitration Law

Judicial organization in Saudi Arabia

Litigation in Saudi Arabia passes through two parallel channels:

The General Judiciary and

The Administrative Judiciary.

The General Judiciary has the jurisdiction to settle all lawsuits that are not under the competence of the Administrative Judiciary. It consists of three kinds of courts, which, according to their degree of litigation from higher hierarchy, are as follows:

1- The high court, which is similar to a constitutional court. The most important of its undertakings are:

a- To review sentences containing detrimental verdicts issued by the appellate court.

b- To ratify the constitutional verdicts issued by the appellate courts.

2- The appellate courts, which review appealable verdicts issued by first degree courts after listening to litigants.

Each of these courts consists of a number of specialized spheres of responsibility.

3- **First degree courts,** which are of five kinds:

a- Regular courts
b- Summary courts
c- Personal affairs courts
d- Commercial courts
e- Labor courts

The general judiciary is supervised by a supreme council called The Supreme Judiciary Council. The most important competences of this Council are the following:

1. To review the employment affairs of judges.
2. To inspect the judiciary.
3. To approve the establishment of courts as outlined in the Law.
4. To supervise courts and judges.

The Administrative Judiciary is an independent authority which reports directly to the King. The following are the most important undertakings of the Administrative Judiciary:

a- Compensation claims made by the persons concerned against the Government or independent public corporate bodies.
b- Disciplinary claims filed by the concerned party.

c- Claims related to contractual disputes to which the government or any of its corporate bodies is a party.
d- Claims for the final cancellation of administrative decisions.
e- Petitions for the execution of foreign judgments.

The structure of the Administrative Judiciary does not differ from that of the General Judiciary, as the former's courts consist of three types. From their hierarchical order, they are as follows:
- High administrative court.
- Administrative appellate court.
- Administrative court.

These courts are supervised by a supreme council called The Administrative Judiciary Council, chaired by the President of the Board of Grievances.

This council has the same competences of the General Judiciary.

Second: The Executive Authority

Execution is the practical measure required by judgments or laws.

The executive authority, as referred to earlier, is the body responsible for the execution of laws.

It is simply referred to as the *government,* represented by its leader, such as a King or President, and ministers under his leadership.

The Saudi Basic Law of Governance explains the nature of this authority and its undertakings. The following are some articles referring to this:

"The King, or whoever he deputizes, is responsible for the implementation of judicial rulings." (Article 50).

"The King carries out the policy of the nation, in accordance with the provisions of Islam; the King oversees the implementation of the Islamic *Shari'ah*, the laws, the state's general policies and the protection and defense of the country." (Article 55).

"The King is the Prime Minister; he is assisted in carrying out his duties by members of the Council of Ministers, in accordance with the provisions of this and other laws." (Article 56).

To have a more complete picture, let us shed more light about this authority.

This authority has the following structure:

1- ***Imamah (leadership)***, regardless of whether the chief is called Caliph, King, Sultan, Amir, President, or anything else.[15] Muslim jurists place a number of conditions that make the Imam an ideal and respected leader. The most important of these conditions are as follows:

a- Responsibility (i.e., maturity and sanity).

b- Sound senses and a healthy body.

c- Islam, and a sense of justice.

d- A mastery of those sciences which would enable him to reach sound judgment.[16]

The Basic Law of Governance summarized all these conditions in the term: "the most suitable", as stated in Article (5) of this Law.

2- The Ministry, Fundamentally, a minister is one who assists and supports a King, but the term has often referred

to a particularly robust assistant, as Abu Bakr and Umar were to the Prophet, peace be upon him.

The term then developed to refer to a member of a government who is a member of that government's Council of Ministers, with its chief being called the prime minister. According to the Basic Law of Government, the King is the equivalent of prime minister (Article 56) and the one who appoints deputies to the prime minister and ministers. (Article 57/a).

The ministers are responsible to the King regarding the implementation of the Islamic *shari'ah*, the laws and the state's general policy (Article 57/ b). Within the ministry there are different departments, committees, and authorities as well as other structures.

3- Region or province, the one in charge of this is the Amir, or governor. A region is a territory with different characteristics and influence. Prophet Muhammad, peace be upon him, would assign individual companions of his to rule regions such as Makkah and Yemen.

In Saudi Arabia, the "Law of the Provinces" was issued by Royal Decree No 100/92 on 27/8/1412H. This Law divided the Kingdom into thirteen regions further divided into provinces.

According to Article 5 of this Law, the Amir of each Province shall be directly answerable to the Interior Minister.

"Every Amir shall assume the administration of the region according to the general policy of the State in compliance with provisions of this Law and other laws and regulations." (Article 7).

4- The official governmental agencies and departments, as well as those independent from the ministries, are part of the executive authority and are responsible for implementing and maintaining law and order.

Article (58) of the Basic Law of Governance states:

"Ministers and heads of independent departments are answerable to the prime minister for the ministries and departments which they administer."

Third: The Regulatory Authority

It was mentioned earlier that this authority is similar to what is known in other countries as the legislative authority. However, the Saudi regulator prefers the term 'Regulatory Authority' for two reasons:

There is a linguistic difference between regulation and legislation. Regulation is to arrange matters and construct them in a cohesive model, while legislation is the process of making and passing laws.

The Arabic equivalents of these two terms have an idiomatic difference: The subject of regulation is order and the subject of legislation is the *shari'ah*. There is a palpable difference between them in terms of the religious perspective. *Shari'ah* is the Divine system of what God has legislated for mankind in regard to beliefs, rules and morals.

The Holy Qur'an states: "Then we put you, [O Muhammad], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations

of those who do not know." (45: 18).

To further explain the function of the Regulatory Authority, we can state that regulation itself has two channels:

The first: a technical, legislative-form channel.

The second: a regulatory, procedural-form channel.

The first is performed by *shari'ah* scholars, be they governmental or non-governmental employees. Their duty is to explain the rules of the *shari'ah* to luminaries or to the public at large, and such explanation can be either in the form of a *fatwa* (Islamic legal opinion) or by education and guidance.

God states in the Holy Qu'ran: "And mention when God took a covenant from those who were given the Scripture, [saying], 'You must make it clear [i.e., explain it] to the people and not conceal it.' But they threw it away behind their backs and exchanged it for a small price. And wretched is that which they purchased!" (3:187).

Commentators of the Holy Qur'an said regarding this verse: This is a stern warning to the *ulama* (Muslim scholars) not to follow the path of those mentioned in the verse, or else suffer a fate similar to them. It is, therefore, obligatory upon the *ulama* to explain religious knowledge to the people, and not hide it.

This group or commission occupies a leading position in Saudi Arabian society. There is an integrated body responsible for *fatwa* (Islamic legal opinion) and scientific research. At the apex of this body is the senior *ulama* commission, which groups distinguished Islamic scholars

who are concerned with major contemporary issues.

The second channel of regulation consists of people of various specializations and expertise, and they are people of *shoura* (consultation).

The *Shoura* Council Law outlines membership terms, conditions, and responsibilities .

Article (15) of this Law states: "The *Shoura* Council shall express its opinion on the general policies of the State referred to it by the President of the Council of Ministers. The Council shall specifically have the right to exercise the following:

(a) Discuss the general plan for economic and social development and provide a view on it,

(b) Review laws and regulations, international treaties and conventions and concessions, and provide whatever suggestions it deems appropriate,

(C) Interpret laws,

(d) Discuss annual reports submitted by ministries and other governmental agencies and provide whatever suggestions it deems appropriate."

Within its present status, the *Shoura* Council's decisions are non-binding, which represents a different application of the Islamic concept of *shoura*. However, nothing forbids the change of the Law to have the Council's decisions binding.

This, again, reaffirms the flexibility of the application of the Islamic concept of *shoura*, as explained earlier. If the *Shoura* Council exercises the regulatory authority by this form, the Council of Ministers, chaired by the King, exercises the same authority and undertakes necessary

decisions within this framework.

This means that the Council of Ministers exercises two authorities at the same time: the Regulatory Authority and the Executive Authority, and this is a tradition also followed in other countries.

The need for Laws

If the Saudi government rules according to the Islamic *shari'ah* in all affairs of life, a question may rise: Why then is there a need for regulation?

The answer is that regulation may arise due to the changing or developing nature of life, particularly in two areas.

The first: aspects related to daily life such as traffic, the civil service, industry, agriculture, communications and the like.

The second: The procedural regulation for certain *shari'ah* rules such as *zakat* collection, organization of Hajj procedures, civil procedures, criminal procedures and other aspects that were established to facilitate and regulate people's life and interests.

How Laws are enacted

Laws or legislations are divided into two main parts:

The First: The basic law (legislation) which is the constitution.

The Second: Normal laws or legislations.

State policy may differ in the preparation and ratification of the first part. It may be issued by the primary holder of

authority (the King), or, it may be issued by an elected constituent assembly, or through a referendum.[17]

The Saudi Basic Law of Governance was issued according to the first practice as it was issued by a royal order on 2 March 1992.

As for normal legislations or laws, they are issued by the legislative, or regulatory authority, as the term is used in Saudi Arabia.

In Saudi Arabia, this authority is represented by the Council of Ministers as mentioned earlier. The *Shoura* Council issues recommendations and suggestions.

Thus, enacting laws should pass upon a number of stages. They can be summarized as follows:

- Suggestion
- Discussion
- Ratification
- Issuance

As the *Shoura* Council suggests, discusses and votes, it performs three of the mentioned stages. It is, therefore, feasible to consider the *Shoura* Council a regulatory authority and as such the authority consists of both the Council of Ministers and the *Shoura* Council.

Legitimacy of the System

It has been stated that the Saudi state is one that adopts the Islamic *shari'ah* as a law and applies it in all its affairs. If this is the case, is it possible to enact laws within this *shari'ah*?

The answer is that it can as long as these laws do not contradict the Islamic *shari'ah*, as has been the case in the Saudi model. These laws are enacted in such a way as to not run contrary to the *shari'ah*, and this was so because at the Suggestion, Discussion and Ratification stages, each member of the *Shoura* Council, the Council of Ministers, and the Expert Bureau Group's members who specialized in the science of Islamic *shari'ah* had the opportunity of stipulating his view.

Chapter (6)

Rights and Duties

A right is constant as well as existent. In the norm of Muslim jurists, it is an endorsement of a *shari'ah*-approved interest, and its legal definition is very close to this.

A duty is something that ought to or needs to be done.

Rights and duties enjoy a wide arena in Islamic legislation.

Rights and duties and their respective philosophies may differ from the view of one legislation to another. The law gives concern to rights and makes it a subject, or even a goal, for legal rules.

Duties arise from rights, so when rights of a certain people were decided, for example, they would have corresponded with these people's duties toward others.

The Islamic *shari'ah* is not solely concerned with the rights of humans only. It covers a far wider perspective: the behavior and deeds of man, his relation with God, with himself, with others and with the environment.

These behaviors all run within the *shari'ah* rules of

wujoob (obligation), *nadb* (recommendation) *tahreem* (ban or prohibition), *karaha* (dislike) and *ibaha* (permissibility).

The Islamic texts on this subject indicate obligation. Rights can imply a direct effect of certain behaviors[18], and this demonstrates an important difference, in terms of the concept of rights in general, between Islamic *fiqh* (Jurisprudence) and law.

Another significant difference in light of what was mentioned earlier should also be borne in mind: Law is simply concerned with the organization of social relations that were covered by legal rules, whereas the Islamic *shari'ah* is comprehensive with respect to the behavior and relations of the individual, and this is what distinguishes the legislation of God from man-made legislations.

Division of Rights

The law divides rights into different categories. We will refer to one well known category:

civil and political rights:

Civil rights are the protections and privileges ofpersonal power given to all citizens by law. They are of two types:

a- General rights: Which are what man enjoys by nature.

b- Private rights: Which are what an individual enjoys in his relations with others, and they are of two types:

First: financial rights

Second: non-financial (i.e., moral) rights.

Political rights are the ones that bestowed by law for an individual as a citizen. They are the rights of public employment, voting, and political participation in general.

This definition is defined by law. In the Islamic *shari'ah*, jurists divide rights into three categories:

1- **God's rights:** such as God's exclusive right of being worshipped, and his right that the Islamic penalty for adultery be applied, for instance.

2- **Others rights:** such as within financial dealings.

3- **Common rights:** such as *zakat* and the punishment for defamation.

This difference in categorization between the Islamic *shari'ah* and law has no significant effect in terms of other's rights, as it is a technical difference in a few of its sub-branches.

God's rights are obviously not integrated into law.

We are, therefore, focusing here on the shared rights between the *shari'ah* and the law with regard to people's vital interests.

Rights and Duties in the Saudi Law

The Saudi Basic Law of Governance has designated a separate chapter of 21 articles for rights and duties. These articles focus on demonstrating the rights of people and the responsibilities of the government.

To draw a complete picture of the shared rights and duties between the state and its people, we will explain

the rights and duties of the state and then the rights and duties of people.

First: The Rights and Duties of the State

The state referred to here is a political association with an effective dominion over a set geographic area. This is a legal and political definition which was not known among Muslim theologists who instead used terms such as imam, *khalifah*, guardians, *emir*, judge and so on.

When using such terms, these theologists were not referring to a person in particular, but rather to his position and occupation. For example, in their terminology, an employee would not have his job terminated due to the death of the one who appointed him, but would instead continue in his post.

Having come to know this, we ask what are the rights, therefore, of the state (or those representing it), and what are their duties?

The most important rights of the state are the following:

1. Obedience in what is good, as explained earlier. This includes abiding by the general system of the state and not violating it in any way.
2. This right was referred to into article (6) of the Saudi Basic Law of Governance as one of the duties of citizens.
3. Support and advocacy in the execution of verdicts and rules, and in guarding and protecting the religion, the

society and the nation.

4. Counsel, which entails wishing for what is best for the one being advised and by saying or doing what would bring benefit to the ruler and the ruled while refraining from any words or deeds that would subject them to corruption.
5. Respect and appreciation, according to superior norm.

The duties of the state can be summarized as follows:

1- Implementation of the Islamic *shari'ah* in all life's affairs, be they intellectual, cultural, political, economic, social, judicial, legal, or otherwise.

The Law has confirmed the importance of this duty.

Article (23) of the Basic Law of Governance reads, "The State shall protect the Islamic creed, apply its *Shari'ah*, enjoin good and prohibit evil, and carry out the duty of calling to God."

And in article (55), "The King shall run the affairs of the nation in accordance with the dictates of Islam. He shall supervise the implementation of the Islamic *Shari'ah* and the general policies of the State, as well as the protection and defense of the country."

The same is in article (57/b) and similar to it in can be found in article (48).

2- Managing the domestic affairs according to the *shari'ah* in a way that realizes general and private interests.

Article (50) reads, "The King or whomever he deputizes shall be responsible for the enforcement of judicial rulings."

And article (36), "The State shall provide security to all its citizens and residents."

Article (67) reads, "The Regulatory Authority shall have the jurisdiction of formulating laws and rules conducive to the realization of the well-being or the warding off of harm with respect to the State's affairs, in accordance with the principles of the Islamic *Shari'ah."*

And in article (24) we read, "The State shall maintain and serve the Two Holy Mosques, and provide security and care to those who travel to them so as to enable them to perform *Hajj* (Major Pilgrimage), *'Umrah* (Minor Pilgrimage), and *Ziyarah* (Visitation to the Prophet's Mosque) in ease and tranquility."

Domestic affairs are numerous and cannot all be mentioned; the purpose here is to simply give examples.

3- Managing foreign affairs according to the *shari'ah* in a way that realizes the interests of Islam, the Islamic nation and the homeland.

Article (25) of the Basic Law of Governance says, "The State shall strive to realize the aspirations of the Arab and Muslim nation for solidarity and unity, as well as to promote its relations with friendly states."

And article (42), "The State shall grant political asylum if public interest so dictates. Laws and international agreements shall specify the rules and procedures for the extradition of common criminals."

In article (61) we read, "The King may declare a state of emergency, general mobilization, and war. The Law shall set forth the provisions thereof."

And in article (70), "Laws, international treaties and agreements, and concessions shall be issued and amended by Royal Decrees."

One of the most important functions of the Muslim state is to distribute and explain Islamic teachings and enable people to study and understand it, as well as to support those working in the *da'wah* (Islamic propagation) field.

The Ministry of Islamic Affairs was established for this purpose. Thus, the final part of article (23) reads: "And (the state) shall carry out the duty of calling to God."

These provisions emphasized that:

The state's foreign policy operates in three balanced levels, namely:

a- The Arab nation.
b- The Islamic nation.
c- The nations of the world in general.

1. This policy gives special attention to the causes of the Islamic nation.
2. This policy is committed to the honoring of international agreements and treaties.
3. This policy is dedicated to the protection of human rights.

These are the most important responsibilities of an Islamic state as the key purpose for its existence is the

protection and welfare of its people in a way that guarantees them happiness in this life and the Hereafter.

God states that the very reason for sending prophets is that it is a mercy for mankind: "We have not sent you, [O Muhammad], except as a mercy to the worlds." (21:107).

Sheikh Muhammad Al-Tahir bin Ashoor (d. 1971) said: "This mercy is demonstrated in two ways: The conduct and behavior of Prophet Muhammad, peace be upon him, is mercy, and that mercy is part and parcel of his *shari'ah*.[19]"

Due to the importance of this duty, Article (26) of the Saudi Basic Law of Governance points out, "The State shall protect human rights in accordance with the Islamic *Shari'ah."*

And article (37) reads, "Residences shall be inviolable, and they may not be entered or searched without their owner's permission, except in cases set forth in the Law."

Article (38) which follows the previous one states, "Punishment shall be carried out on a personal basis. There shall be no crime or punishment except on the basis of a *shari'ah* or a statutory provision, and there shall be no punishment except for deeds subsequent to the effectiveness of a statutory provision."

And the following article (39) states, "Mass and publishing media and all means of expression shall use modest language and adhere to the State's laws. They shall contribute towards educating the nation and supporting its unity. Whatever leads to sedition and division, or

undermines the security of the State or its public relations, or is injurious to the honor and rights of man, shall be prohibited."

All these and others underline the importance of this duty.

The details of these rights cannot be covered by this book. We have earlier referred, with supporting examples, to just a few of its types.

To show its concern to human rights, the Saudi government has established two human rights organizations, one independent and the other governmental. Each has distinct activities.

Second: The Rights and Duties of Citizens

Firstly, it should be noted that the terms 'citizens' and 'people' are legal terms. Despite the linguistic existence of both terms, Islamic jurisprudence has not used either of them to refer to inhabitants of a state or its community; instead, the term 'wards' has been deployed to refer to the ruled, regardless of their legal status.

In the authenticated *hadith*, Prophet Muhammad, peace be upon him, said, "Every one of you is a guardian and every one of you is responsible (for his wards)." The one responsible for this ward is called a 'guardian.[20]'

Saudi Law has adopted the legal term 'citizens' and not 'people', as in articles (6) and (27) of the Basic Law of Governance.

This may be attributed to the common use of the term citizen as that which refers to a certain type of inhabitant of a country who also carries its nationality. Others who are not bearing this nationality and who live in the country are referred to as 'foreigners' as in the Saudi Nationality Law, or 'residents' as in articles (36) and (47) as in the Saudi Basic Law of Governance.

The Saudi state, with its strategic position to the Islamic world due to it containing the two Holy Mosques that are flocked to by Muslims from all over the world during Hajj and other seasons, shoulders major responsibilities and performs huge functions and services for each pilgrim, *Umrah* performer, and visitor to the Prophet's mosque.

This has been emphasized by article (24) of the Basic Law of Governance, "The State shall maintain and serve the Two Holy Mosques, and provide security and care to those who travel to them so as to enable them to perform *Hajj* (Major Pilgrimage), *'Umrah* (Minor Pilgrimage), and *Ziyarah* (Visitation to the Prophet's Mosque) in ease and tranquility."

Citizens' Rights in Saudi Law

As a general rule, it can be stated that the aforementioned duties of the state are in fact citizens' rights. However, in order to follow the custom of legal specialists, there arises a need to demonstrate these rights in order for clarity.

In light of the Saudi Basic Law, these rights can be divided into two sections:

Section One: Civil Rights, which comprise of:

1- Provision of intellectual security:

By guarding the Islamic creed and teaching it to people following the example of God's Prophets who dedicated their lives to calling for the exclusive worship of God and the renouncing of all forms and manifestations of polytheism and paganism.

The Holy Qur'an states: "And We certainly sent into every nation a messenger, [saying], 'Worship God and avoid false objects of worship.'" (16:36).

This is what is implemented by the Saudi state, whose general policy is based upon this creed and who exerts all efforts in serving and spreading this creed.

Article (23) of the Saudi Basic Law of Governance begins with: "The State shall protect the Islamic creed."

And article (13) begins with: "The purpose of education is to instill the Islamic faith in the younger generation."

2- Provision of Education:

This is according to article (30) which reads: "The State shall provide public education, and shall be committed to combating illiteracy."

It is the right and even a duty of every citizen to get an education. Thus, general education is obligatory and free of charge.

This is what Islam requires from the individual and the state.

In the Holy Qur'an, it is stated: "Say: 'Are those who know equal to those who do not know?' Only they will

remember [who are] people of understanding." (39:9).

In a prophetic *hadith*, we find: "Seeking knowledge is obligatory upon every Muslim." (narrated by Ibn Majah and Ibn Abdul Barr in his book 'Al-Ilm.')

This is addressed to both men and women alike.

3- Provision of Medical Services:

Article (31) of the Basic Law of Governance reads: "The State shall be responsible for the care of public health, and shall provide healthcare to every citizen."

Within the framework of this article, a number of laws like the Health Law, the statute of the Red Crescent Society and others have been issued.

This is what Islam aims for and what is emphasized in the Muslim society.

In a *hadith* narrated by Al-Bukhari, Prophet Muhammad, peace be upon him, said: "Flee from leprosy as you would flee from a lion."

4- State's Support for Citizens in Emergencies:

Article (27) of the Basic Law of Governance stipulates: "The State shall guarantee the right of the citizen and his family in emergencies, sickness, disability, and old age, and shall support the social security system and encourage institutions and individuals to participate in charitable work."

Hence, the state is concerned with the following:

a- Paying social security for orphans and foundlings, the elderly, and women who have no support.

b- Providing extended and comprehensive care for the disabled.

c- Giving *zakat* to the needy, including the poor.

d- Facilitating volunteer work, as outlined by the last part of the pervious article. This stems from the state's care for its people.

In a prophetic *hadith*, we find: "I am closer to the believers than they are to themselves. Whoever died in debt, I will pay it, and any wealth he has left behind is for his inheritors."

5- Provision of Public Security:

Article (36) of the Saudi Basic Law of Governance reads: "The State shall provide security to all its citizens and residents. A person's actions may not be restricted, nor may he be detained or imprisoned, except under the provisions of the Law."

The Law of Criminal Procedure details cases when this security is restricted. These cases are exceptional ones and are applied for public interest.

6- Inviolability of Man's Secrets and Personal Belongings in his House, Car or Office:

This was clearly stated in articles (37) and (40) of the Basic Law of Governance.

7- Running People's Affairs According to the *Shari'ah*:

This is to be conducted in fulfillment of the *bay'ah*

(Pledge of Allegiance) between the two parties. This kind of contract is to be fulfilled by the ruler with regard to his ruling according to the s*hari'ah*. If he rules by any other law and thus betrays the trustworthiness, the *bay'ah* contract becomes invalid.

The Basic Law of Governance confirmed this right in article (55).

8- Ownership of what is Lawful

Article (17) states: "Property, capital, and labor are basic constituents of the economic and social structure of the Kingdom. These are private rights which fulfill a social function, in accordance with the Islamic *Shari'ah"*

Article (18) states: "The State shall guarantee private property and its inviolability. No one shall be deprived of his property except for the public interest, and provided that the owner be fairly compensated."

The following article (19) reads: "The public expropriation of property shall be prohibited, and the penalty of private expropriation may be imposed only by a court order."

All this comes within the implementation of the right of private ownership, which is permissible in Islam whenever it comes from a lawful source. However, if wealth is obtained from unlawful sources such as usury, assault, theft and drug dealing, it has no inviolability whatsoever and the state and society shall therefore make the owner accountable and bring him to justice.

9- Facilitation of Job Opportunities

Article (28) states: "The State shall facilitate the provision of job opportunities to every able person, and shall enact laws that protect the worker and the employer."

Article (2) of the Human Resources Development Fund Law reads: "The Fund aims at supporting the efforts to qualify the national workforce and employ it in the private sector."

Such encouragement is promoted by the Islamic *shari'ah*: A man once came to Prophet Muhammad, peace be upon him, asking for money. The Prophet, peace be upon him, advised him to work. He gave him an axe and requested that he take it, go out, and cut wood, and return to him in fifteen days. The man duly complied and after a while made a living out of this profession.

Section Two: Political Rights

Though these rights may be part and parcel of others, they are mentioned for consistency with legal methodology.
In general, political rights refer to political participation in its various forms.
If we examine Islamic jurisprudence and Saudi Law, this right appears in the following:

(1) The King's *Bay'ah* (Pledge of Allegiance):

This is an actual, physical (rather than allegorical) contract between two parties whereby each party commits fully with his responsibilities, and was mentioned previously

when discussing the foundations of the constitution.
Article (6) of the Saudi basic Law of Governance stipulates:
"Citizens shall pledge allegiance to the King in accordance with the Holy Qur'an and the *Sunnah* (tradition of the Prophet), in submission and obedience, in times of ease and difficulty, fortune and adversity."
This can become more than just a right and be a responsibility and obligation, as indicated previously when mentioning the difference between a right in law and a right in Islamic jurisprudence.

(2) Assignment of Posts:

Posts can be divided into two categories:

1. Major posts such as judges, ministers, *emirs*, general managers, and the like.
2. Standard posts

The first category is of posts with great responsibilities that should only be assigned to those who met the necessary preconditions, which are strength and trustworthiness. The Holy Qur'an states: "The best one you can hire is the strong and the trustworthy." (28:26).

These posts are assigned for those qualified and not for just anybody who takes it upon himself to request them. Some people once came to Prophet Muhammad, peace be upon him, and asked him to assign them certain posts. He replied: "We do not appoint for our jobs just any forceful demander."

These jobs are therefore not the right of people, but are rather assigned to those qualified and thus deserving of them.

The second category consists of standard posts that one must apply for and compete with others in order to gain.

The Saudi Civil Service Law divides these posts into four groups, with respect to their ranks:

1. Below rank 11: To be announced for public competition.
2. From rank 11 to 13: To be filled by a decision from the concerned minister.
3. From rank 14 and upward: To be filled by a cabinet decision.
4. Appointments in higher posts than this are to be made by a royal order.

(3) Expressing Views and Giving Advice

This is a right that everyone with a viewpoint on a certain issue has, and it should be expressed through legitimate channels, such as the media, in an appropriate and honorable manner.

This right comes under the combined society responsibility, which Islam confirms.

In the Holy Qur'an, it states: "The believing men and believing women are allies of one another. They enjoin what is good and forbid what is wrong and establish prayer and give *zakat* and obey Allah and His Messenger. On them will God pour His mercy." (9:71)

And: "Who whose affair is [determined by] consultation." (42:38).

Imam Al-Bukhari narrated the following prophetic *hadith*: "(The example of) those who observe God's commands and those who do not is like a group of people travelling together on a ship: some of them are on its upper deck and others on the lower deck. Those on the lower deck suggest making a hole in their section, which was allocated to them, so that they may have easy access to water. If these people are left to do as they wish, the ship would sink, and all of them (on board) would drown, but if they are prevented, everyone on the ship would be safe."

This is a precise description of the nature of public life, and it emphasizes the importance of expressing opinions and viewpoints at the appropriate time.

(4) The Right of Litigation in the Courts

Article (47) of the Saudi basic Law of Governance states: "The right of litigation shall be guaranteed equally for both citizens and residents of the Kingdom…"

Citizens' Duties in the Law

It can be noted that the Saudi Basic Law, like other laws, does not focus much on citizens' duties, but instead emphasizes their rights.

The state's rights were mentioned earlier, which in essence are people's duties.

These duties can be summarized as follows:

1- Holding fast to the bond of God and cooperation on

righteousness and piety.

Article (11) reads: "Saudi society shall be based on its members' holding fast to the bond of God, cooperating upon righteousness and piety, maintaining solidarity, and avoiding dissention."

This is a major Islamic demand that the Islamic *shari'ah* has stressed in many texts.

It is therefore impermissible for anyone to cause division and hatred in society.

2- Respect of the State's Law, in accordance with the public interest. This was underlined in article (9) of the Law: "The family is the kernel of Saudi society, and its members shall be brought up on the basis of the Islamic faith, and loyalty and obedience to God, His Messenger, and to guardians; respect for and implementation of the law, and love of and pride in the homeland and its glorious history."

3- Defense of religion, society and the homeland. Article (34) of the Law states: "Defense of the Islamic creed, the society, and the homeland is the duty of every citizen."

This brief article implies huge responsibilities that are shouldered by citizens.

Defense of the Islamic creed is, firstly, through correct adherence to it, secondly by explaining it to others and thirdly, by exposing the idle suspicions and objections raised by its adversaries.

All this can be by means of debate, discussion, correspondence and other direct or indirect means of communication.

This task was indeed one of the primary duties of the prophets.

The defense of a society by all its members is a must because society is like a single body, with each and every member having its particular rights and responsibilities. A prophetic *hadith* states: "The believers in their mercy and compassion are like a single body: If one organ (of this body) is in pain, the rest of the body will ache with fever and insomnia."

Mercy and compassion require defending this body by peaceful means initially and by force if necessary.

Defense of the homeland is a legitimate concept in all religions, doctrines and laws. Here we refer to this homeland as having two cores: the territory of the Kingdom of Saud Arabia, and the territories of the entire Islamic world.

A Muslim has the right to defend any span of the Islamic countries as they represent a single body and however numerous their states may be, they are as if one homeland.

We have earlier mentioned the provision of article (34) of the Saudi Basic Law of Governance, which states: "Defense of the Islamic creed, the society, and the homeland is the duty of every citizen."

For this reason, military laws were enacted.

The Holy Qur'an states: "Permission [to fight] has been given to those who are being fought, because they are wronged. And indeed, God is competent to give them victory. [They are] those who have been evicted from their homes without right – only because they say: 'Our Lord is God'" (22:39-40)

4- Promoting National Unity, which is to strengthen the bonds of fraternity and relationship between the members of the society, its tribes, regions, provinces and its schools of thought, and to refrain from whatever leads to disunity, sedition and division.

Article (12) of the Saudi Basic Law of Governance stresses this as it states: "Promoting national unity is a duty, and the State shall prevent whatever leads to disunity, sedition and division."

Rights of Non-Muslims in the Saudi Law:

The rights of non-Muslims occupy a special position in Islamic jurisprudence due to the recognition of Muslim scholars of the importance of this issue, and because every Islamic society includes non-Muslims.

The status and position of these non-Muslims vary. Some may stay permanently in the Islamic society, and they are known as *Ahl Al-thimma*, while others may have temporary residency only, and they are termed *mustamaneen* (protected persons).

Muslim scholars have written extensively detailing the Islamic rules governing these groups.

Objective and candid orientalists, as well as other writers, have hailed the fine treatment received by non-Muslims in the Islamic society.[21]

In Saudi Arabia, non-Muslims are termed 'residents', as their residency in the country is non-permanent.

Indeed no non-Muslim who stays in the Kingdom of

Saudi Arabia does so on a permanent basis, and this is a sacred Islamic tradition which Muslims adhere to due to the fact that this territory has certain exclusive characteristics owing to it containing the two holy cities of Makkah and Madinah, which are only to be visited by Muslims.

It can be noted that Saudi Law does not distinguish between Muslim and non-Muslim residents in a number of matters:

1. In respect to both being termed (residents) or foreigners.
2. In respect to both being permitted to utilize public utilities, and there is also no distinction here either between residents and citizens.
3. In respect to employment of non-Saudis, as there is no difference here between a Muslim and a non-Muslim, with the only criteria being qualification and experience.

Thus, when any official discourse is addressed to non-Saudis, it means all non-Saudis, regardless of religion, as in article (41) of the Basic Law, which states: "Residents on the Kingdom of Saudi Arabia shall observe its laws. They shall respect the values, traditions and sensibilities of Saudi society."

The term 'resident' here, therefore, includes Muslims and non-Muslims.

Chapter (7)

The Nature of the Ruler-Subject Relationship

In light of the rights and duties of both the ruler and the ruled that have been clarified earlier, the question rightfully arises: How then is the relationship between the two parties?

The answer requires a brief explanation of these rights.

Firstly: the rights of the ruler are:

Obedience in what is good, support, counsel and respect.

At the same time, these rights are duties for those being ruled. These duties require them to respect the State's law and defend the religion, the society and the homeland.

Secondly: the rights of the subjects are:

To rule with the Islamic *Shari'ah* and to provide basic needs such as education, health services, security, and care in the case of disability.

At the same time, these are duties and responsibilities that require the ruler to exert great effort in the interests of his subjects.

In light of this, it appears that every party has rights and responsibilities and that each party right has a corresponding duty that should be adhered to by the other party.

Thus, the relationship between the two parties is a contractual one where both parties are equals in terms of rights and duties.

In Islam, public authority is a trust and should not be assigned except to those qualified and capable.

In a *hadith*, Abu Dharr narrated: "I said to the Holy Prophet, peace be upon him: 'Messenger of Allah, will you not appoint me to public office?' He stroked my shoulder with his hand and said: 'Abu Dharr! You are weak and authority is a trust, and on the Day of Judgment it will be a cause of humiliation and sorrow except for he who fulfills its obligations and (properly) discharges the duties required therein.'"

Naturally, however vast a responsibility is, it should be correspondingly coupled with rights that require adequate respect and appreciation.

Chapter (8)

Monitoring and Inspection

Inspection implies watching, or checking upon, or checking the status of something, or observing trends over time, or obtaining feedback, or a number of other similar matters.

In the science of business administration, inspection is to verify the extent of sufficiently meeting set objectives, and discovering errors and correcting them.

Inspection is therefore necessary for assessing and correcting work, and for this reason it is considered as a constructive management practice.

Islam gives due attention to inspection and to the subsequent correction of mistakes, and has established a noble rule in this regard, which is the promotion of virtue and the prevention of vice. This is a common social task which requires every capable and knowledgeable person to perform the task of *da'wah* (Islamic propagation) and guidance, as well as promoting what is good and preventing what is evil.

When we look deeply into the Islamic *shari'ah*, we notice that there is what we can call introspection, which is to have faith in God, fear Him, and have a constant conscious feeling of God's awareness of everything. Having this would make a Muslim constantly attempt to do what is good and reproach himself prior to being taken to account for his mistakes.

In the Islamic state, the function of promoting good and preventing evil was known in various forms:

1- By way of inspection, or *Ihtisab*. The Chief Inspector, or *Hisbah Wali* would perform inspection. Abd Al-Rahman Shayzari (d. 1373.) in his book *Nihayat Al-Rutba Fi Talab Al-Hisbah* (The Utmost Authority in the Pursuit of *Hisbah*), has mentioned about forty areas of *hisbah*. Among them is what is related to markets and buying and selling, doctors and pharmacists, teachers, mosques, judges' sessions, rulers, and many others.

2- By way of an administrative judiciary, known as the Board of Grievances, which was established to adjudicate in disputes against senior government officials whom the judiciary might have been unable to bring to justice.

3- By the *Khalifah* (Muslim ruler) himself as such a leader would inspect the behavior of his governors and officials assigned certain jobs. The most prominent Muslim rulers who exercised this function were Umar bin Al-Khattab (d. 644) and Umar bin Abdul-Aziz (d. 720).

This type of inspection is not an optional act but rather one of the duties of the Imam. In this context, Al-Mawardi (d. 1058) while writing about the duties of the Imam said: "(He should) be heavily involved personally in the acts of governing, and should be actively checking and overseeing the duties of the government and constantly developing the nation's policies and defending and safeguarding its people and not, for the sake of enjoyment or worship, rely on those whom he deputizes (for this role)."[22]

This represents one of the ways of following Prophet Muhammad, peace be upon him. In his *Sahih*, Imam Al-Bukhari (d. 870) has compiled a chapter with the title: *Bab muhasabat al-imam ummalih*, (The Ruler's making his subordinates as accountable).

In Saudi Arabia, monitoring and inspection is exercised in several ways and can be classified as two categories.

First: Social monitoring, which is a common responsibility and is performed by anyone who notices an error or flaw in public life. The correct representation of this is through two channels:

The first channel is the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), or *hisbah* body.

Article (9) of the CPVPV Law states: "The most important duty of the CPVPV is to guide people and advise them to adhere to the religious duties prescribed by the Islamic *Shari'ah* and to ask people to perform these duties while at the same time preventing vice and standing against

committing what is forbidden and unlawful or following bad customs, traditions or reprehensible innovations."

Article (12) of the same law reads: "The Commission has the right to take part, with the concerned agencies, in monitoring forbidden items that affect beliefs, behaviors or general disciplines."

The second channel is the press, which is considered one of the most important and decisive media platforms. It is a scrutinizing eye, which, if in the charge of honest persons, would not let pass any wrongdoing, be it by an official or anybody else.

Article (8) of the Law of Printed Materials and Publications reads: "Freedom of expression is guaranteed through all means of publication within the provisions of *shari'ah* and law."

This gives any writer the right to criticize any incorrect phenomenon, in a suitable manner.

The second category is what is performed by certain specialized agencies or authorities in inspecting the financial and administrative performance of government departments.

These authorities can be classified into two types:

- **Judicial authority**
- **Administrative bodies**

The first type is represented by the administrative judiciary, which is the Board of Grievances. The Board

has jurisdiction to decide the following:

1- Cases of objection filed by the parties concerned against administrative decisions where the reason for the objection is lack of jurisdiction, a deficiency in the procedure, a violation or erroneous application or interpretation of laws and regulations, or abuse of authority.

2- Cases of compensation filed by the parties concerned against the government and/or independent public corporate entities due to their actions.

3- Cases filed by the parties concerned regarding contract-related disputes where the government or an independent public corporate entity is a party thereto.

4- Disciplinary cases filed by the Bureau of Control and Investigation.

5- Cases filed against suspects who have committed crimes of forgery.

(See article "8" of the Law of the Board of Grievances)

The first and last jurisdictions mentioned are the ones related to inspection.

The second type is represented by two organs:

- General Auditing Bureau (GAB).
- Control and Investigation Commission (CIC).

GAB is concerned with the post-audit function on the entire package of the state's revenues and expenditures. GAB is also required to monitor the state's fixed and current resources and to oversee proper deployment and

preservation of these resources. (Article "7" of the General Auditing Bureau 'GAB' Law.)

This article confirms the provisions of article (79) of the Basic Law of Governance.

The Control and Investigation Commission has jurisdictions on the following:

1. To conduct necessary control in order to reveal financial and administrative violations.
2. To examine cases referred by concerned ministers, or any concerned official party, about administrative violations.
3. To investigate financial and administrative violations revealed by the control process.
4. To follow-up on cases referred to the Disciplinary Committee according to the law.

(Article "5" of Employees Disciplinary Law)

All this is an explanation of article (80) of the Basic Law of Governance.

Thus we notice that governmental control over the behavior of its agencies is one of its vital important functions.

Chapter (9)

Freedoms

In the Arabic language, freedom represents liberation from slavery or restraint. The concept then takes a wider meaning to include any movement or action according to will, and not by force or obligation.

The usages of the word freedom are numerous and cannot be restricted for two significant reasons:

The first: The different foundations upon which the concept is built.

The second: The diversity of the forms of freedom according to the diversity of its areas.

With regard to the first reason, there are some who divide freedom into two modes: relative and absolute. Relativity here refers to subjectivity to law while absoluteness is absolute independence and non-relation to any community. There are also those who consider freedom a synonym to free will and freedom of selection, and as an antonym of subjection.

As for second reason, which is the diversity of the forms

of freedom, we observe that there are numerous types of freedom such as, freedom of religion, freedom of opinion and thought, civil freedom, political freedom, moral freedom, and many others, (consult *Al-Mujam Al-Falsafi* "Dictionary of Philosophy", by Jamil Salibia 1/461).

There is no doubt that these concepts and divisions encircle the term 'freedom' with ambiguity.

In our best endeavor to interpret the term in a way which we believe is consistent with Islamic legislation as well as ration, we believe that the general concept of freedom is 'free movement within the framework of what is permissible in Islam.'

This framework or circle comprises of what is *wajib* (obligatory), *mandoub* (recommended), *mubah* (permissible) and *makrooh* (disliked) according to the terms used by Muslim jurists.

Excluded from the circle is all that is forbidden, whether it be disbelief in God or any major or minor sin.

There are two particular types of freedom which are subject to intense controversy, namely:

1- Freedom of religion (Religious freedom).
2- Freedom of opinion (Political freedom).

First: Freedom of Religion

Every mature person ought to search for the correct religion revealed by God to his Messengers and Prophets. If he comes to know this religion, he should embrace it -

even if others oppose him for doing so.

If this person were to then stray from the right path after having come to know this correct religion, he would be responsible before God in the Hereafter and deserving of His punishment.

Islam's approach to this matter can be summarized as follows:

1- It is an obligation upon those who follow the Prophets to explain to people the Straight Path and guide them to it while not compelling them to embrace it, as the religion is faith and conviction and, therefore, cannot possibly be embraced under duress.

In the Holy Qur'an, God states: "There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong." (2:256)

According to this, whoever is not convinced of Islam should be left to practice his religion, provided that he incurs no harm upon the Muslims, whether financial or moral.

Individuals, groups and states are equal in this treatment.

Thus, defending the Islamic faith was legislated, as well as defending the homeland and sanctuaries. This is the same system adopted by Saudi Law. Article (23) of the Basic Law of Governance reads: "The State shall protect the Islamic creed, apply its *Shari'ah*, enjoin good and prohibit evil, and carry out the duty of calling to God."

2- If a person embraces Islam, he should abide by it for the rest of his life with contentment and willingness.

If he feels misgivings regarding his faith, he should not

express it and if he does so and announces his apostasy, he is to be given the opportunity to repent, failure of which would necessitate him being punished.
This is the policy applied by the Kingdom of Saudi Arabia.

When the Kingdom signed the Universal Declaration of Human Rights, issued in 1948, it voiced reservations on the provisions of article (18) of this Declaration which grants "Everyone the right of freedom to change his religion." The reason for this reservation is certainly not to limit or restrict people's freedom, but rather to thwart the plans of those conspirators whose only desire seems to be to spread corruption.[23]

We believe that this certainly constitutes reasonable justification, for if the matter was left uncontested, belief in prophethoods would become a plaything in the hands of the evil.

Second: Freedom of Political Opinion

Such freedom can be expressed in words and by actions.

Freedom of expression is related to words, while what are practiced by means of actions are acts such as political opposition to governments, whether by political parties or others.

We will shed some light on these two types of freedom of political opinion.

1- Freedom of Expression

This, for example, is to express an opinion that differs

from a common trend. This can be through criticism or opposition to the attitudes of the community, or the activities of the government.

This type of freedom is guaranteed and legally permissible provided it meets three conditions:

The first: It should be well-intending and have noble objectives, which is reformation and construction and not destruction and the proliferation of evil.

The second: It should be expressed in virtuous, courteous and appropriate language.

The third: It should bear in mind Islam's values, principles and invariable rules, within which there is no possibility of stirring dispute and conflict.

If these conditions are met, one is free to state what he wishes, otherwise, it is preferable that he does not offer his view.

This is what was intended by the Saudi Law. Article (39) of the Basic Law of Governance states: "Mass and publishing media and all means of expression shall use modest language and adhere to the State's laws. They shall contribute towards educating the nation and supporting its unity. Whatever leads to sedition and division, or undermines the security of the State or its public relations, or is injurious to the honor and rights of man, shall be prohibited."

This right is stated clearly in article (26) of the Saudi Media Policy Law: "Freedom of expression in the Saudi media is guaranteed within Islamic and national objectives and values."

2- **Political Opposition:**

This can be manifested in several ways, the most important of which are:

a- Formation of political parties.
b- Demonstrations.
c- Industrial Action.

First: Formation of Political Parties

Despite the fact that the multiparty system is one of the prominent features of traditional Western democracy, there is much controversy as to its actual feasibility. One writer states: "The multiparty system associated with traditional democracy is in fact one of the primary means of corrupting this very system and diverting it from its goals and purposes. This is because those who join a particular party are chiefly concerned with standing by the opinion of their party and opposing the opinion of the other parties, regardless of whether their adopted position is in the public interest or not. Moreover, such a system can ultimately assign a monopoly of power to the party leadership represented by one person or a small group of people, a matter that will render democracy as the rule of a minority rather than that of the majority." [24]

Whether we accept this criticism or not, the multiparty system remains a simple human experiment amongst many others which may succeed or fail. If its shortcomings are great, it may be necessary to look for other systems that can guarantee popular political participation with fewer shortcomings and defects.

Second: Demonstrations

These are organized popular marches to show people's support or opposition for particular matters and is an organized illustration of expression that has been adopted by western democracies as a political right.

What has been mentioned in terms of criticism of multiparty systems can also be said about demonstrations, as they tend to cause chaos and disturbance in public life.

However, such demonstrations can be rendered meaningless if religious and political awareness among the public increases and leadership is assumed by shrewd and insightful men who do not tolerate corruption and chaos and, therefore, shun those who seek to fulfill their own personal interests.

We believe that this is a realistic objective that is not difficult to achieve.

Third: Industrial Action

This is synonymous to striking, which is the halting of work at an establishment or plant due to the refusal of employees to perform all or part of their duties at certain periods of time. It is a means of applying pressure on employers to meet workers demands, such as an increase in wages.

Despite expectations that such action realizes workers demands, its negative and positive impacts must be closely examined.

Strikes may cause embarrassment and heavy losses to the government, companies or establishments when

workers' problems can be solved in a far more mutually beneficial and less harmful way.

Though the right to strike is present in article (8), of the Universal Declaration of Human Rights, the Kingdom of Saudi Arabia has expressed reservation over this article and has rejected the strike legislation for the protection of the interests of workers themselves, as well in the interests of the national economy, so that it would not become a tool in the hands of external, reckless saboteurs.[25]

Political participation is an undisputed right[26], but its means and mechanisms differ from country to country due to various social, political and religious factors. Thus, it is our belief that every nation has the right to adopt the method of political participation it deems as being in harmony with its culture, customs and traditions.

Chapter (10)

Women

When it comes to the issue of women, there is always a plethora of opinions; be it from scientists, philosophers, jurists, legislators and politicians, some are critical, others supportive and others neutral.

It is not uncommon for this topic to be the cause of heated discussion and frivolous debate, so we will focus on the subject solely from a political viewpoint, so as to preclude digression.

Women in the Democratic System

The views of Western legal specialist philosophers towards women have differed with respect to their general view as well as in regard to a woman's rights and duties.

1- Some have called for the exclusion of women from the political arena and especially from voting and filling public posts on the grounds that they are not qualified for this due to physical and psychological weakness. They

claim that it has been noted that experiments have proven that women's involvement in politics has been a failure.

2- Others see that women are well qualified for political rights. They state that women have proven success in all fields of life in general. They also quote laws that stipulate equality between people, regardless of sex.[27]

3- In practice this matter is still very much at the experimental stage in Western countries such as the United States and France.

However, the general trend is towards granting more political participation rights for women.

Women in the Islamic Political System

The most important fact to bear in mind here is that, since the dawn of Islam, its view of women has remained consistent and balanced.

In terms of consistency, the Muslim woman has been granted her rights and her dignity has been preserved since the very early days of Islam until the present day without her or anyone else having to demand them, and without there being a gradual process during which she was finally given her rights.

This is in stark contrast with other religions, doctrines, international laws and norms, which have passed contradictory theories and practices, the effects of which we witness across the globe.

As for balance, it is sufficient for the reader to look at Islam's constitution, which is the Holy Qur'an and the authentic *Sunnah* (which consists of the sayings and deeds of the Prophet, peace be upon him) in order to realize this truth.

Due to time and space constraints, it not possible to expound upon all the *shari'ah* texts in this regard, but the interested reader would find the following two publications extremely interesting in this regard:

1 – Hijab, by Abu'l 'Alaa Mawdoudi

2 – *Almara' bayn alfiqh walqanoon* (Woman between Fiqh and Law), by Dr. Mustafa Al-Subaei.

Moreover, whoever reads the biographies of Muslim women during the era of the Prophet, peace be upon him, and the righteous caliphs, will find the texts of the *shari'ah* on this subject in application.

It is hoped that the objective reader would not take the negative treatment of woman in certain Muslim countries as a proof against the principles and ideals of Islam.

To return to the position of women in the Islamic political system, the foundation of a woman's work is an educational and domestic one, and this is a noble responsibility about which she will be held responsible for in this life and questioned about in the Hereafter.

The Prophet, peace be upon him, said: "Every one of you is a protector and guardian and responsible for his wards and matters under his care... and a woman is a guardian of her husband's household members and is accountable for those placed under her charge."

However, she may work outside her home for one of the following two reasons:

The first: If she or her family is in need for her to do so.

The second: If the community is in need of her experience and efforts.

Hence, a number of conditions should be met. The most important of which are:

1- Her work should not result in any type of loss to her children or family, as their interests take precedence.

2- She should be dressed in *hijab* and not expose her beauty, as failure to do so may constitute a provocation of corruption.

3- Her work should suit her physical structure and personality and not be exhausting or a cause of defect to her personality or dignity.

4- She should take all necessary precautions in maintaining ideal values and morals and refrain from all that which would lead to the damage of these values such as intermingling with non-related men, laxity in conversation, and traveling without a legal guardian.

Based on these conditions, all types of work that do not suit the nature of women such as military service, tough menial work, jobs with major responsibilities such as the presidency or premiership of a state, the judiciary and ministerial posts, are exempted from those posts that could be assumed by women.

The evidence for this is that found in the incident of a delegation from Persia coming to Prophet Muhammad,

peace be upon him, and informing him that their King had died and that his daughter had assumed power. Upon hearing this, the Prophet, peace be upon him, said: "A people who take a woman as their leader will never succeed." (Narrated by Al-Bukhari).

Therefore, in light of all the above, women have full political rights in the following areas:

1. Expressing opinions in agreement or disagreement.
2. Voting in elections.
3. Taking part in consultations.
4. Promoting virtue and preventing vice.
5. Assuming non-leadership posts or leadership posts in the female community.

This is, of course, in addition to all other tasks in the social and educational fields.

Conclusion

Comparison between the Two Systems

After examining the characteristics of the Islamic political system and its implementation in the Saudi Arabian model, the reader may ask about the difference between the Islamic system and the modern democratic system prevalent in the West. Are they in accord, or do they differ? And if so, then what are the causes of this difference, and what is its extent?

This is indeed a very important matter as the two systems have historical depths that have cast their shadows on the modern era.

Comparison between two matters normally requires presenting them in a balanced way so as to demonstrate their similarities and differences, but we will ignore this premise due to the assumption that the reader is well aware of one aspect of the comparison, namely the democratic system, due to his living under such a system.

The other aspect of the comparison, namely the Islamic system, is rarely heard of by readers, and this is the reason

behind the compilation of this brief study.

Despite the assumption of clarity of vision with regards to democracy, the following remarks are stated, prior to beginning the comparison.

1- If democracy means 'people power', then this is not what exists in practice in the sense of people governing themselves, for in such a case the same people would concurrently be rulers and the ruled, which is unimaginable, even in an ancient democracy.

To avoid such idealism, it can be asserted that what is meant is therefore 'majority rule' or 'parliamentary democracy,' or it might be said that it refers to equality before the law.

2- Democracy in the words of Jamil Salibia is, "An ideal system which people may dream of, but is not to be seen in reality in any form. Any political system that considers the will of the people as a source of the governing authority is a democratic one. But in reality, the will of the people is the will of the majority and here, of course, there is a domination of one class over another." [28]

3- Hence, we find several interpretations for democracy among legalists, researchers and politicians.

a- One interpretation is that it is "The sovereignty of the people."[29]

b- Another is that it is "Equality"[30]

c- A third is that it is the "Capability of the people to

change their governors and their laws through free voting and via their representatives."[31]

4- Some think that the concept of democracy is one that is evolving and subject to change, and that every period of time and every culture has its democracy.[32]

5- A vital question is: Is democracy a doctrine that has a philosophy regarding man, life, and the universe, or is it mere mechanisms, programs and regulations for this life only?

Some people deem democracy as a philosophical doctrine and not merely a political system[33], while others say that it is a political system that may be followed by a social system. The following lines are an attempt to further clarify this.

6- The democratic system is based on three principles:

The first: People's sovereignty (People as a source of power).

The second: Equality and justice.

The third: Personal freedom.[34]

Some add to this:

1- Supremacy of the Constitution.
2- Multi-party system.
3- Separation of powers.[35]

Comparison:

Based upon the aforementioned facts, it is clear that

the two systems have aspects of similarity as well as of difference.

First: Similarities

1- Honoring the human and preserving his rights.

This is patently clear and in no need of discussion or evidence from either of the two systems.

2- Establishing the principles of justice and equality before the law and in criminal penalties. This is also clear from both systems, though they do differ in the definition of some forms of justice and equality.

3- Freedom and choice in appointing rulers, whether through elections or via selection from a group or of the most suitable candidate, and then giving him pledge of allegiance. All these ways and other similar ones give a wide option for selection.

4- Political participation, through paying a pledge of allegiance, contribution and giving sincere advice. This is a phenomenon in the Islamic system, but the democratic system applies the same thing, albeit in a different manner.

5- Superiority of the Constitution. As mentioned previously, this is one of the principles of democracy and also of the Islamic system. However, the source of the constitution in the former is the human being whilst in the latter it is God, represented by His revelation. Moreover, in Islam, and contrary to the democratic system, this source cannot be altered, abrogated, or discarded.

6- Separation of Powers. Though this is one of the principles of democracy, it is not censured in the Islamic system provided that there is cooperation between authorities.

This is stated in article (44) of the Saudi Basic Law of Governance, "Authorities in the State shall consist of:
- The Judicial Authority
- The Executive Authority
- The Regulatory Authority

And these authorities shall cooperate in the discharge of their functions."

Second: Differences

1- **With respect to the relationship between religion and the universe**.

The Islamic system sees no contradiction between the two. Religion is a comprehensive system of life and the universe is the arena for applying this system, so they are integrated into one system.

The Holy Qur'an states: "Our Lord! Give in this world [that which is] good and in the Hereafter [that which is] good and protect us from the punishment of the Fire." (2: 201). The verse combines the good of this world with that of the Hereafter.

The democratic system presumes a contradiction between the two and thus determines to separate them, except in the personal and private life of man.

If it was attempted to find a reason why Western man or society has distanced the religion applied by the church from public and personal life, it may be the case that the cause is the 'church religion' being distorted and exploited to such an extent that it no longer is a valid and viable system for life.

The Islamic religion, on the other hand, maintains its validity with complete vitality, dynamism and integrity, and no Muslim would feel the slightest inconsistency between the rules of his religion and the demands of his life.

Hence, it is no surprise to see the close link or integration between religion and this life in the Basic Law of Governance. See articles (7, 8, 9, 13, 23, 48).

If it is asked if this separation between religion and worldly life is a characteristic associated with democracy or something causal, then the answer would be that it appears not to be a characteristic or a feature of democracy itself but it is rather something causal that arises due to the illusory contradiction between religion and worldly life.

Therefore, the West can adopt religion, but only in matters that do not contradict the principles of democracy.

2- With respect to People's sovereignty:

This principle is deep-rooted in the democratic system to the extent that people become the source of authority (legislature, executive and judiciary). In the Islamic system, the matter is not dissimilar with respect to executive and

the judiciary, as they are human endeavors. The difference, however, between the democratic system and the Islamic one is the fundamental source of the executive and the judiciary. In democracy, legislation is man-made, while in Islam it is based on divine legislation (or revelation) and then on *ijtihad* (derivation of rules from revelation), and the law in such a way that does not contradict revelation.

Thus, the significant difference in sovereignty here lies in the framework of the legislative authority.

If democracy grants this sovereignty to the people or their representatives and allows them to prepare all legislation without exception, Islam totally differs in this matter as its principle is: "The Command is for none but God." (12:40) and "Surely, His is the Creation and Commandment." (7:54).

The Muslim nation, with its individuals and states, believes in this principle and applies it in life. The Islamic legislation represented by the Holy Qur'an and the *sunnah* of Prophet Muhammad, peace be upon him, has been preserved and has endured throughout the centuries.

While discussing authorities, it was mentioned that the legislative or regulatory authority in Saudi Arabia is exercised through two channels:

The first: the technical channel, represented by *shari'ah* scholars who exert their efforts in studying problematic issues or developments and issue verdicts derived from

Islamic legislation. This channel still provides different opinions, researches and *fatwa* (Islamic legal opinion).

The second: the regulatory channel, represented by the *Shoura* Council and the Council of Ministers. This channel studies and ratifies laws according to the general rules of the *shari'ah*.

Accordingly, there is a fundamental and invariable legislation that should not be violated by any party, whoever they may be.

Beyond this, there is free space that accepts interpretative judgments, organization and codification.

3- Individual freedom: This is a non-disputable, democratic principle.

In the freedoms chapter, light was shed on the concept and types of freedom, and due to their importance, two types of freedom were stressed upon, namely, freedom of faith and political freedom.

Individual freedom has huge significance and is the backbone of the democratic system, to the extent that it is said that democracy is an individual doctrine that grants the individual a wide area of movement that extends until it clashes with the freedoms of others, where it necessarily comes to a halt.

This doctrine is what entrenches and consolidates capitalist principles such that capitalists become influential decision-makers, despite their small number. They are the only ones to actually benefit from this freedom while

the majority remains unprivileged and has no role except vacant voting in elections whose results have already been directed towards the support and strengthening of the position of these same capitalists, as well as strengthening their principles and whims.

Due to the sacredness of this principle among supporters of democracy, individual rights precede those of the nation as a whole and the state, in their view, is necessarily evil and therefore must be restrained from intervening in the affairs of individuals'.[36]

As for individual freedom from an Islamic perspective, Islam, which is a balanced way of life, establishes a balance in its view of the individual and the community. Each has full rights, and just as the individual has his legal and social position, so too has the community. Just as the individual deserves rights, the community too has rights over its members. It is therefore necessary that there should be controls over freedom, otherwise anarchy would prevail, the weak would be humiliated and injustice would be prevalent.

Finally, if this is the reality of the similarities and differences in terms of the relationship between the two systems, can it be said that this relationship is one of similarity and rapprochement, with each system being able to benefit the other, or is are they disconnected from their origins, with absolutely no similarity between them and the other?

There is doubt that the answer to this is not a simple one due to the difference in fundamentals of both systems.

The Islamic system is founded on belief in the unseen and with a divine, preserved and a comprehensive *shari'ah* with firmly established fundamentals, as expounded upon earlier.

The democratic system on the other hand emanates from materialistic thought and a mixture of different philosophies, mainly:

1. The ancient Roman legacy.
2. The distorted, deformed legacy of the church.
3. Modern philosophical thought based on man-made doctrine.
4. Modern urban materialism with all its luxuries and technologies.

All this casts doubts on the possibility of an intellectual exchange between the two systems. However, in spite of all this we, from an Islamic perspective, believe that we can benefit from the democratic system in its political and administrative aspects that are related to human knowledge and experiences. Its philosophical aspects, however, are subject to reservation as they are inconsistent with the philosophy of Islam.

Endnotes

1. *Minhaj Al-Islam fi Alhukm* (Islam's Method of Government), P. 38.
2. This *hadith* (Prophet Mohammed saying) is reported by both imam Al-Bukhari and the imam Muslim in their collections of hadiths. The collections of these two imams are the most authenticated hadiths.
3. Mohammed Ziya Addin Al-Rayes. *Annazaryat al-Siyasiya al-Islamiya* (Islamic political Theories), PP. 28-29.
4. See: Al-Sfahani. *Al-mufradat fi Ghareeb Al-Quran* (Dictionary of the unfamiliar words in the Quran), P. 325.
5. Al-Fayoumy. *Al-Misbah Al-Muneer* (The Luminous Lamp), P. 327.
6. *Al-Muahrer Al-Wajez* (The Concise Writing) 3/280.
7. See:Al- Qalqashadi. *Maather Al-inafa fi maalim al-Khilafa*, by 1/41
8. *Hader Alaalm A l-Islami* (The Present of the Islamic World) 1/261
9. Abdul Moneim Alami. *Al-Malik Al-Rashed* (The Wise King), P. 382
10. Zarkali. *Al-wajeez fi sirat Al-Malik Abdulaziz* (A brief Autobiography of king Abdulaziz), P. 216.
11. Zarkali. *Shibh Al-Jazeera fi Ahd Al-Malik Abdulaziz* (The Arabian Peninsula During the Era of King Abdulaziz), 2/787.
12. Rajih Jumaa. *Halat Al-Amn fi Ahd AlMalik Abdulaziz* (Secuirty Status in the Era of King Abdulaziz), P. 83.

13. See: *Al-Qamoos Al-Siyasi* (Political Dictionary), P. 784.
14. Ibn al-Qayyim. *A'alam al-Mawkeyeen*, 1/91.
15. They are nicknames for one name and if there is any difference it is sometimes due to norms and traditions.
16. See Al-Mawrdai, *Al-Ahkam Al-Sultaniya* (The Rules of Government) by, P. 6
17. See: Hassan Kira. *Al-Madkhal ila alqanoon* (Introdcution to Law), P. 232.
18. See: Hassan Kira. Al-Madkhal ila alqanoon, P. 431,and Mohammed Zaki Abdu Bar. *Al-hukm alsharei wa Al-qa'da alqanoonya* (The Divine Rule and the Legal Rule, P. 106.
19. *Al-Tahreer wa Al-tanweer* 17/166
20. *Annihaya fi gharib alhadith* 2/236
21. See, for example: Adam Mitz. *Al Hadara Al-Islamiya* (Islamic Civilization), 1/384 and Gostaph Lobon. *Hadarat Al-Arab* (Arab Civilization), P. 134.
22. *Al-Ahkam Al-Sultaniya*, P. 32
23. *Majalat Rabitat Alalam Al-islami* (MWL magazine), December 1979, P. 158.
24. Yahya Al-Jamal. *Alanzima assiysya almoasra* (The contemporary Political Systems), P. 22.
25. See: *Majalat Rabitat Alalam Al-islami*, December 1979, P. 159.
26. Political particpation: is the right of citizens to perform a certain role in the deciosn-making process. In its narrowest meaning it is the right of that citizen to monitor all these decisions through assessment and control." (Jala Muawadh- Azmat Almusharak assiysiya fi alwatan alarabi (The Problem of Ploitical Particpation in the Arab World), in: *addimogratiya wa huquq alinsan fi alwatan alarabi* (Democracy and Human Rights in the Arab World), Arab Unity studies Center, P. 63.
27. Abdul Hameed Al-Shurabi. *Alhuquq assiyasiya llimaraa* (Woman political Rghts), , PP171-197.
28. Almujam alfalsafi (Political Dictionary) 1/570
29. Ibid 1/571
30. Mohammed Abed Al-Jabri. *Addimogratiya wa huquq alinsan* (Democracy and Human Rights), , P. 18.
31. Khaled Mohammed Khaled. *Difaa an addimogratiya* (In Defense

of Democracy), P.22.
32. Al-Jabri. *Addimogratiya wa huquq alinsan*, ibid, P.14.
33. Abdul Hameed Mutwali. *Alqanon addastouri wal anzima assiyasiya* (Constitutinal Law and Political Systems), P. 108.
34. *Almujam alfalsafi* (Pholosophical Dictionay), 1/570.
35. *Alqanon addastouri wal anzima assiyasiya*, P. 143, ibid.
36. Ibrahim Darweesh & Bakr Al-Amry. *Dirasat alhakoomat almoqarana* (Comparative Governments Studies), P. 105.