



AUTHORITY IN CONTEMPORARY ISLAMIC THOUGHT

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Abstract:

This study discusses authority in modern Islamic thought, defining its essence and technical meanings, establishing legitimacy standards, and evaluating democracy's compatibility with Islamic norms. It is divided into three sections, covering authority's technical meanings, legitimacy conditions, and the concept of democracy in modern Islamic thought, examining its distinct cultural and environmental context. The study explores the Arabic term (السلطة) authority's meaning and its contemporary Islamic perspective on state legitimacy, highlighting its distinct differences from the Western perspective, and provides a brief definition of its meanings.

Key Words: The Nature of Authority, Legislative and Judicial Authorities

1. The Concept of Authority in Contemporary Islamic Thought:

Authority is a social phenomenon with a dual and complex nature, resulting from changing social relations. It consists of constant meaning and variable form, with authority referring to government in all societies. Determining the essence of authority focuses on the fixed dimension, rather than the variable. Scholars in sociology and politics attempt to define authority's essence, referring to its linguistic root as dominance, subjugation, and influence, similar to the meaning of linguistic dictionaries. [1] The term "sultan" originates from the concept of a wager or argument where one sees victory over others and subjugation over others. [2] The Prophetic hadith referred to the power of disposing of one's wealth, as stated by the Prophet, wishing God blessings and peace to him and his family. [3] In terms of implication, authority, linguistically, includes latent or apparent power and the other obligation to implement what is wanted. This may be close to the English use of authority, meaning (power). In general, authority carries, in one aspect, the ability to issue orders that carry within them the quality of obligation and the necessity of implementation. As for the terminology, most contemporary Islamic thinkers and researchers were influenced in defining authority by the incoming Western culture, and therefore we see some of them synonymous between authority and government, while we see others distinguish between government and authority, since the latter is more general than the former and includes legislative and judicial authorities in addition to the executive authority (government). We also see among some of them the synonym between authority and the state, as the necessity of the state is often confused with the need for authority, so that the evidence of the necessity of the state is inspired by the need for authority. The Holy Qur'an and Prophet's biography prioritize authority over the state due to its connection to Islamic understanding and community behavior. Early Islamic history saw conflict over authority, leading to theories on authority, subject relationships, and state legitimacy. The concept of authority in early Islamic thought contradicts Islam's vision of government, as it contradicts the transfer of authority from the caliphate to the sultanate. Early Islamic political practice distanced itself from using the word sultan to denote authority, which was individual and embodied in one person.

2. The Concept of Authority's Legitimacy in Contemporary Islamic Thought:

Contemporary Islamic political thought generally agrees on the principle of no authority over others, ensuring individual rights to dispose of property independently and equal authority among all societal members. [4] Special authorities were created to ensure societal interests were met, such as husband's authority in family and jurist's authority over those without authority, managing their own affairs. Authority, including command, obligation, and implementation, creates a conflict between individual and state authority. State authority includes control over money, lives, exports, imports, and social relations, while individual authority includes command, obligation, and implementation. The origin of rights in Islam is debated, with the question of whether the rights of the people or the government are the origin. The relationship between these two authorities is also examined, with a longitudinal or transverse relationship. Contemporary Islamic thought has either restricted the authority's use of force and prevented individuals from exercising their rights, or not placed restrictions on this use. (The legitimacy of authority, and the restrictions on this legitimacy)

The legitimacy of authority originates from non-religious human thought, with individuals like kings, emperors, and sultans expressing it through their will. This led to dictatorships, but now, human authority is expressed through elections and democracy mechanisms. Systems lacking legal basis often adopt obedience to authority to assert authority, which can be coercive through punitive laws or voluntary, despite conflicting with the original purpose of authority to regulate society's affairs. The Islamic nation acknowledges God Almighty as the source of authority, but due to His inability to communicate directly with humans, He has delegated some administrative powers to humans. This disagreement between Imam Ali and the Kharijites led to a famous statement that has become an example for those who disguise truth with falsehood. [5] Contemporary Islamic thinkers' opinions on authority sources and human practice show disagreement at later stages, with two trends indicating legitimacy of authority.

First: The Popular Dimension

The trend views the nation as a source of legitimacy for authority, particularly in executive aspects, implying that rulers are accountable to the nation. The trend is supported by a variety of evidence to enhance its intellectual lineage, such as:

- Man is a representative of God Almighty, with the right to manage his affairs for social, collective, and personal interests. Islam establishes two types of sovereignty: cosmic, predestined sovereignty, characterized by inevitable laws

and traditions, and legislative sovereignty, characterized by command and obligation, but freedom of choice. The nation's authority is seen as acting as God's caliph, resulting from divine authorization.

- The Rightly-Guided Caliphate, established after the Prophet's death, relied on the nation's right to choose and adopt the "people of solution and contract" mechanism for caliph selection. The Rightly-Guided Caliphate experience has been criticized from both general and specific perspectives. Some argue it should not be considered a religious experience, while others believe the experience of certain caliphs cannot be applied due to differing opinions. Some argue against incorporating religious elements into the political experience of the caliphate, viewing it as a humane method for managing nation's affairs. [6]

Contemporary Islamic thinker, Hamas, argues that nation sovereignty is higher than popular sovereignty due to the inclusion of multiple peoples and states in an Islamic nation, unlike Western democracy where sovereignty belongs to the state-controlled territory. This perspective contrasts with popular sovereignty. The distinction between the historical Islamic experience and the general understanding of the Islamic nation is no longer valid, as the Islamic nation is composed of independent states adhering to international law principles. Contemporary Islamic thinkers argue that authority in Islam is restricted by conditions like Islam and justice, unlike in Western democracy. Authority in Islam is governed by Islamic law (Sharia), while in democratic systems, it is based on the nation's will. [7]

Second: The Religious Dimension

The trend argues that authority legitimacy is limited to God, as the source of all powers, and a nation cannot confer this right.

- Islam's fundamental principle is general guardianship, equal to God Almighty, where no one has the right to impose authority without a delegating authority outside the circle.
- The Qur'an emphasizes the importance of choosing a messenger or imam as a specialty of divinity, rather than abandoning the right to choose one. The term "made" in the Qur'an refers to the chosen one's conditions, including patience, endurance, submission, and certainty in the divine method. [8]
- The Noble Qur'anic verses discuss God Almighty's selection of rulers, despite people's requests. The Children of Israel believed king selection was God Almighty's prerogative, with a pre-Islamic conception of wealth as a defining characteristic. The divine response emphasized power, knowledge, and knowledge for a ruler, while other criteria were changeable and fleeting. [9]
- The Almighty's words in Surat Al-Baqarah suggest that the kingdom is God Almighty, who grants it to His servants, denying the nation's choice. The Holy Qur'an distinguishes between two types of kings: those chosen by God Almighty, who avoid injustice and good management, and those who coerce, domination, and oppress, compromising human and moral values. [10]

The Holy Qur'an draws attention to an important issue, which is matching theory with practice, as many nations may be unable to choose what is best due to the media propaganda surrounding them that portrays falsehood as truth. Perhaps God Almighty says, "And among the people is he whose speech pleases you in worldly life, and he calls God to witness as to what is in his heart, yet he is the most hostile of opponents. And when he turns away, he strives throughout the land to cause corruption therein and destroy crops and livestock. And God does not like corruption." (Surat Al-Baqarah, verses 204-205)

The verse highlights the error in the selection process, highlighting corruption, destruction, and human extermination. Divine appointment follows a pattern of direct and indirect appointments, necessitating a different process for legitimacy.

3. Means of Choosing Authority in Contemporary Islamic Thought:

The process of choosing authority is a branch of its source. Therefore, the means of selection vary according to contemporary Islamic thought, between God's right to choose and the right of the nation, which itself has been subject to changes in expression according to the variables of time and place. Thus, three methods were found for choosing authority: consultation, election (a modern method), and appointment.

3.1 Consultation:

Contemporary Islamic thinkers from the caliphate school of thought generally agree that ruler selection is primarily consultation-based, with the pledge of allegiance as a branch. The Saqifah Conference marked the first ruler selection after the death of the Messenger, who was chosen by God. The issue was discussed in the Holy Qur'an, with some believing someone other than the Messenger was more deserving of it. [11] Shura, as a political system, must be deeply rooted in Muslim life, allowing Muslims to adopt it as a method for managing their affairs, and it seeps from the community to the state as a natural product. [12] The Caliphate school's poles differ on the obligation of Shura for ruler selection, with consensus on selecting solution-seeking people through consultation, which is binding on the nation, as seen in Islamic literature. [13] Shura, a concept in Qur'anic verses, has two aspects: binding on the chosen ruler during the selection stage and not binding after the ruler's selection. The majority of this movement lacks precision in analyzing noble Qur'anic verses that address Shura, such as Surat Al Imran, which praises believers for making Shura the basis for managing society's affairs. Shura, a social contract conditional on Islamic law, holds rulers accountable to the nation, allowing them to be removed if they deviate from righteousness. Shura, a social contract conditional on Islamic law, holds rulers accountable to the nation, allowing them to be removed if they deviate from righteousness. The view of a ruler as the shadow of God on earth is confined by frameworks that render it virtually nonexistent. This school of thought rejects ruler removal or accountability, claiming it isolates the nation from criticism and reform. Advocates of this method use Quranic evidence, prophetic practice, and consultation verses to prove its legitimacy. The verse in Surat al-Shura, while not directly related to choosing a ruler, can be considered legitimate as it acknowledges that the process is left to the nation due to the Shura's resources and lack of legal text. [14] During the Four Caliphs era, consultation methods varied, including the Saqifah of Banu Sa'idah, ruler designation, group selection, and nation selection, suggesting consultation as the exclusive method for ruler selection. [15] In the post-Prophet era, the practice of Shura was a controversial one, with Al-Mawardi arguing that only one ruler could be chosen. This was due to historical incidents like Al-Abbas bin Abdul Muttalib's bias towards Ali bin

Abi Talib, who did not represent the Sunnis' opinions. Shura was considered superior as it created a sense of group spirit in decision-making, prevented tyranny, and generated popular support for the chosen ruler.[16] The trend in Islamic governance involves two stages of selection: the people of solution and contract and the nation. The integrity of these influential individuals, who are often clerics or thinkers subject to temporal authority, raises concerns. Some proponents of this trend abolished the Shura of the people of solution and contract and called for direct selection through elections. Abu Al-A'la Al-Mawdudi suggests that the first stage involves direct popular election or referendum, entrusting the executive ruler to these influential individuals. [17] Advocates of Shura, a method for selecting rulers, have addressed the issue of influence, but current challenges necessitate a reconsideration of some details.

- Shura, a method of government representation based on Islam, may not be suitable for countries with religious minorities due to its conflict with citizenship, a principle based on legal equality, and the idea of a Muslim being chosen for executive authority in a predominantly Muslim country.
- Contemporary Islamic thinkers believe that shura does not limit the ruler to a specific time, but rather restricts them by description, making their government illegitimate. Instead, the nation is commanded to offer advice and not declare disobedience. Those who believe the ruler must be obeyed will believe their rule will be eternal. [18]
- Shura, once a ruler-choice mechanism, now serves as a foundation for authority, as it requires a method for implementation. The presentation reveals that the Islamic trend, despite using the term shura, is moving towards the nation exercising its direct right to choose the Islamic ruler.

3.2 Election:

Contemporary Islamic literature suggests that the nation selects the regime and its powers through various mechanisms, including elections and peaceful power transfers. This concept acknowledges democracy mechanisms without adopting them as a doctrine, focusing on three sources of authority.

- **The Election of the Legislative and Executive Authorities:**

Election advocates argue that direct selection is the best path for selecting authority, as it is directly linked to the nation and allows them to choose their leader or authority without the need for experts. Directly elected nation-elected authority interacts more with it than solution and contract-elected authority, as the nation feels pledged obedience, unlike the latter, feeling removed from choice. [19] The proponents of this trend align with modern understanding of a nation's right to Islam and its guardianship according to Quranic logic and prophetic practice.

- **The Jurist Who Oversees the Country's Political Authority:**

Sharia establishes the authority of the people over themselves and their possessions, with actions considered usurpation and injustice. The guardianship of jurists is established, but the people determine who possesses these qualities through election. [20]

- **The Election of the Body that is Responsible for Selecting the Authority:**

Some proponents of this trend have attempted to seek legal evidence for the method of election, as they have limited it to:

- **The Legal Obligation:** Legal obligations are rulings on specific topics, expressing requests to affirm, choose, or refrain from certain actions. For example, the Almighty advises against approaching prayer while intoxicated, a prohibition against doing so, as seen in Surat An-Nisa. In Islam, the responsibility for choosing authority lies with the person responsible, not the person. The nation determines the veracity of the authority when running for office, whether as a person or a group. The selection process follows the principle of election, which is a variable means that can be abandoned when more suitable. [21]
- **The Pledge of Allegiance:** The caliphate's practical application and Quranic roots demonstrate its practical application. The Quran's pledge of allegiance is not a source of legitimacy, as it comes later and is inspired by God. The first and second pledges at Aqaba declare loyalty and commitment to defending the prophetic leadership. [22] The Qur'an's pledge of allegiance in contemporary elections is weakly applied, leading to studies examining other sources of legislation, such as custom, to prove its legitimacy. However, Qur'anic custom is not considered legal, and Shari'a custom may be contrary to right or incompatible with justice. The "biography of Muslims" or "fatwa fame" was a significant factor in selecting rulers during the Caliphate and subsequent Umayyad and Abbasid eras due to its historical significance. [23] Islam allows nations to select their leaders based on their temporal and spatial conditions, limiting their choice of means to align with fundamental Islamic principles.

- **Comprehensiveness:**

Islamic intellectual trends have historically restricted women's right to run for office and vote, as per Prophet's narrations. However, this trend has been gradually reversing due to reality and a re-evaluation of women's participation in elections. Some contemporary Islamic opinions limit voting to Muslims, excluding those of other religions, while others support the right of other religions to choose representatives in parliament. [24]

- **The Conflict Between Obligation and Right:**

Contemporary Islamic thought views voting as a legal obligation, while other schools of thought view it as a right. The obligation is determined by a person's age, while eligibility is determined by most world constitutions at 18 Gregorian years. This paradox affects women, as puberty is half the legal age of eligibility, depriving them of the right to vote until they reach 18 years. Contemporary Islamic thought acknowledges differences in comprehensiveness and eligibility, but elections do not differ in essence from Western democracy. There is a problem with nomination, as some Islamic thinkers argue against nominating those who desire the emirate. [25] The prohibition of running for office in Islam may not be universally justified due to personal benefits and a love of leadership, but rather for reform and eliminating state administration disadvantages. Narrations even refer to this as a "curse," preventing the individual from divine guidance. The hadith contradicts the Holy Qur'an, which provides an example of Joseph's request for leadership in storehouses. Joseph was praised for his integrity, experience, and knowledge in

management. This hadith may have been specific and contradicts the standard of competence and ability to manage when nominating for positions. Historical incidents, such as the Saqifah incident, suggest a special explanation for this hadith. [26]

- **Appointment:**

Contemporary Islamic opinions advocate for the appointment of a ruler to assume power, which includes the selection and appointment of other authorities.

- **Divine Appointment:** Muslims agree on the divine appointment of prophets and messengers, with some arguing that politics includes these functions. However, the cessation of revelation presents an epistemological problem, as the "seal of prophethood" ceases direct communication with God. Despite this, some Islamic schools believe that divine support for the message includes a group designated to assume religious and political leadership, as seen in the incident of Ghadir Khumm. [27] The Imamate School and Caliphate School differ in their approach to religious and political leadership, known as the period of occultation. Divine text can be divided into two types: direct text, which includes both Caliphate and Imamate messages, and appointment by description, which involves selecting individuals based on their qualities. This is prevalent in the occultation period among Twelver Imami Shiites and Sunnis, as the nation is responsible for selecting the most suitable leader. Contemporary Islamic opinions differ on certain qualities, including Islam, masculinity, and administration capacity, but disagreements exist on Ijtihad, Quraysh affiliation, and justice. This divine appointment, known as "qualitative appointment," includes Islamic type but doesn't specify personal name. [28] There are two methods to assess the suitability of a candidate for an administrative position in the Islamic state. The Shiite Islamic political literature often depicts a leader taking on a role, requiring knowledge of jurisprudence. This person is considered a "source of authority" and the nation accepts them, as seen in Sayyid Khomeini's leadership of Iran. The nation selects the leader through election or council, with guardianship limited to the jurist. Supporters believe this is derived from imams' directives during occultation.[29]The two types of leader selection in Islam are divine appointment and infallibility. Divine selection involves absolute knowledge and the chosen one's ability to fulfill tasks, as seen in the case of Abraham and some prophets of the Children of Israel.[30]Discordant statements in literature often blame and raise suspicions about the Messenger's performance, often due to lack of knowledge or preconceived notions. The chosen ruler does not possess infallibility, but some Islamic schools require justice. However, straying from justice through inadvertence or lack of understanding can lead to loss of infallibility. Islamic law provides methods to confront ruler deviation or nation-wide errors, including advice, consultation, and dismissal. The chosen leader's practice is not an example to be emulated like divine selection, as it lacks infallibility. Historical precedents, particularly in the Rightly-Guided Caliphate, are based on the validity of the Companions' actions. However, rational reasoning and temporal changes led to a decline in reliance on historical precedents, reverting to a worldly experience.
- **Human Appointment:** Contemporary Islamic literature supports medieval jurists' views on throne succession, with rulers making the choice and assuming state administration in some Islamic countries. [31] The view of the ruler's sanctity and subordination contradicts Islamic theory, which emphasizes individual and societal origins and government as care and management, not domination and tyranny. Contemporary Islamic thought is divided on the term of office, with some linking it to the description of an emirate, while others allow for specifying it if it leads to political tyranny.

- **The Position on Democracy in Contemporary Islamic Thought:**

Contemporary Islamic thought views elections as a democratic mechanism for ruler selection. It questions whether participation in these mechanisms aligns with Western democracy concepts. Islamic thought views democracy from both a philosophical and procedural perspective, rejecting the philosophical aspect and relying on procedural aspects for some reasons. Islam's philosophical vision emphasizes man's centrality and servitude to God. It outlines various relationships, including freedom with people, obedience with God, and research with nature. However, human freedom is influenced by servitude, unlike democratic philosophy, which values man's divinity. [32] Democracy aimed to separate religion and state, liberating authority from religious vision, in response to Middle Ages Christian theocratic practices. It prioritized absolute freedom, making humans one-dimensional and establishing authority for security and justice, allowing integration for perfect human status. [33] Democracy is alien to Islamic culture due to its differing environment, time, and social conditions. Integrating it requires generality, consistent with Islamic culture. Contemporary Islamic thought adopts three positions on democracy. [34] The trend rejecting democracy is rooted in a historical, reductive, and past-oriented view of Islam. Supported by some Muslims, it exploits the tense relationship between Muslims and the West, emphasizing the authenticity of Islamic culture and rejecting anything foreign.[35]Rejecting democracy stems from the belief in God's servitude and restricted freedom, as opposed to Islam's duality of servitude and limited freedom. Accepting democracy involves leaving the circle of divinity and giving humans God's functions in legislation. Proponents of this trend use Qur'anic verses to criticize immorality and injustice in nations using laws other than divine. The term "ignorance" in the 1950s created intellectual and cultural isolation among Muslim society and democracy, as it contrasts with the Islamic system. [36] Democracy and Islam are often seen as positive, humanistic ideologies, but Islam's comprehensiveness of all aspects of life is not entirely evident. While some philosophical frameworks can be applied within Islamic permissibility, evidence of Islam's comprehensiveness is lacking in areas like war, administrative organization, and traffic laws. The historical justification for rejecting democracy is based on the belief that Islam has a mechanism for selecting the ruler, which was used to preserve nation unity and popularly accept governments. Proponents of democracy argue that deviating from Islamic commandments is a departure from God Almighty's commands and may result in worldly or otherworldly punishment. However, the practical application of democracy in the West has produced "tragedies" such as the conflict between legislation and the real interests of the people, leading to social and behavioral harms that are not helped by corrective movements like abortion laws and same-sex marriage. [37] Democracy, a theorist's claim, promotes human freedom, but its potential for tyranny stems from the majority's dominance over the minority, a concept often referred to as despotic liberalism. [38] Democracy's tyranny extends beyond the

majority's dominance over the minority, affecting developing countries through economic hegemony and exploiting their military capabilities. Democratic practices often favor the minority, with participation rates below 50%. The success of democracy relies on intellectual maturity, awareness, and insight, which are often absent in most voters, leading to "economic elite democracy." [39] Democracy is a procedural means for choosing a ruler, with its roots in the Holy Qur'an and Prophetic experience. Islamic democracy, a term used to distinguish it from democracy, is based on the belief that Islam allows the nation to choose the appropriate means for the state's supreme interest. Islam encourages freedom and rejects coercion, such as the imam leading prayers. [40]

4. Conclusion:

- Islamic precedence has been used to establish the rules of democracy, such as freedom and political participation, with Muslims borrowing these matters from their religion and worldly interests. However, the Islamic nature of a subject is determined by Islamic intellectual foundations and the method of deduction. When Muslim people resort to democracy, it falls within the framework of cultural interaction and influence by others, aiming to create a suitable environment by removing sources of divergence from Islamic constants.
- Democracy has generated an intellectual movement in the Islamic milieu, defining the ruler's term of office and permitting the existence of Islamic parties. Some even permit the existence of non-Islamic parties as long as they adhere to the general framework of Islam. However, some argue that the right to vote is not permitted if it results in the election of a non-Islamic person or group.
- Islamic thinkers' views on democracy range from preserving Sharia to eliminating dictatorship, tyranny, and human dignity. Positions have varied between those who reject democracy to preserve Sharia and God's right to legislate, and those who accept restricting ruler authority without creating chaos. Ultimately, there is no alternative but to adopt democracy in accordance with the Islamic environment and blend it with Islamic culture.

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