

# **Saudi Government & People**

**What Others Do Not Know**



مركز الفكر العالمي عن السعودية  
Center For Global Thought on Saudi Arabia

First Edition, 2013

[cgtsa@hotmail.com](mailto:cgtsa@hotmail.com)

[www.cgtsa.com](http://www.cgtsa.com)

Fax:+966 1 2295019

In the Name of Allah  
Most Gracious, Most Merciful

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## **Introduction**

Since 2011, the Arab world has witnessed radical change and substantial transformations that have altered its political, intellectual, social and economic structure. Change has occurred in wake of public revolts in Tunisia, Egypt, Libya, Yemen and Syria. These extraordinary incidents have been on the front page of newspapers and featured in analytical reports that dissected the events, causes, and impact not only on the specific countries experiencing revolution, but on the whole region.

As a result, regional governments, Arab and foreign elites, research centers, and the media – both Arab and foreign – have continually predicted that the stormy wind of revolution would ultimately affect the deeply rooted political and security stability of other Arab countries. However, these predictions have failed to take into account the reasons for the aforementioned revolts, nor offered coherent analysis as to why they may or may not spread elsewhere in the region – and to Saudi Arabia, which has been the focus of much erroneous speculation.

## **Saudi Arabia in the Eye of the Incident**

The Kingdom of Saudi Arabia, with its religious, political and economic weight, has not been immune to regional transformation. On the one hand, it has minimized the human, economic, and political impact of the revolutions. It has continued to play a political role, both overtly and covertly, and employed a policy of patience and endurance. It has carefully measured the likely outcome of nation-based transitions and their impact on the larger Arab fabric.

On the other hand, Saudi Arabia was the focus of those attempting – or hoping – that a public revolution could be sparked inside the Kingdom. These attempts to place the Kingdom at the center of revolutionary change were undertaken both by Saudis – with well-known and long-standing grievances – and outsiders, Arab and other foreigners, who hoped Saudi Arabia would follow the revolutionary path. They did so both for ideological reasons and to alter the regional balance – motives long known and far removed from the actual causes of the Arab Spring.

## **Voices From the Inside**

Internally, a small group of dissident Saudi ex-patriots, and like-minded Arabs and non-Arabs, attempted to capitalize on the demands of some Saudi citizens for better living conditions. These grievances were not, in essence, related either to the political systems or the social structures which triggered other Arab revolutions. Saudi demands, if

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viewed objectively, were actually limited to demands for improved services, not revolutionary change. Yet still, an attempt was made, forcibly, to make Saudi service demands part and parcel of broader revolutionary Arab themes.

These dissident attempts proved a complete failure. When some tried to use social media to call for multi-city demonstration in Saudi Arabia, their call went unanswered. Instead, the response from Saudi citizens, with differing political, religious, cultural and socio-economic levels, was to reject calls for unrest and support the government.

The failure of the revolutionary call in Saudi Arabia, by both citizens and security officials, disproved forecasts, analysis, and explanations proffered by those outside the Kingdom who believed that revolution in Saudi Arabia was inevitable and imminent.

### **Predictions From Abroad**

Reports published by Western research centers and news media about the impact of the Arab Spring on Saudi Arabia were characterized by simplicity and a fundamental misunderstanding of internal Saudi affairs. These reports followed two paths, both far removed from reality and objectivity:

*Limited sources.* The source of the “inevitable revolution” largely sprung from a few Saudis abroad, who have long demanded a drastic change in the political structure of the Kingdom of Saudi Arabia. Additionally, analysts misread



the meaning of the sectarian tension that has occasionally emerged in the eastern region of Saudi Arabia. Neither of these sources actually spelled out that the vast majority of Saudis were calling for genuine change in their country. But both overestimated of revolutionary support, overestimating evidence erroneously point toward revolution.

Creating false parallels. The other course adopted by the western analysts was the attempt to connect societal grievances – such as human rights, role of women, education, freedom of opinion and expression – in revolutionary states to problems, real or imagined, in Saudi Arabia. But the differences simply outweigh the similarities, meaning that causes contributing to other Arab revolts did not exist in Saudi Arabia – or did so in a very different societal context. Thus, the parallels between Saudi Arabia and revolutionary states simply do not exist to the extent of what was thought. The differences in public opinion on cultural and social issues are stark in terms of religious practices and culture.

### **Answers to Questions**

Misreading the causes of the Arab revolutions, and their supposed existence in Saudi Arabia, leads to many questions. Answering these questions, based on realities in the Arab world and inside the Kingdom, provides a more objective and clear view of the changes underway in the Arab world, and an understanding of the limits of this change on a nation-by-nation basis. This book explores the following questions:

What are the causes and motives that led to the Arab revolutions?

What is the nature of the relationship between the government and the public in Saudi Arabia?

Is this relationship different than that between citizens and states in revolutionary states?

What foundations of the relationship between the government and the public in Saudi Arabia are not known to analysts?

The answers to these questions provide important insight for those who want to know the nature of the relationship between the government and the public in Saudi Arabia. That is, as it is seen by the Saudis themselves, and as it exists in living reality. Only then can one gain a more precise understanding of what is happening in Saudi Arabia today.

But is this enough? Is it enough to provide the truth to researchers? This scientific attempt goes far, and to a wider extent, than a simple theoretical attack that fails to provide an understanding as to how reform is approached in Saudi Arabia. Because reform, in the Saudi context, is a demand made to the leadership, but not necessarily a public demand.

Therefore, as we look to answer the previous questions by showing the nature of the relationship between the government and public, and to come to the essence of this intellectual dialogue, we start by asking an initial question. In seeking reform, how can one insure the security of society and the stability of the state?

That is the question the Saudi political leadership responds to, taking into account the requirements of growth and development. Will a proposed reform result in the change that society is seeking?

The answers to the aforementioned questions have been written in essays by a group of Saudi scientists with extensive experience in a variety of specialties. Some essays have also been provided by notable Arab and other foreign specialists – academics and politicians who have keen insight into the Kingdom of Saudi Arabia.



# **Part One**

## **Arab Revolutions: Causes & Motives**

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*Elimination of the Islamic Legislation*  
*Administrative and Financial Corruptive Influences*  
*Unemployment and its Effect on Arabian Revolts*  
*Absence of Responsible Freedoms*  
*Political Organizations and Tremor of Revolutions*

## **Elimination of the Islamic Legislation**

**Bilal Al-Taleady (\*)**

Multiple approaches have attempted to study the Arab Spring. Irrespective to the differences in views cognitive domains utilized in analysis, there remains a need for caution and restraint before reaching conclusions about the reasons for this phenomena. The events in some cases are still unfolding, and the political dynamics within the countries which witnessed revolution are still changing. This makes the ultimate fate of these revolutions open to all possibilities.

However, the freshness of the revolts and complexity of the political atmospherics in the countries of the Arab Spring does not necessarily mean leaving this cognitive domain without any theoretical framework. Nor does it nullify trial research for establishing an interpretive approach that

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\* A journalist and researcher in Islamic thought and affairs, a researcher in the Moroccan Center of Contemporary Studies. He is concerned with religious movements and streams in the Arabian region. (Morocco).

uses available data, studies varying contexts, compiles the inputs and outputs of arguments of the political players, and tries to utilize what is provided by social approaches for the construction of a clarifying model capable of providing a scientific explanation of the Arab revolutions.

This essay reviews the most important approaches that attempted to interpret the Arab revolts, and to see the controversial points between them. And thus, to start constructing a framework for a clear approach derived from the intellectual background provided by Islamic cognitive theory.

### **Approaches for interpreting the Arabian revolutions**

Multiple approaches have tried to explain the revolutions – in the cognitive domains of political science, socio-political science, psychological political science, and anthropology. These approaches are according to developed methodologies – such as physical dialectic, functional structural, methodical theory with its all formulation – and sometimes according to the social, class, and ideology of the individual researcher.

Despite the fact that these cognitive domains, and these multiple methodologies, provide important perspectives to establishing a scientific analysis of the revolutions, socio-political science is confronted with a great shock due to lack of ability to dissect these revolutions, or even predict they would occur.

Although the required scientific accumulation for studying

the Arab revolutions has not occurred in a manner that helps determine scientific approaches, we will do our best to draw an initial picture of some approaches on the basis of the contributions that have been provided by researchers thus far. This will shed light on their deficiencies. In this regard, we rely on the recession, inclusiveness, and regularity standards, which are deemed the most important standards for testing the clarification capability of any approach.

**First: The class approach:**

This traditional approach that has framed the issue of the revolutions, and their class limitations, through a highly concentrated theoretical approach. Namely, the mechanisms for managing class struggle – the tool of the revolution and its relation to the state – and other concepts in the context of Marxism-Leninism. This theory is based on a linear approach, which considers revolution as the result of class struggle carried out by the working class and executed by revolution elite, represented by the Communist Party. This elite formalizes the public struggle, and transfers its upper, ideological structure to its lower structure, class struggle. It terminates the battle with the seizure of the government by the labor class and destruction of the state structure.

This theory is characterized by the obvious clarification of each phase of the revolution, whether it is the signs and limitations, the reactions of the actors of the struggle, the final moment of the historical victory, or the settlement



of the situations after the revolution. This theory has a great clarification deficiency within the context of Arab world states, which could be summarized in the following elements:

- These revolutions were not an upshot of revolutionary elites clamoring for public struggle. On the contrary, they were youth-driven revolutions without a spearhead and by-passed an organizing actor.
- The power representing the working class was almost completely absent, and did not emerge as a capable power to manage the struggle with what is called, in the Leninist vein, the controlling class alliance.
- The working class failed to win the sympathy of the rising publics, and did not utilize the revolutionary return to convert it to a political return so as to improve its status in the struggle, as has been seen in the elections that have since taken place in Egypt and Tunisia.
- These elements ravished the clarification capability of the class approach, due to the fact that its theoretical models are not applicable to revolutionary realities.

## **Second: The constructive functional approach**

The theoretical and methodological content of the constructive functional approach could not bother for revolution. Its main interest, actually its main defect, was not the change. It was more interested in maintenance of the system, managing tension, and the achievement of

objectives, integration and adaptation. Thus, the advocates of this theory are careful to collect a large amount of inputs and data to understand the political system as a whole, and relate every partial development to this whole, together with the identification of the functions that would guarantee continuity of the system<sup>(1)</sup>.

Accordingly, public uprisings are one facet of the struggle but do not represent an accidental event to social cohesion, because both social cohesion and compatibility do not prevent struggling reactions<sup>(2)</sup>. This is because every conflict assumes there is a system, and that its supervision and control represents a basic betting. According to Basons and Easton, for example, the only possibility to change the system, partially or completely, is when there is disharmony between the inputs and outputs of the political system, and it is incapable of resolving this disharmony. An example of such disharmony is the increase of the demands and requirements from the political system, and the decrease of its support that leads to the loss of legitimacy<sup>(3)</sup>.

This approach provides a number of concepts that help understand the Arab revolutions, particularly the disharmony of the political functions and the inability to carry out the actions that would preserve the system, manage tension, and adapt through modifications in its structure.

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(1) Nasr Arif. *Epistemology of Comparative Politics*, 2002.

(2) Jack Harman. *Speeches of Sociology in Sociological Theory*. Item 95.

(3) Salman Bonaaman. *The Philosophy of Revolutions*. Nama Center for Research and Studies, pp. 40 - 41.

However, its main failure is the attempt to maintain the same system. Thus the structural functionalism approach does not explained the use of the legal concepts, nor recognize disharmony in the functions of the system, specifically vague legality and overall weakness.

### **Third: the cultural approach**

This approach is inclined to interpret the rapid spread of certain features of the uprisings to multiple Arab countries as a solidarity expression between the Arab publics due to the common language and religion. This approach focuses on the cultural system, or cultural symbolism, and its impact on the behavior of individuals, groups,<sup>(1)</sup> communities, and nations. Although this approach can explain solidarity and the spread of revolt, it does not clarify the causes of the outbreak of revolutions.

### **Fourth: the descriptive and causal approaches**

These theories collect data provided by the specific revolts and record their phases, recognize direct causes, and ultimately determine whether political factors caused the revolts. This includes the lack of legality, social factors pertinent to public depression and deprivation, or complex factors related to the political systems' inability to provide basic needs (especially during economic downturns).

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(1) See the interview with Mahmud Al-thaowdi on: [htt:nama-center.com/dialoguedetails.aspx?id=7](http://nama-center.com/dialoguedetails.aspx?id=7).

The American political scientist Larry Diamond used part of this approach in an essay he published in the *Foreign Affairs*<sup>(1)</sup>. He looked at increased depression, corruption, unemployment, social injustice, and the closure of the political system. He related these causes with the political systems' lack of legality, and predicted political systems such as in Libya, Syria, Sudan and Yemen would definitely be toppled very soon, or within a few short years. He also expects other political systems, like Morocco and Jordan, will survive so long as they utilized their political legality in the political reform process<sup>(2)</sup>.

Many Arab scholars and researches followed in the same footsteps in attempting to explain the Arab Spring. Often they concentrated on tyranny or corruption, while others looked at the time gap between political demands and the response of the political system to those demands, particularly on social affairs. However, the deficiency of these descriptive approaches is their lack of comprehension regularity. There are Arab countries that have high levels of frustrating factors, but the situation has not exploded as it did in Egypt and Tunisia. Morocco, for instance, is suffering from high unemployment and increased poverty, yet it has not faced the same fate as Egypt or Tunisia. The studies concluded that differences in contexts and casual components led to different responses.

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(1) The Fourth Wave: See the article on Foreign Policy Affairs: <http://www.foreignaffairs.com/articles/67862/larry-diamond/fourth-wave-or-fales-start>.

(2) Ibid.

### **Fifth: lack of political legitimacy as a clarification model**

Many studies and considerable research have utilized the concept of the political legitimacy, and tried to make it as a clarification model for the Arab revolutions, and employed in this regard a number of concepts produced by socio-political science and psycho-political science. The question was basically directed at the failure of political authorities to preserve legitimacy and loyalty.

### **Sixth: employment of Max Weber's concepts**

Employing Max Weber's concepts, the Arab revolutions reflect the inability of political authority to achieve prosperity and stability, and represent the failure to build political legitimacy by guaranteeing public satisfaction. In this regard, we can refer to the studies that correlated between the revolution and fraudulent elections in Egypt, and refer also to the failure of the Tunisian regime to expand the circle of the beneficiaries around it.

### **Seven: Merriman's psychosocial science concepts**

Employment of the Merriman's concepts reflects the political system's failure to instill validity and advantage over other alternatives. These approaches were adopted by many of the researchers who addressed the political system's "lack of trust" concept.

### **Eight: the world of politics concept**

The world of politics concept represents the political system's inability to achieve an accepted level of economic growth and instill the belief that current institutions and authority are most suitable for the community. Some studies have adopted this concept, focusing on the impact of the international economic crisis on Arab economies and the inability to satisfy the basic needs of the people, especially those of social nature. In this regard, we can also refer to the attempt by some researchers to study "protesting groups" in the Arab world.

These approaches provide an actual picture of the relation between the nations and the political systems of revolutionary states, determining weakness or lack of legitimacy. But they do not clarify accurately the revolutionary moment within the dynamics of legitimacy. In other words, these approaches do not identify exactly when legitimacy is lost, or when it is merely weakened. They do not determine when a crisis emerges, or when the political system fails to contain crisis and reaches the point of revolution. Nor do they explain how a political system can succeed by acting preemptively.

### **The previous approaches provide us with useful summaries:**

- First, the more closed the political system, the more vulnerable to loss of legitimacy and crisis. And crisis is more acute when political authority increases oppression and marginalization of political and social power.

- Second, increasing deprivation and aggravated social status, and inability to meet increased demands, puts political authority in legal crisis. This crisis will grow until the political authority loses its ability to control protesting movements, which will eventually morph into revolutionary action against the system.
- Third, the weak social base of the political systems, and narrowing the circle of its beneficiaries, enlarges corruption and tyranny and threatens the legitimacy of political authority.
- Forth, underestimating the dignity, identity, and the values of the people, especially religious values, will normally result in unrest. This unrest may take time to manifest, but will eventually be vigorous.
- Fifth, simplifying the economic conditions and their social repercussions, and absence of preemptive initiatives from the political systems, threatens legitimacy and crisis.
- In conclusion, we can summarize these approaches by saying the Arab revolutions are the result of a broken social contract between the political authority and the people. This social contract includes the fulfillment of commitments upon which the political authority has based its legitimacy – either on a revolutionary or legal, institutional basis. And it includes fulfillment of obligations justifying continuity of political authority.

### **An Islamic approach to understanding the Arab spring**

We have seen the drawbacks of the application of some methodological approaches in explaining the Arab revolutions, and we stated that, although they provide important concepts, they remain unable to provide a clear model – a theoretical framework that can be applied to all cases and produce the similar results without exception.

Further confirmation of the deficiency of these approaches is that they rely on apparent causes, and have not considered the assumed relation between their results and causes – especially in nations that witnessed revolutions characterized by two features:

First, the correlation between revolution and the rising tide of Islamic currents, whose perspective and choices are derived from an Islamic reference.

And second, that the decreased power of secular and leftist forces in the electoral process.

With some exceptions, Western studies considered the Arab revolutions as the declaration of the birth of a new, secular, non-ideological generation who omits religious expressions from their speech, and does not employ the call for Allah. Despite this, the results of elections in Tunisia, Morocco, and Egypt reveal that this revolutionary generation is much more closely connected to the Islamic identity and reference than thought. This means the identifying and referencing input should not be ignored in any clarifying approach, especially the religious dimension.



In fact, Olevey's conclusion that the Arab Spring took place within a purely secular framework is erroneous. It ignores the great role played by Islamic intellectuals, who worked for more than two decades to remove the enmity between Islam and democracy. Hence the demands requested by the youth were within the Islamic context, which considers freedom, honor and independence as values of Islam. This means "secular slogans" do not prove the youth were operating within a secular framework. Rather, these slogans were actually very much within the Islamic context.

The use of the identifying revolutionary slogans raises a number of intermingled questions: What is the situation of religion in these revolutionary states? Was the threat to religion a cause of the revolutions? What is the relationship between religion and other factors covered in the previous approaches? What clarification model provides a more scientific explanation about the revolutions?

Answering these questions necessitates the understanding that religion does not mean the foundation referential picture, but the viewpoint of the young, revolutionary generation to religion. The viewpoint of this generation to religion is the result of the Islamic intellectual diligence for decades about the nature of religion, and its compatibility with democracy, social justice, freedom, and human honor.

The Islamic outlook instilled in the minds of the revolution youth is that the relationship between political authority and people is governed by the equation of the

political democracy and freedom, the guarantee of rights, and achievement of social justice, prosperity, and economic and security stability.

In general, the new generation's understanding of political authority is not that it derives legality from religion and compels people to obey decisions willingly or unwillingly – although this represents undividable part of the Islamic political theory. Rather, this generation has embraced a more nuanced perspective that Islamic scholars have crystallized in society. Some of these efforts are dedicated to the principles of the political authority's legality, others about its functions, and others still its relationship with the wealth and authority management mechanisms.

Did the Arab revolutions emerge as a result of the absence of political authority in the systems against which the revolutions exploded? Or as a result, in part, of the elimination of the Islamic legislation in the political context, which is deeply rooted to Arab political life?

To deal with this problematic question, we would propose five ingresses, which provide a basic foundation for the clarification approach that we are trying to develop.

The conceptual ingress relates to the concept that the revolutionary generation was instilled with the understanding of political authority in Islam, and the standard principles upon which it establishes political legitimacy and continuity.

The intentional ingress is related to revolution generation's understanding of the whole intentions of Islamic legislation,

not only the theoretical context, but its renewed context that is open to freedom, justice, consultation, human rights, preserving the system of the nation, and other Islamic-rooted concepts. Religious scholars, past and present, have striven to incorporate these concepts into the notion of Islamic legislation, and define the outlook of the revolutionary generation.

The standard historical ingress relates to the revolutionary generation's beliefs about the role of the political authority. The idea of nation, and its historical and cultural experiences, has contributed to the formation of a standard picture in the social imagination. To the revolutionary generation, political authority is nothing more than authority based on consultation, truth, justice, and the establishment of an equitable economy.

The contractual functional ingress relates to the concept of the revolution generation's thoughts about the relationship between political authority and the people, and the functions accordingly designated to this authority. The books of old generations provided details on these issues, and include the religious and civil functions to be performed by the caliphate state. Books by contemporary religious scholars accurately identified standard legal political principles in Islam and the functions of political authority.

The cultural ingress is relevant to cultural interaction, particularly as technological development and the information revolution now provides unlimited sources of information.

This has enabled the revolutionary generation to recognize the nature of the political authority in the West, and its legitimacy and functions. Accordingly, it measures the political authority in their own countries, and hopes to establish a political authority with similar specifications to those in the West.

These five ingresses combine to produce a complete picture of political authority as seen by the revolution generation. This picture is available in the awareness, deeds, and words of the generation. The social consensus may necessitate a nominal change in language, but not in the context, as Islamic intensions include the slogans used in the Arab revolutions – namely freedom, human rights, honor, and justice.

From these considerations, and the conclusions derived other scientific approaches, we can surmise that the political systems' loss of legitimacy, and their inability to renew it, clearly falls within the Islamic context. The failure of these states was not based on Western standards, but the standards of Islamic political authority. The collapse of political legitimacy was based on Islamic precepts – the inability to meet the needs of citizens, achieve security, or stability. Collectively, deprivation and depression intensified among people, culminating in public movements that were quickly transformed from the social dimension to a political dimension targeting the political systems and their symbols (leadership).

## Conclusion

According to the five ingresses approach proposed in this essay, we can summarize that the primary causes of the Arab revolutions were based on Islamic concepts. Loss of legitimacy was a necessary result of the political authority's neglect of standard principles on which its legitimacy was based – modeled on Islamic legislative theory. In short, it was the leaderships' inability to recognize the whole intensions of Islamic legislation by failing to care for the poor; to perform consultation; to rule justly; and, to preserve human honor of the nation.

It should be noted too that the leaderships' corruption, and tolerance of corruption, was another violation of Islamic values, and goes against the concept of Islamic political participation.

Monopolizing decisions, preventing participation in the system, marginalizing the components of the community also violates Islam's notion of consultation.

All the above factors contributed to the emergence of revolutionary public movements. These movements were based on theories of Islamic legislation and rule.

## Administrative and Financial Corruptive Influences

Edward A. Schwarz (\*)

Dramatic causes and effects continue to pound the drums for change as we are witness to new political seasons in many of the Arab states. Writer Sultan Alyssa several years ago defined three main types of corruption in the Arab world. First was petty corruption, likened to bribing a police official for a traffic infraction. The second rises to a much higher level of impact as it is massive and impairs or plagues the economies of many involved countries in the region. This type of corruption was seen in highly valued contracts for services and goods between government or state officials and ranking business leaders and/or companies. It can be

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\* A reporter, broadcast news editor. Worked as a news reporter from the USA aircraft carrier Leyte S.S.U. He changed his career to join the commercial insurance Operations and Risks Management. He occupied several senior positions in this field. Worked as a member in the board of directors of the American Believers. A member in two councils of scholarships at the Arizona government university, and also a member in the local and international committee of the scholarships.(USA).

said with reasonable certainty that many nations are involved and that this practice, and can be found across the globe – in the Americas, the European community, Asian states and others. Clearly, newspapers uncover and quickly rush to headline these reported events; not known of course are the many transactions that are never revealed. The third type of corruption is referred to as political corruption, and it is a curse that plagues the economic health of many nations. It has gained much attention in regard to the Arab world.

Defining corruption is a communal exercise that touches upon state intervention, economies, the public sector, contracts, visual or denied transparency, and much more. Aspects of fraud, bribery (direct or implied), and embezzlement are frequently part of the unfolding complex web of relationships and objectives. We are witness to reality in a reactive Arab world where citizens rise and rebel against their governments and shady practices. Egypt, Tunisia, Yemen, Lebanon, Iraq, Afghanistan, Libya are some of the most notable examples of nations where corruption fuels popular anger word, and where concealment by government officials is the rule and not the exception.

Uprisings and revolutions are becoming more popular in the involved Arab states, and public awareness primarily through the energized Internet is the weapon that drives and pushes the masses to rise and to object. The present cries for change and reform can lead to transparency and better governance, but these are large and hard tasks for any new government.

Almost a decade ago, the U.N. Arab Human Development report stated that more than 90% of the participants in the



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survey believed that corruption was rife in the then five countries surveyed (Algeria, Jordan, Lebanon, Morocco and Palestine). Furthermore, the same report stated, “politicians, businessmen and high ranking officials head the list in the spread of corruption.” We can summarize that the consequential sum of anger at bad behavior and tolerance for corruption is now part of the spirited agitation for change. Anti-corruption coupled with democracy has proved potent and must be addressed by new governments.

Anti-corruption regulations and enforcement alone are unable to adequately address the corruption-related problems existing in the Arab world today. There is a great need to craft an effective approach along the lines of plans prepared by Global Integrity and like-minded organizations. The Global Integrity Approach lists integrity indicators that include an independent media and civil society groups empowered to investigate and work freely on anti-corruption issues. A strong and independent judiciary opens legal avenues that help insure the civil rights of citizens. Any anti-corruption plan should also include an open mechanism allowing citizens to access government records. In the absence of this, information may or may not be available informally and are thus is extremely limited. In many of the Arab states, there is an obvious failure to make the leadership and those holding responsible positions within the government accountable for their actions. Laws may exist, but they are not enforced.

To this end, in April 2011, World Bank President Robert Zoellick said, “Our message to our Middle East and North



African clients, whatever their political system, is that you cannot have successful development without good governance and without the participation of your citizens. We will encourage governments to publish information, enact Freedom of Information Acts, open up their budget and procurement processes, build independent audit functions, and sponsor reforms of justice systems.”

The World Audit Organization prepared a 2010 listing and ranking of nations and countries with regard to corruption and democracy. This study, and other similar reports, alerts us as to the degrees of unsettled politics in many Arab states. Political overtones of anger and frustration focused upon governmental corruption and bribery, and the effect of billions of currency values being siphoned away from the common good and welfare. As we continue to see in some Arab states, the changing winds are hostile and they continue to strengthen and challenge existing regimes and political structures.

Oil, politics and money are dancing partners in the involved Arab states and the Western vision tends to ignore culpability and participation in these transactions. Their “gloved hands” deal in contracts for military arms and supplies, import and export variations, subsidies by arrangement, and special favors for those empowered to grant approval. Rapid currency transactions are transferred and moved through banking operations connected by electronic media along with concealed or cloaked ownerships. Corruption is both petty and monumental; the steal is in the deal.

Striking to the core of political and organized corruption



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has many harmful consequences – for example, inefficient governments becoming less efficient, and unreasonable delays provide for greater – and the total effect is to undermine the government. Corruption denies efficiency and undermines the stability and credibility of the agencies involved as well as sending the wrong message to the public. This is not marginal; it excites the general population and further separates the masses from their “master”; the equation then produces what we are seeing around the world, specifically in Arab countries where freedom and democracy are being championed over corruption and bribery.

Benchmark studies in recent years support statistics wherein corruption, bribery and more were not exclusive to the Arab world but, as reported three years ago by the Corruption Perceptions Index, the region fared poorly. Only one Arab country, Qatar, ranked among the top 30 out of 180 nations evaluated.

The indicators from the World Bank all have a measure of implication and interaction, and they include accountability, political stability, government effectiveness, regulatory quality, rule of law, and control of corruption. These defined issues are visibly active in terms of how citizens in nations respond and react to their governments. This was seen in Egypt, where indicators showed the perfect storm and the people rebelled en masse.

Whether the future bodes well for Egypt or Iraq is a matter of speculation. But as we see in Yemen and in other countries, the seeds of anger are growing. Bribery and corruption in government are diseases that impair politics and

could be defined as social problems. Arabs openly complain about governance, and in some cases these complaints have resulted in the creation of new monitoring organizations.

Another reason for change in the Arab world is the lack of governmental transparency and its negative impact on the economy, freedom, and social justice. Demands for good governance and transparency are part of the evolving political equation in the Arab world.

That said, Western nations are not immune. Public outcry at corruption, impunity and economic instability sent shockwaves around the world in 2011. Protests in many countries, including the U.S. and U.K., quickly spread to unite people from all parts of society. Their backgrounds may have been diverse, but their message was the same: more transparency and accountability is needed.

The Corruption Perceptions Index (CPI) ranks countries and territories according to their perceived levels of public sector corruption. The 2011 CPU shows that public frustration is well founded. No region or country in the world is immune to the damages of corruption. The vast majority of the 183 countries and territories assessed score below 5 on a scale of 0 (highly corrupt) to 10 (very clean.) New Zealand, Denmark and Finland top the list, while North Korea and Somalia are at the bottom.

It should be noted that in wake of 2011 uprisings, the rankings of Arab governments have changed for the worst. Egypt fell from 98th to 112th, while Yemen and Libya also fell considerably.

## **Unemployment and its Effect on Arabian Revolts**

**Professor Charles Saint-Prot (\*)**

What distinguishes the Arab revolts that broke out in 2011 is the close entanglement between the political, spiritual, economic, and social problems. Analyzing the nature of these problems does not lead to a single explanation of factor that explains the reason for the revolts, as conditions differ greatly from one country to another. In some countries, such as Libya and Syria, the factor that played the decisive role was the malpractice of government and the injustices of the

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\* Specialist in political science and the management legal researches, director of the French Geopolitical Observatory at Paris, a lecturer of the Islamic and Arabian studies at the Law college, Decart Paris, and a number of French and international universities. Author of nearly thirty books, some of which was translated to the Arabic, English and Spanish languages. (France).

political systems that reached to unbearable limits<sup>(1)</sup>.

Political crisis has also led to an emotional crisis for the people of the nations in revolt, as they found themselves astray, without a reference and lacking a great future project, visions, or ideal objective to unite citizens. Hence, the movements that adopted Islam as a reference succeeded because religion appears in the eyes of the majority as the only credible belief – and a unifying force.

The primary factor in the revolts was demographics – population explosions which exacerbated all problems due to the scarcity of employment. Extraordinary population growth increased the intensity of social problems. And, in a framework of a fierce globalization marked by economical financial crisis that the Western countries have endured since 2008, the social challenges in the Arab world must still demand answers suitable responses.

### **The demographic question**

It was apparent that the demographic question, in this context, is critically important, as the demographic element is a basic corner in the life of societies. In regard to the Arab world, what attracts attention is that demographics are

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(1) (Algeria , Kingdom of Saudi Arabia, Bahrain, The Comoro Island, Djibouti, Egypt, United Arab Emirates , Iraq , Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania , Oman, Palestine, Qatar, Somalia , Sudan, Syria, Tunisia and Yemen. Therefore, this research doesn't address Iran, Turkey or Israel , even though these countries had important Arab minorities such as Arabstan ( i.e. Khuzestan)in Iran and Iskenderun region in Turkey and the Arab Palestinian inside the Israeli lands).footnote (1)

intimately connected to the turbulences witnessed in the first decade of the 2000's.

Since the 1950's, the population of Arab countries has increased tremendously – and by the Arab countries I mean the twenty two members of the Arab League that extend from the Atlantic to the Arabian Gulf. The United Nations Development Program (UNDP), through the Arab Human Development Report for 2009, shows that the population of the Arab World – from Morocco to Iraq – will reach 385 million people by 2015, versus 170 million in 1980<sup>(1)</sup>. Demographic growth in the region exceeds 2% per annum, i.e. much higher than in other developing regions that from 0.7% to 1.6%.

In 2011, Egypt, the most populous Arab country, had more than 81 million people living in an area of one million square kilometers, with agricultural land smaller than that of Switzerland. Since 1981, the Egyptian population has doubled and it is expected to double again by 2050.

The situation is quite similar in Algeria, where the population has doubled three times since independence (1962), and also similar to Yemen, where population growth has reached 3.5% per annum. It is a similar story in most other Arab states, with the youth demographic comprising an alarmingly high percentage of the population. For instance, 30% of the population in Egypt is 15 years or lower, and in Tunisia 42% of the population of 10 million is under 25.

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(1) (Arab human development report for 2009 is one of the (PNUD/UNDP) issues in French, English and Arabic with the International standard book number (ISBN): 01978-92-1-054477-). Site <http://www.arab-hdr.org/>

The average age of population in the Arab world is 22, and consequently a large number of youth enter the job market each year. In turn, the job market is incapable of absorbing them. This is true in the case of Egypt and Tunisia, where job growth is too small, or in Algeria, in which job growth is stagnant. Unsurprisingly, youth unemployment is extremely high among 16-29 year olds. According to the Arab Labor Organization, the youth unemployment during 2005-2006 was 46%.

The majority of the estimated 15 million unemployed Arab youth have suitable employment qualifications, with 30-40% having pursued a college education. The diploma that used to equal success and professional promotion is no longer adequate.

Accordingly, it is easy to imagine the feelings of vexation and privation, and the spirit of rebellion that might develop in Egyptian, Algerian, or Tunisian youth who do not see any eminent hope in the near future. It is no surprise that the Tunisian revolution was sparked by the suicide of an unemployed young man from a deprived region on December 17, 2010, nor that the revolution was named, “the revolution of the unemployed.”

### **The problem of unemployment**

The explosive mix of rapid population growth and prolonged financial hardship resulted in many socio-economic problems, among which is increased unemployment. The Arab Human Development Report for 2009, derived from

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the United Nations Development Program (UNDP), shows that the rate of unemployment in the Arab countries, during the years 2005-2006, was 14.4%, versus 6.3% for the whole world <sup>(1)</sup>. With the exception of some Gulf nations who are rich in oil, all the Arab countries are concerned with this phenomenon. But some are more adversely affected than others -- including Egypt, Tunisia, Algeria, Yemen, Mauritania, and countries suffering from war and conflict such as Iraq.

The international labor organization (OIT) suggests that the Arab region experienced solid economic growth, but the organization also sees that the majority of the Arab countries did not prepare well for the consequences of tremendous population explosions and the resulting increase in competition in the labor market. To solve the problem, over 51 million jobs must be created by 2020, just in order to meet demands from the large numbers of Arab youth entering the marketplace. This means, among other things, that rapid and sustained economic growth is needed; maintaining the healthy 6.4% growth percentage rate the Arab world achieved from 1980-2004 will simply not meet job needs in the future.

There are different causes for unemployment in the Arab world. Education and vocational standards are not suitable to meet the needs of the population. Increased urbanization and the inability of governments to accommodate employment or

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(1) Ibid



service needs is another cause. Moreover, it should be noted that calls to decrease the number of public sector jobs in the name of austerity tends to result in lowering the number of public employees without corresponding increases in private sector employment.

The impact of the international financial and economic crisis, tied to globalization, compounded the unemployment problem. Not even oil and gas-rich nations such as Algeria, Libya, and Syria completely escaped the international crisis, largely attributable to state spending and corruption patterns.

We have to bear in mind that globalization, which promised many benefits, in reality brought bankruptcy to some regions. It helped the low-cost Chinese and Indian products compete against Morocco and Egypt in the cotton and textile industries – to the great detriment of the latter. In Tunisia, despite the relative success the coastal regions have attained due to their benefit from tourism and foreign investment, it is apparent that the hinterlands became more poverty-stricken, particularly as textile factories and mines shuttered. As a result, the unemployment rate exceeded 35%.

It is suitable here to indicate that the majority of countries, especially Egypt and Tunisia, took extreme liberal decisions that contributed to economic crisis. In Egypt, the policy of economic liberalism or openness during Sadat regime moved to a barbaric liberal economy characterized by



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stark social cleavages that continue to widen today. It also brought forth a new class of predators who prospered on wide-spread bribery. Tunisia showed the same image but to a lesser degree, since only a limited number of persons with close ties with the ruling regime managed to benefit from the liberal economy.

While Tunisia and Egypt were praised for achieving economic growth rate that ranged between 6-7%, for the most part that growth did not provide any tangible improvement in the living conditions of the majority of the population. In fact, only a thin slice of society benefited from that growth – mostly a small group of traders who thrived on bribery and corruption. The majority of people lived in deteriorating conditions due to the excessive economic thrift enforced by the International Monetary Fund (IMF).

We should have been frightened by the November 2007 speech by Dominique Strauss-Kahn, the then Managing Director of the IMF. He congratulated the Egyptian and Tunisian regimes for applying IMF instructions, which (the instructions) were akin to the orders of the policeman of globalization capitalism.

We should be frank and open: What made people revolt and protest are the hard living conditions and increased hardships they face every day; the increased rate of unemployment ; the high cost of living; and, by government neglecting its innate duties. Therefore, the general revolt was aimed at corrupt governments incapable of serving their citizens.

Thus far, the revolts have not addressed unemployment, nor have they attempted to fix structural economic problems. Worse, for the time being, the revolts have exasperated economic problems in both Egypt and Tunisia, as the numbers of unemployed in each nation has jumped sharply.

The International Labor Office (ILO), which represents the permanent secretariat of the International Labor Organization, convened a special session on March 22, 2011, to look for the best ways to insure a better, more just future for the Arab world – a future that combines respect for basic workers' rights and social protection as a basis for permanent development. According to the ILO, unemployment in the Arab world is attributable to a wider problem characterized by poor markets. No doubt, providing job opportunities is one of the foremost priorities facing governments across the Arab countries, particular those afflicted by revolt such as Egypt and Tunisia. But reality assumes that we acknowledge the inadequacy of the proposed measures, among them the establishment of a professional structure directed more towards the needs of work and companies owners. It was apparent that such proposed measures would not offer practical solutions unless accompanied by real development operations and diversification of the private sector activity to create new opportunities.

The successful solution lies in making correct strategic decisions suitable for permanent development in the first place, that combine augmenting the realistic economy

and social progress. In this context, the Moroccan case forms a better model for attempting to build a more diversified economy, since it contains tourism, fishing, farming, agricultural and food industries, textile and leather industries, and a network of other industries (in the area of cars, aircrafts and pharmaceuticals). There should also be a special concern with advanced areas, as is the case with the development of new types of energy (solar or wind energy). In addition, we noticed the significant move of King Mohammed VI in establishing large-scale development projects, such as Tangiers Medium seaport and renewable energy. Therefore, the political will and the government role is of great importance.

### **Finding solutions for the big challenges**

Globalization does not guarantee prosperity for the world, just a re-shaping of the international strategic environment, with new power, rising powers and stagnant powers declining. This means the continual emergence of new challenges that must be confronted.

The Arab world has never met its potential in the global economy. Given its weakness, Turkey serves as a good example for the region. The difference is that Turkey is a united country, which the Arab nation is split into many parts and cultures. Thus, the Arab nation remains weak. This is the ugly truth, even though Arabs are characterized with genuine attributes and qualifications. They constitute a huge

power that amounts to 350 million people, share a common language, possess common values, and occupy a large piece of land extending from the Arabian Gulf to the Atlantic Ocean. And, Islam unifies the people.

The gross national product of the Arab world exceeds \$2 trillion dollars. The Arab nation includes countries with economies that complement each other. Arab countries, including the Kingdom of Saudi Arabia, Iraq, United Arab Emirates, Kuwait, Qatar, Algeria, and Libya possess about 58% of the international oil reserve and more than 30% of the natural gas. Many of these countries possess considerable capabilities to employ capital, including through the Islamic banking system.

Other countries have vast capabilities in the area of agriculture (such as Morocco and Sudan), marine resources (such as Morocco, Yemen and Oman), professionals in traditional industries (as in Morocco, Tunisia, Lebanon and Syria), or have a well-trained workforce (as in Egypt). Therefore, Arab economic integration within a common market can provide the region with new vitality, raise the standard of growth, and create millions of job opportunities required for the development and stability of the Arab world. The economic integration between the Maghreb countries and the wider Arab world would enhance the economic exchange competition and trade with the European countries, a natural partner.

## **Absence Of Responsible Freedoms**

**Dr. Huda Al-Delayjan (\*)**

His Almighty honored mankind with the mind, and calls on man to think about the order and cycle of the universe, life, and nature. Drawing on examples from earlier generations and allowing him to anticipate the future,<sup>(1)</sup> this is the conditional divine tasking of mankind<sup>(2)</sup>.

The modern information revolution has played a prominent role in establishing universal norms for virtue, and explaining their application to the relationship between ruler and subjects. For this reason, governmental systems

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\* Associate professor in Interpretation and Quranic Sciences at King Faisal University. A member of Women Consultative Committee and the Scientific Committee of Women Leadership Forum at the Ministry of Higher Education, a non full time researcher at the Islamic Studies Center in the Oriental and African Studies, University of London 2008- 2009. (Saudi Arabia).

(1) See: Shaik Qareeb Allah & Hassan Shaik Alfateh. Basic Freedoms of Citizens, p.31.

(2) Ibn katheer. The Interpretation of the Holy Quran, 4, 75.

are tools of leadership and accountability to the public, and government performance can be measured by the ability to respect personal freedoms and deliver services to the people<sup>(1)</sup>.

Throughout history, responsible freedoms represent a religious stimulus that is engrained in human nature. This is because Islam strives to guarantee the freedom of people, who are subjugated only to His Almighty.

The noble values governing personal freedom and honor were included in the final divine message, and accordingly are engrained in Muslims in a way that requires neither explanation nor clarification. What Arab nations witnessed in the Arab Spring offers clear conformation of this truth, as these populations – long deprived of their religious freedom – rose up and demanded their legal right to show their real Islamic identity, which their governments long tried to liquidate or conceal.

Religious freedom was the most important of the freedoms confiscated by Arab governments, and that this was the primary cause for the Arab Spring.

## **Freedom to practice worship rituals**

Worship rituals are divided into daily rituals such as prayer, and annual rituals such as fasting, alms (zakat) and pilgrimage (Hajj). The prayer ritual is one of the foundations

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(1)Rashed Al-Ganoshi. General Freedoms in Islamic State. p.67.

of Islamic religious practice. It should be noted that in the nations which experienced revolution there had been a methodological attempt to conceal prayer. This constitutes a restriction of a freedom which is granted to individuals and the community.

Islam grants Muslims the freedom to perform prayer within a group in mosques, and guarantees the freedom to perform prayers anywhere. The Prophet (may the blessing of His Almighty be upon him) said, “The earth had been made a mosque and purifier for me<sup>(1)</sup>.” Thus explains the spread of mosques in cities, villages, and roads. Indeed, it explains Muslims’ dedication to prayer, a feature of Islamic communities. This complies with His Almighty’s saying, “And those who are attentive at their worship<sup>(2)</sup>.” And it conforms to the Prophet’s saying, “The treaty between us and between them is the prayers, whoever let it, then he is faithless<sup>(3)</sup>.”

Allowing public prayer is supposed to be the norm in the Islamic countries, and thus government attempts to prevent or discourage the performance of prayers in mosques was a key contributing cause of the Arab revolts. Some of the toppled Arab regimes had limited the freedom of performing prayers at the mosques by various means, and harassed both young and old Muslims attempting to carry out their religious obligations. This, despite the fact that the populations of these countries are Muslim

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(1) Narrated by Al-Bukari, no.326.

(2) Sourat Alma’arig, verse 34.

(3) Narrated by Altermithi, no.256.



and recite His Almighty saying, “And those who doth greater wrong than he who forbiddenth the approach to sanctuaries of Allah lest His name should be mentioned therein and striveth for their ruin? As for such, it was never meant that they should enter them except in fear. Theirs in the world is ignominy and theirs in the Hereafter is awful doom<sup>(1)</sup>.”

Despite this great divine call and the serious warning, Muslims in some of the Arab Spring countries were being routinely punished for performing prayers in mosques. The Minister of Interior in one of the toppled regimes said, “Visitors of mosques would be recorded on a magnetic card with their images, names and address of the holders, and the name of the mosque they use to visit and would be required to register their names at the nearest police center so as to perform his prayer at a certain mosque<sup>(2)</sup>.” Accordingly, security forces monitored the prayers of Imams, and transferred the Imam’s job from calling the prayers for Allah and guiding people to the mosque to collaborator – allowing security authorities to monitor prayers, record activities, and harass those visiting mosques.

This resulted in a deterioration of relations between governments and the people. The regimes saw assembly at mosques, even for worship, as a threat. Their attempts to suppress the freedom of worship became a shared grievance which united people against the regimes during the revolutions. It is not abnormal, per Islamic teachings

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(1) Albagarah, verse 117.

(2) See: the Tunisian e-newspaper: Elaph.

and history, to rebel against such slavish, unreasonable restrictions. Islamic teachings aim to inspire and free people from slavery and captivity. The people revolted against man-made restrictions that defied Allah; the people demanded the legal right to practice religious rituals.

### **The freedom of the veil and woman participation**

Islam is the comprehensive and perpetual religion, which has lifted mankind from darkness to light and from delusion to the righteousness and rationality. It has enabled a woman to educate herself, and to think so as to confront events satisfactorily and with strong will, and empowered her to be in the center of events in the Islamic community.

In the early history of Islam, the first emigrant believer women suffered from oppression, tyranny and killings due to their response to the call of Allah and His Prophet. However, through their genuine faith they were able to get rid of pre-Islam bad deeds and became free in the space of the new religion. With their brothers, these women – such as Asma bint Omais, the wife of Ja’afar Al-Tayar,<sup>(1)</sup> and Um Salamah (May His Almighty mercy be upon them) – participated in the first and second emigrations to Almadinah and faced various challenges<sup>(2)</sup>.

The first Islamic community recognized the nature of the phase that the final and comprehensive prophetic message

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(1) Narrated by Moslim, no. 4565.

(2) Al-Asqalani. The Companions Names, 8, p.8.

was experiencing. The Muslim woman became a free assigned woman, having legal rights to education, work, marriage, heritage, and will – all foundations for responsible freedom within the Muslim community.

A woman in Islam represents the model of purity, chastity, shyness. She is the honor of the whole family. When she leaves her house she should be preserved and respected, with signals of shyness, dignity, and veil solemnity. Thus with her legal veil, she declares to the whole world her independent personality and complete worship to her Creator<sup>(1)</sup>.

The veil is a clear ritual of a Muslim woman, imposed by His Almighty, and the Prophet (May the blessing Allah be upon him). The Sunnah clarified the regulations of the veil, and the legislative texts termed it headdress and gown, which is the legal covering veil <sup>(2)</sup>.

Despite evidence of the necessity of the veil for Muslim women, some Arab regimes discouraged the veiling of women, and used the veil as a restraint to prevent qualified woman from receiving education or work. When some Arab governments tried to reshape the civil community by driving it toward natural and human sciences, they essentially called on individuals to practice their erotic freedom by freeing themselves from God. The corrupted regimes claimed that this “freedom” would spark creativity and discovery, and achieve justice, equality, and opportunity for all.

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(1) Abdulhaleem Abo Shuqqah, *Freeing Women in the Era of the Message*, vol. 1, p.251.

(2) Abo Guddah. *Islam and the Construction of Society*, p.100.

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Following the call for reshaping the civil community, the regimes methodized the noxious mixture of unveiled women in education and the workplace. Near-naked women appeared on the streets and in the media, and prostitution and the sex trade spread – creating a hateful picture that demeans and dishonors Muslim woman. Higher opportunities were given to woman who stripped the veil. Thus, they bargained the honor, dignity and veil of the Muslim woman for the precious opportunity for education and work.

Yet as Islamic principles have spread, they have been accompanied by calls to return the legal veil. Muslim women began to sacrifice employment considerations rather than neglect the veil. And, they supported the rebellion against the regimes that restricted their freedom to wear the veil. Thus the veil spread among the Muslim girls and women. Muslim women in the Arab Spring countries are now aware of the size of the great conspiracy that was woven by the toppled governments, in response to the recommendations of population and development conferences, or done in the name of civil community participation. The insulting orientations of the toppled regimes toward the woman were unmasked, and the whole world has seen through the reports of international and Arab media the severe attacks against women from the toppled regimes. We must recall that a number of Muslim women were brutally raped by the soldiers of the tyrannical, ousted regimes.

In the aftermath of the Arab Spring, Muslim women are

basking in the aura of freedom and honor. Thus the scene is dominated by large numbers of veiled, virtuous women at universities halls, company offices and the media. Muslim women have now achieved real freedom through compliance with the veil.

In part, the revolutions took place as a result of the confiscation of the women's freedom to veil. The loss of freedom was more acutely felt when women looked at conditions in their own country in comparison to conditions in other Islamic communities – especially the land of the two holy mosques. Saudi women disavowed revolutionary calls because they are already able to participate effectively in all activities in their nation. Moreover, their honor is preserved by the legal veil.

Saudi women live in a community with an educational system with separated educational environments for girls and boys, through an educational policy stating, “The right of education for the girl in a way suitable to her nature and her role in life, that takes in consideration timidity and gravity according to the Islamic legislation (sharia), because women are men's cognates.” The Saudi woman's means of social participation is necessitated by compliance with the legal control in all walks of life, which is admired by non-Saudis.

This is a brief explanation of important religious freedoms and their impact on the Arab Spring. The revolts were sparked by confiscated rights and responsible freedoms, which are guaranteed by Islam.

## **Political Organizations and Tremor of Revolutions**

**Dr. Mesfer Al-Bishr (\*)**

The political study of the Arab societies which have witnessed public revolutions clearly shows strain in the relationship between political organizations which were active in society and the political regimes that ruled. The cause of this strain is attributed, for the most part, to the tyranny of those political regimes and the power of their security apparatuses which reflect loyalty to their regime more than to the society and the public.

In spite of the slogans of democracy, pluralism and devolution, and the freedom to establish parties and participate in politics, regimes quickly abandoned such slogans and open political debate when it seemed threatening to stability. Over

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\* PH.D in mass media from Oklahoma University, USA. A faculty member in Imam Muhammad Ibn Saud Islamic University . He is currently working as the executive manager of Prince Naif Ibn Abdul Aziz Prize for the Sunnah (the prophet's traditions) and Contemporary Islamic studies. (Saudi Arabia).

the years when the regimes coexisted with muted political dialog, governments allowed only limited number of seats in parliament to opposition voices, which had little impact on political life.

This strain in the relationship between political organizations and the governments was reflected, to a large extent, in the participation of these political organizations and actors in public revolutions.

This article discusses this issue through four points of focus:

- Strained Relationship Between Political Actors and Governments
- Seeds of Revolution
- Fueling the Revolution
- Post-Revolution Effects

### **Strained relationship between political actors and governments**

Over the past three decades, the governments experiencing revolution (Tunisia, Egypt, Libya, Yemen and Syria) grew increasingly apprehensive if not fearful of the potential influence of outside political actors (organizations and individuals). In response, these governments believed they only ability to limit their influence was to tighten the grip on the activities of the political groups and their leaders. This includes their political, intellectual, and social projects.

In Tunisia, for instance, the government was strict about enforcing

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secularism and curtailing the activities of the Islamic Group, including imprisoning its leaders. Some of them were obligated to live abroad in order to instruct from outside the country.

In Egypt, the Muslim Brotherhood (the biggest political organization among countries which witnessed popular revolution) had altered its policies and approach according to changing circumstances in the country. In spite of that, their leadership and political projects were not safe from the regime; their leaders were frequently imprisoned and their programs, which had spread across all the provinces of Egypt, were routinely curtailed.

In Libya, the Muslim Brotherhood established its presence in 1967, becoming the first opposition political organization. The Libyan Brotherhood was formed by the constant interaction between Libyan students who were studying in Egypt and the Egyptian university professors teaching in Libya. Informed of this budding political movement, Libyan authorities cracked down and imprisoned its members. Those who remained secretly active continued to be caught, including in 1998. Some members fled Libya and scattered to several other countries where the party was kept alive as an ex-patriot opposition movement.

In Yemen, the Yemeni Congregation for Reform was active especially in the years prior to the revolution. The ruling Saleh regime procrastinated in carrying out its promises of allowing them to fully participate in the country's politics; the regime also became strictly monitored the leadership in



order to limit their activities and influence. But they were, in general, in a better position than their counterparts in Tunisia and Egypt primarily due to the nature of Yemeni society; the tribal system provided support for them and limited the government's ability to repress them.

The actors with liberal, nationalist and Nasserite orientations in reality only represented interfaces for subsiding the anger of the political elites. These types of organizations were allowed to form political groups and parties, launch party programs under the slogans of democracy, devolution and various types of freedom. The bulk of these belonged to the political regimes themselves, and participated in elections, parliaments, professional unions and other establishments buttressing the regimes. But these types of parties were never allowed to hinder the regimes ability to govern, nor blunt the will of the president and his supporters.

Non-Islamist political organizations were in unstable situations throughout the past three decades, but in brief one can conclude they were tolerated to a certain extent, but really made no lasting impact on the political atmosphere of their nations; they would grow, shrink, and restart without leaving a trace in reality that is consistent with their professed orientations and goals.

### **Seeds of revolution**

Political organizations, and the activities they engage in, aim at creating a base of support in the community. They hope this will allow them to support change in the social

structure that is comprehensive and intensive in all directions and eventually reached the peak of the political regime. It is a strategy that is used by political organizations regardless of intellectual orientation or political premise.

Direction of Islam, which was the title for the activity of political groups in Tunis, Egypt and especially in Yemen, tried to focus on the revival of Islamic values of the nation through dominating the professional unions and the foundations of civil society. Baath Islamic Society took the place of the armed confrontation of the governments. And its features quietly took shape, away from struggles with regimes or killings and battles. These organizations were able to penetrate the bodies of the government, its professional unions and social organizations, focusing on the middle class which constitutes the majority of the population.

Over time, the Direction of Islam gained recognizable popularity and dominated many influential social organizations and won elections to dominate the leadership of key professional unions that have high influence on society – such as medical, engineering, law, labor and others.

This quiet strategy of comprehensiveness raised a generation of youth – men and women – saturated with the values of Islamic groups over a long period of time, laying the groundwork for any possible changes or shifts in society and government.

Political organizations with liberal, nationalist or Nasserite orientations also used this strategy that aimed at the public at

large rather than the higher aspects of politics. But ultimately their efforts were scattered, lacked cohesion, and were not as effective as the Islamist efforts. They never became a “changing” force having effective influence on various social classes in the countries that witnessed revolution.

It is true that liberal organizations were influential in fields of culture and media, and other aspects of social life, but they didn’t form a significant threat to the ruling regimes. They also didn’t gain public support or sympathy of the majority of the nation. Those organizations made intensive efforts in carrying out their political programs but they were not systematized in a manner that would make them more effective in the society.

This may be the very reason that made western liberal foundations propose organizing their units, guiding them to the best tracks to reach the public and influence them. For this purpose, several conferences and seminars were held, of which the most important was the meetings between Network of Arab Liberals (NAL) and Alliance of Liberals and Democrats for Europe (ALDE) in Brussels (20th - 26th April 2008), titled «Organization and Program Development of Modern Liberal Parties». In the same period a workshop was held, titled: “Organizational and Strategic Issues Related to The Management of Modern Political Parties”, and a forum titled «Challenges for Liberalism in the Arab World». Issues that are crucial to those parties were discussed in those forums, such as: organizing of parties, funding electoral

campaigns, and recruiting members.

This type of political organization used to represent, throughout contemporary history, a section of the Arab regimes themselves. They enjoyed a greater degree of freedom and independence under the regimes than Islamic organizations. Some of the secular leaders were supported by international human rights organizations that provided them with the power to carry out their activities, even without the consent of the government.

That happened, for example, to the Egyptian political leader Ayman Nour, chairman of the Ghad El-Thawra Party. Hosni Mubarak's regime imprisoned him. Later the regime received a strongly worded letter from leader of the European Liberal Democrat Group in the European Parliament, demanding his release. The American newspaper, The Washington Post, also wrote editorials in which it attacked the president of Egypt, Hosni Mubarak, for imprisoning Nour. It demanded that U.S. President Barack Obama not meet with Mubarak him during a visit to Washington. This forced Mubarak to release him prior to the expiry of his sentence.

The message of liberal political organizations was evident in the media. It was circulated among western media foundations and it provided them with public and political momentum (at least abroad). However, the message did not largely resonate with the popular base in their native countries, despite liberal messages adopting flashy slogans like: democracy, freedom, political participation

and pluralism. This was primarily because the message contradicted with the values of Arabic and Islamic nations on one hand, and relied on the support of western foundations on the other. Regardless, their message was a source of unease for Arab governments and their followers; the secular opposition became an additional quota of the popular mass that ultimately rejected the old political regimes.

### **Fueling the revolution**

Regardless of political analysts' identified causes of the Arab Spring, no observer can overlook the political organizations that existed in the revolutionary countries. These organizations – or actors – became instrumental in fueling, supporting and maintaining unrest. They interpreted the ultimately success of the revolts as a sign of victory for the principals and ideas they were promoting for the past three decades. The revolutions represented an opportunity for these organizations to make the enormous changes that were summarized by those revolutions.

This led a prominent political leader in Yemen, Abdulmajid AlZanadani, to say, “What a young man did in a number of days is what we couldn't do in years.” Tunisia's Rashed AlGhunushy concluded, “Jasmine Revolution in Tunis shortened the time to put the public will in the forefront and to prove existence with the power of purpose and determination to evolution and defeat oppression.” The secular, nationalist, Nasserite and other orientations had these same spirits. They

agree that popular resolutions are opportunities to make the long-awaited political change.

In the midst of the Arab revolts, the slogans raised by the public in violent and non-violent protests represented the core ideas that were called for by political organizations and parties alike: the application of Islamic law, justice, equality and trial of tyranny and spoilers and others. After successfully toppling regimes, actors and organizations supporting the revolt often clashes about its meaning, ideals, and direction. We can recall, in this context, the discord among the students about gender mixing and the veil. Although a non-core issue, it symbolized two opposing intellectual orientations that each side is trying to impose its conviction on the society in post-revolution.

However, the phase following the revolution and the political regime overthrow brought these political organizations and parties to the forefront, with each attempting to dominate the political scene. And Islamists generally won the debate.

In Tunisia, for instance, Ennahda (Renaissance) Islamic party, and the liberals complied with the result of the ballot boxes that brought Ennahda and its associates to the forefront. In Egypt, the Muslim Brotherhood and Salafis took hold of politics and obtained two-thirds of parliament seats and they even took over the process of framing the constitution, leaving to liberal, nationalist and Nasserite parties the remaining parliamentary seats that can have no significant effect.

### **Post-revolution effects**

In Tunisia, Egypt, Libya, and Yemen the revolutions ended, the regimes were overthrown, and the countries embarked on the post-revolution phase. But other countries, being influenced by the Arab Spring slogans, are now trying to imitate their experience. The revolts became a powerful source of inspiration that still holds on in the mind of populations that long for evolution. Syria is the prominent case in point. But as it is explicitly and implicitly obvious, it is also highly influenced by slogans of “Islamic substitute” of the current ruling regime.

Perhaps at first glance it may seem that the National Council, which represents the opposition and arranges their work, is a comprised of various ideologies with a common goal of ending the Baath regime. Yet inside Syria reality speaks differently.

Slogans raised by the Syrians often have unmistakable Islamic characteristics. Opposition inside Syria belongs to Sunna Arabs or Kurds who are demanding the end of the Baath regime and elimination of its symbols. This is evident to an observer’s eye to the Islamic slogans that read, “We will not kneel but to Allah”, “If you are Assad’s (“lion’s” in Arabic) followers, we are the grandchildren of the lion hunter, Hamza Abdul-Muttaleb” and other spoken slogans used by defected officers and soldiers who manage the Free Army.

The mottos and slogans raised by the revolution in most

Syrian cities indicate the public is looking forward to having an Islamic country even though there weren't parties or symbols that expressed this will in pre-revolution era – just as it was in Tunis, Egypt and Yemen. It is a close imitation of the Libyan revolution, externally and intrinsically.

### **Conclusion**

The aforementioned is a brief presentation of the link between political organizations and parties and the Arab revolutions in their three phases:

- Implanting the seeds of revolution among the young
- Fueling popular revolutions after their break out
- Participation in political scene in the post-revolution phase

It has become evident that there is a direct correlation between the existence of political organizations and parties in the society - be it public and legal or confidential and banned - and its influence in creating great changes that we see in Arab societies. Arab governments set up political movement that did not appeal to the public, nor used Islamic law as a basis of rule. The intellectual and ideological basis of the regimes conflicted with the essence of the ruled Arab people. This made the political organization with Islamic orientations sympathize with the revolution and fuel it in order to present an attractive alternative more in-line with society.

The case is identical with political regimes with liberal,



nationalist or other orientations, they have lost patience of not being able to apply the slogans they work for in reality, and are disappointed of procrastinations and stalling by the governments promising them justice, freedom and political participation and others. So, they sympathized with the popular revolutions that broke out in their societies and they participated in their three phases.

Those political organizations and parties were the channels that met the same destination, which is: paving the way for a change, participating in the revolutions after that, and eventually competing to obtain the biggest possible amount of political benefits in the phase of toppling the regime and post-revolution.



# **Part Two**

## **The Relationship Between Government & People in Saudi Arabia**

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### **Chapter 1:**

*Fundamentals of the Government-People Relations in  
Saudi Arabia*

### **Chapter 2:**

*Couses and Factors of Stabililty in Saudi Arabia in the Era of  
Political Revolutions*

## **Preface**

After reviewing the most important reasons that lead to the Arab Spring, there is a natural inclination to determine whether some of these same factors – symptoms if you will – exist in Saudi Arabia. For that reason, the second portion of this book is dedicated to drawing a realistic image of the relationship between the government and the people in Saudi Arabia. A distant observer can gain greater understanding about the nature of Saudi society. But they may not recognize the elements allowing for political and social stability to be maintained despite the many storms the Kingdom has faced since its establishment.

The first of these elements is that the government's sole reference point is Islamic Sharia; Sharia is the only reference for rules and regulations in Saudi Arabia. Upon this, the second element rests, which is the integration between the two institutions: the political and the Shar'ee (the one built on Sharia) as a safeguard for continuity and survival.

The Kingdom of Saudi Arabia, since its foundation by the late King Abdul Aziz and his companions, has weathered many crises that have manifested the political and Shar'ee

integration in scenarios that recur whenever a crisis arises or storm blows that could threaten its foundation. Responsibility for crisis management and response has been shared by the ruler and his subjects. Common responsibility is governed by the concept of allegiance; applications are not limited only to the political system of the Kingdom of Saudi Arabia.

The pillars of the Kingdom's stability, particularly during times of political transformation, can't be grasped except through deep understanding of the nature of its total parts. The perfect knowledge of the nature of the relationship between ruler and subject in Saudi Arabia can't be encompassed by a researcher unless he understands all the strings that comprise the Saudi social fabric; that fabric shapes the Saudi governing relationship, an objective form of rule that can self-correct and adjust to changes in society and politics. This issue is discussed by this chapter of the book.



# **Chapter 1: Fundamentals of the Government-People Relations in Saudi Arabia**

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*Islamic Sharia (legislation) as the Foundation of Rule in the  
Kingdom of Saudi Arabia  
Complementarity Political and Legal Institutions  
Shared Responsibility Between the Governor and the Governed*

## **Islamic Sharia (legislation) as the Foundation of Rule in Saudi Arabia**

**Dr. Yasir ibn Ismaeel Radi (\*)**

Allah's comprehensive justice and wisdom provided humanity with two tools that, without them, humanity would be corrupted and degenerate to the depths of darkness, sin, ignorance and loss. These tools are prophecy and Sharia (legislation). Professor Saeed Al Norassy (d.1960) wrote down saying, "The capability of Allah does not leave the ants without a leader, and bees without a boss, thus it would not, for sure, leaves humanity without a prophet and traditions (Sunnah)." The final prophecy has been delivered, but its message and perpetual Islamic Sharia (legislation) survives to represent a methodology for life and legislation

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\* A faculty member in the Taybah University, specialized in the interpretation and the Quran studies . (Malaysia).



for mankind<sup>(1)</sup>.

The foundation of successful rule in any state depends on the methodology approved in its constitution, and the legislation governing its people. The most clear and the best legislation is the legislation of His Almighty (Sharia Allah).

Islamic sharia (legislation) is what has been legislated by Allah for his servants (human beings), to cater to their needs and fulfill their well-being in the world. It includes doctrine rules, penalties, and rules for personal affairs. Furthermore, it includes political regulations for the state, allowing it to organize both internal and external relations.

Islamic sharia, unlike other human legislations or human rule, is characterized by several features:

The legislator is Allah, Who is free from defects and shortcomings. Allah states in the Quran:

“He hath ordained for you that religion which He commended unto Noah, and that which we inspire in thee (Muhammad), and that which we commended unto Abraham, and Moes and Jesus, saying: Establish the religion and not divided herein. Dreadful for the idolaters is that unto which thou callest them. Allah chooseth for Himself whom He will guides <sup>(2)</sup>” .

It is natural legislation (Sharia) compatible with the nature of human beings and their spiritual and material needs, without any contradictions or differences. As Allah says,

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(1)Yasser Radi, Prophethood: Its Importance and Neccessity in Alnaowrasi thought. Altajdid Magazine, vol. 25.2009.

(2) Alsurah, verse 13.

“So set thy purpose (O Muhammad) for religion as a man by nature upright the nature (framed) of Allah , in which He hath created man. There is no altering (the laws of) Allah’s creation. That is the right religion, but most men know not<sup>(1)</sup>.

It is complete legislation (Sharia) in its doctrines, and comprehensive in its regulations, covering all life affairs and requirements. Allah says,

“This day I perfected your religion for you and completed My favor unto you, and have chosen for you as religion Al-Islam, Whoso is forced by hunger, not will to sin,: (for him) Io! Allah Is Forgiving, Merciful <sup>(2)</sup>.”

It is legislation (Sharia) suitable at all times and places, without an expiry date, nor a geographical area or regional borders. It was brought by the first human creature, Adam (may peace be upon him), and by which the messages of Allah were terminated and completed by the final and last of the prophets of Allah, Muhammad ibn Abdul Allahi (may peace of Allah be upon him).

Talking about Sharia compels us to know the Prophet’s traditions (Sunnah) in the geographical site where the teachings and rules of legislation were completed. This is because the traditions and measures that are operative in His creatures, and which should be known and believed by people, came to the Arabian Peninsula, a region with unique geographical, religious and mountainous features.

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(1) Alroom, verse 30.

(2) Almaedah, verse 3.

First, God chose the Arabian Peninsula as a cradle for the Muhammadian mission, and made Mecca – the purest area on the globe – a center for the start of the final message to the whole world. The meaning of this is extracted from the geographical location of Mecca – the center of the land. Modern studies of the scientific miracles of Quran have confirmed this fact as an extraction from Allah saying:

“And thus we have inspire in thee a lecture in Arabic, that thou mayest warn the mother town and those around it, and mayest warn of a day of assembling whereof there is no doubt. A host will be in the Garden, and a host of them in the Flame.<sup>(1)(2)</sup>”

When the prophet Muhammad (may peace of Allah be upon him) was asked to tell about himself, he answered:

“(I am) Invocation of my father Abraham, Jesus’s gospel, and when my mother was pregnant with me she saw a brightness that lighted Bossra in Irag and Bossra in Syria (Ash Sham).”

Thus this verse of Quran and this Hadith clarified a very important matter, that the spread of Islam to neighboring areas and countries was radiation from the center, Mecca, from where bright radiation started and gradually enlarged all over the earth.

Furthermore, this is a clear indication that the Arabian Peninsula is not suitable to accommodate a religion other

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(1) Alsura, verse 7.

(2) Hussain Kamal Aldeen Ahmed. Earth, Makkah, and Indicating the Qiblah Direction. Presidency of Aleftaa Publication, Riyadh, vol. 2, pp.292 - 335.

than the Islam, and would not be governed by any regulation or legislation other than Sharia. Accordingly, the Prophet (may peace of Allah be upon him) said, “no two religions will combine in the Arabian Peninsula.” This is an operative tradition until the crack of doom, and will never change, unless people relapse to the pre-Islamic era of worshiping idols and the destruction of Al-Ka’aba; this will not happen before the end of the world.

Second, for the purpose of the divine selection of this region, Allah warranted the blessing of security, safety, prosperity and stability of the region – especially Mecca – and guaranteed pleasant sustenance to its population until the crack of doom, in response to the call of Abraham (may peace be upon him) which is included in Allah’s saying:

“And when Abraham prayed: My Lord Make this a region of security and bestow upon its people fruits, such of them as believe in Allah and the last day, He answered : as for him who believeth, I shall leave him in contentment for a while, then shall compel him to doom of fire and hapless journey’s end”! <sup>(1)</sup>.

Stability and security will not be maintained without Sharia government.

Third, another feature of the Arabian Peninsula is that, as Allah considered the races of his creatures, He chose to send his final prophet, Muhammad ibn Abdu Allahi (peace of Allah be upon him), to the Arab race. Allah said:

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(1) Al-Baqurah: 126.

“Our Lord! And raise up in their midst a messenger from among them who shall recite unto them Thy revelations, and shall instruct them in the Scripture and in wisdom and shall make them grow. Lo! Thou, only Thou, are the Mighty, Wise.”<sup>(1)</sup>

This is, according to the justifications of historians, scientists and prophetic biography, due to the personal, psychological and mental characteristics that Allah bestowed upon the Arabs. These characteristic made them easily receptive to Islam, and well-suited to spread the word of Allah across the world.

### **Islamic Sharia: the foundation of rule in the Kingdom of Saudi Arabia**

By the blessing and providence of Allah, the renewing religious scholar, Muhammad ibn Abdul Wahab (may Allah bless his soul), the princes, and kings of the first Saudi state recognized this divine tradition (Sunnah) in the region and considered the condition in the Arabian Peninsula. They found Arabia filled with doctrinal seductions, cultural chaos, and moral corruption. They saw that people had reverted to ideas rooted in the pre-Islam era, such as superstition and idol worship. Ignorance and deviation, looting and robbery had spread everywhere, increasing inequity and undermining safety and security.

In response, the reformation call was made in the late 18th century by Al-Imam Muhammad ibn Saud and Al-Imam

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(1) Al-Baqurah: 129.

Muhammad ibn Abdul Wahab. They united to apply Sharia and return the people of Arabia to the teachings of the true Islam – the Quran and the Sunnah of Prophet Muhammad.

A review of Arab and non-Arab historical sources, including neutral sources, confirms that the reformation call was the reason behind the establishment<sup>(1)</sup> of the first Saudi state, and that the call was made with a clear objective. As author G.G. Lomair wrote<sup>(2)</sup>, “It is generally agreed that the Wahhabi call complies completely with the texts of Quran and recognized Islamic legacy.” In his book *The Saudi Brothers*, Moroccan traveler John S. Habeab noted, “The call of Muhammad ibn Abdul Wahab necessitates the return to the practices of the true Islam based on the Quran and Sunnah according to the doctrine of Al-Imam Ahmmad ibn Hanbal.<sup>(3)</sup>”

In line with this reformation call, King Abdul Aziz captured Riyadh, founded the modern Kingdom of Saudi Arabia, secured its borders, and shaped the constitution on Sharia. In several speeches about the constitution, King Abdul Aziz said, “My constitution, my legislation, my regulations, my banner, is the Religion of Muhammad (peace of Allah be upon him), either a happy life according to this, or a happy death for that.”

Years later, when the United Nations requested member states to provide it with their constitutions, King Abdul Aziz

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(1) Salah Aldeen Almuktar. *History of Saudi Arabia: Post and Present* p.35.

(2) G.G. Luremer. *History of Saudi Arabia in the Gulf Directory*. Translated by Sulaiman Alkudairy, p. 27.

(3) John S. Habib. *The Saudi Brotherhood in Two Decades (1910- 1930)*, p.28.

instructed his government to send a copy of Quran and note that it is the Kingdom's sole<sup>(1)</sup> constitution and that its rules are in effect throughout the country<sup>(2)</sup>.

Others have testified to the success of Ibn Saud in establishing the Saudi state. Arabist George Antonious once wrote, "Ibn Saud had made a drastic change in the shape of life in the western Peninsula, at both the personal or general levels, as a result of the system of rule that he had established...he also gave the Islamic legislation the priority in managing country's affairs."<sup>(3)</sup>

Moris Garnu said, "If Ibn Saud succeeded in the unification of the Arabian Peninsula under his flag, then this success was due to the elevated factors of cohesion and solidarity: that is the strict compliance<sup>(4)</sup> with the Quranic rules."<sup>(5)</sup>

The famous political historian Sir Harvard Johns Bridges, a contemporary of the events of the first reformation call, concluded, "Ibn Saud had not taken charge of the political and religious leaderships with difficulty to win Arabs acceptance... taking over these two leaderships conformed totally with the sayings and deeds of their Prophet, and with the practices of the first Khalifs who succeeded the prophet (peace of Allah be upon him) and their sons in the Arabian Peninsula."<sup>(6)</sup>

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(1) Mohammed Almounif. King Abdulaziz Al Saud: His personality and Factors of Success Through his Speeches.

(2) Abdul Monem Alolami. King Abdulaziz Al Saud, p. 382.

(3) Ibid.

(4) Abdullah Al Turki. King Abdulaziz Al Saud: A in A Man, p.173.

(5)Ibid.

(6) Dr. Owaidah Al Johani. The Wahhabi History, p. 72.

A memorized appeal of the founder King Abdullah (may Allah bless his soul) to his Lord, which proved his genuine intention and his right objection to establish the state upon the Islamic Sharia (legislation) reads as follows<sup>(1)</sup>, “O my Lord! If my intention is to raise the word of Allah and support Islam and the Muslims, I appeal to thee for success, support and victory, and if my intention is opposite to that please relieve me by urgent death.” A contemporary of King Abdul Aziz referred to a wonderful situation and appeal he heard from the King. He noted, “I have seen King Abdul Aziz at the last portion of one night, about the time of the dawn prayer, catching the covers of Kaaba and appealing to His God saying ‘O my Lord if this monarchy contains a benefaction for me and for the Muslims, please maintain it for me and for my sons, and if has evil for me and for the Muslims, please remove it from me and from my sons<sup>(2)</sup>’.”

Allah did recognize his genuine intention and noble objectives, and he ruled the Peninsula as prince and king until 1953, a period of more than fifty years – the longest ruling period of an Arabian governor since the emergence of the first Islamic state in Medina (peace of Allah be upon its owner).

Allah then preserved the monarchy for his sons up to the present time, and five kings have ruled thus far. All have adhered to the same concept of leadership in the country,

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(1) Mohammed Al Shathri. *The Islamic Call in the Era of King Abdulaziz*, p.77.

(2) Fahad Al Kulaib. *Kings of Al Saud and the Distinguished Islamic Policy*, p.91



each leaving their mark on the nation while adhering to Sharia – the constitution.

King Saud bin Abdul Aziz (may Allah bless his soul), who ruled until 1964, said, “We cannot, whatever the case may be, replace Islam with other religions, nor can we replace the Islamic legislations (Sharia) with other doctrines laws that have not descended from Allah, whatever the reasons and causes may be.<sup>(1)</sup>”

King Faisal (may Allah bless his soul), who ruled until 1975, once stated, after receiving allegiance to him as King, “I in turn give you (the Saudi people) allegiance on Allah’s book (Quran) and the Sharia of His prophet, and to support the divine legislations in all matters, and do all that may befit the citizens in their religion and livelihood, hoping all the best for our nation, and following, in that, the Sharia, and praying to His Almighty to make us among those who support His religion and serve His House (Al-Kaaba).<sup>(2)</sup>”

King Khalid ibn Abdul Aziz (may Allah bless his soul), who died in 1982, once made a speech noting, “The application of the Sharia is the first duty that we and you should do, we should cling to it in all of our life affairs, because it contains success for us, for you, and for Muslims and Islam at large.”

Custodian of the Two Holy Mosques King Fahd (may Allah bless his soul), who ruled during until 2005, added,

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(1) Ibid, p.19.

(2) Saud Ibn Hthlol. The History of Al Saud, p. 224.

“Our constitution in the KSA is the Quran...and Sunnah (traditions) of His prophet (peace of Allah be upon him) any dispute in any matter will be turned to them, they are the two rules governing any regulations issued by the state.”

In his letter of coronation, current Saudi King Abdullah wrote, “As I am taking charge of the responsibility from the dear former King Fahad, I feel that the burden is too heavy, and the trusteeship is enormous, thus I appeal to His All Mighty to provide me with a power to continue the progress in accordance to the methodology established by the great founder of the Kingdom King Abdul Aziz Al-Saud ( may Allah bless his soul) and followed by his honorable sons (may God bless their souls). I swear to Allah and then to you that I will take the Quran as a constitution, and Islam as a methodology, dedicate myself to preserve the rights, confirm justice, serve the nation with no favoritism, and then I turn to you to back me and help me to carry out the trusteeship, and not scrimp on your advice and prayers to me.<sup>(1)</sup>”

The endeavor to apply Sharia was not just a false slogan, nor empty promise. Throughout its history, the Kingdom has genuinely strived to apply Sharia on any matter that affects the governing system. Since the basis of rule – the constitution – is on Sharia, red lines are clear; it is not permitted to bend the rules in violation of Islamic legislative standards. In response to those who want to dilute the methodology of country’s standards of governance, King Abdul Aziz said,

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(1) Riyadh newspaper, issue, no.13847, <http://www.alriyadh.com>.

“Some people criticize us for adherence to the religion, but by God I will not change anything that Allah had inspired to His prophet (peace of Allah be upon him).” Thus, King Abdul Aziz did not leave any room for bargaining against Sharia in return for material or political benefits to satisfy certain parties or powers.

### **The relationship between the people and the regime & governor**

In regard to the relationship between the governor and his subjects, King Abdul Aziz initiated the policy of open doors to meet, listen to, and meet the needs of his subjects in line with the manner of the prophet (peace of Allah be upon him) and his honorable successors. This tradition became a prominent feature of successive Saudi kings. This ruling style has enhanced loyalty between the governor and the governed.

Ibn Saud often expressed keen insight in maintaining harmony with his subjects. These sentiments can be summed up in the following quote:

*“Keeping a far distance between the governor and the subjects permits a chance for the opportunists to convert the right to false, and the false to right, if there is no relation between the subjects and the governors. The interaction between the subjects and the governor will nullify such opportunists from one side, and facilitates things and solves the problems*

*from the other side. There is no barrier between us and anybody, religion does not instruct us to adopt isolation, and honor never instructs us to keep away from the fork.<sup>(1)</sup>*”

The people have given the Saudi kings allegiance and loyalty because they verily know that obedience of the ruler is a part of obeying Allah and His prophet (peace of Allah be upon him). It is a legitimate right of the governor stipulated the Islamic teachings. As His Almighty said in Quran: *“O ye who believe Obey Allah, and Obey the messenger and those of you who are in authority, and if ye have dispute concerning any matter, refer to Allah and the messenger If ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end.<sup>(2)</sup>”* .

People live under government, which is dedicated to establishing justice and equality, to guarantee rights, protect properties, and maintain security. This is what the Kingdom has long committed to itself, since the time of King Abdul Aziz. This was done to cement relations between the governor and the governed, under the guidance of Sharia.

Accordingly, the government established a number of councils, ministries, commissions, centers and other entities as a means to regulate political, economic, social and religious affairs. It has established the Shurah Council,

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(1) 100 Years in Serving Arabs & Arabism. Dar Al Lewa Publication, Beirut, p.35.

(2)Alnesa, verse 59.

Ministry of Justice, the Higher Council of Judgment, and a wide range of other governmental commissions and entities to further bind the people to the government in accordance with Sharia and the Prophet's traditions (Sunnah).

In spite of the changes and revolutions currently rocking the Arab world, the Kingdom remains steadfastly committed to its constitution and its methodology for applying Sharia. The Kingdom's rulers are confident of their subjects because they have provided security, safety, prosperity, and justice.

The governing system in Saudi Arabia is a model to be imitated. Terrorist incidents that occurred in the country were committed by extremist groups. Such acts, which resulted in sabotage, corruption, and bloodshed, do not represent public opinion, and were condemned by all the cultural, religious and political components of the Saudi community. Such acts are contrary to Islam, and the ideas of peace that are deeply engrained in Saudi citizens. Terrorism is an unfortunate, but natural phenomenon that occurs in any community, and has since time immemorial.

In conclusion, the secret behind the stability and durability of the Kingdom for more than a century is the bond between the people and their leaders, based on the just application of Islamic Sharia. Saudi Arabia contrasts sharply with neighboring countries which collapsed due to unclear governing methodology and ambiguous constitutions which compelled the people to rise against their rulers. Thanks to Allah Almighty.

## **Complementarity Political and Legal Institutions**

**Professor. Najah Al-Zahhar (\*)**

In the early months of the Arab Spring, written, spoken, and visual media transmitted purposeful sayings in the hope of casting doubt in the minds of the Saudi youth, attempting to turn them against their rulers by inciting them to demand freedom and democracy. These voices claimed that the youth was not governed by a regime ruling in the name of religion, nor was it in alliance with religious scholars. They said the regimes coopted religion so as to serve the political interests of the regime.

They claimed this – the political interests of the royal family – has long been the perpetual policy of the Saudi regime. This, they said, has been the case since the formation

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\* Professor of Arabic language at Taybah University, Al-Madeinah Al-Munawarah. She published a number of researches, and books related to eloquence, women, children, education, and community affairs. (Saudi Arabia).

of the alliance with Al- Shaikh Muhammad ibn Abdul Wahab during the tenure of Prince Muhammad ibn Saud during the first Saudi state. Further, they contended the alliance was created merely to serve personal interests of both parties. According to their fallacy, Muhammad ibn Abdul Al-Wahab was seeking the power to spread his Wahhabi ideals, while the Al-Saud were in need for a religious and legal umbrella to justify their military expansion and buttress their regime.

According to this viewpoint, which reads history through jealous, blinded eyes, the alliance guaranteed the preservation of political affairs to Muhammad ibn Saud and his offspring, while preserving monopoly of the religious affairs to Muhammad ibn Abdul Wahab and his offspring. Thus the legal opinions (Fatwa) of Al-Shaikh Muhammad ibn Abdul Wahab were tailored to confirm the rulers' obedience obligation, and that their disobedience was deemed to be a great Islamic sin. Thus, the Sheikh provided religious cover for the Saudi regime.

The philosophy of that opinion was premised on the fact that a political state must guarantee the divine legislation, and that it is a central part of the religion. Therefore the defense and protection of the state is a religious duty and represents the protection of the religion, thus obedience of the ruler is a religious duty.

The malevolent voices propagated that the alliance between religion and the state is inherited by Al Saud from their ancestors. However, according to their fallacy, the bond

of this alliance has disintegrated recently due to increasing political pressure on religious scholars, which has forced them to issue legal opinions (Fatwa) complying with the political aspirations of the state. For example, they referred to legal opinions issued by the senior religion scholars' commission which endorsed hosting foreign military forces in the Kingdom during the second Gulf War (1990-1991).

Thus, the rush to declare, in all cases, the subordination of religious scholars to politics – and depicting religious voices as backward and reactionary.

The intention of those spreading these fraudulent theories was to fracture national unity and solidarity, breaking the triangle that composes the country (ruler, religious scholars and the nation). Through vicious tactics, they attempted to spark enmity between all components of the community. If this division emerged, religious scholars would be at odds with political leaders. The people would claim that they are subjected to the religious and political authorities, and be enticed to fight for their freedom and free themselves from virtual slavery.

Under such chaos, the regime would find a justification to suppress the people and the religious scholars, on grounds of defending the country and its stability. By the end of such an imaginative scenario, the inciting group, which marketed their claims day and night, thought the fruits of their plans were ripe.

Thus emerged seditious calls for an uprising against the



Saudi government. Activists attempted to plan demonstrations under the slogan of “motherland without identity” and “citizenship without privacy.” They believed their planned revolution would succeed, particularly since the environment in the Arab world seemed conducive in wake of revolutions in Tunisia, Libya and Egypt.

On March 11, 2011, they declared the “Haneen” demonstration Friday. On that day, the world stood on alert as the Saudi regime faced what was billed as the largest challenge to its national unity ever. However, the malevolent planners of this black, bloody revolution were shocked by the lackluster results of betrayal and fanaticism. Expecting to see huge supporting gatherings, they saw nothing but a huge noiseless vacuum and calm.

The failure of this attempted revolution, which astonished the world and altered international political equilibrium, was due to virtuous religious scholars who did not give heed to any croaker calling for splitting national unity; religious scholars rushed to support their leadership. They issued a legal opinion (Fatwa) that de-legitimized demonstrations, clarifying the danger in dividing consensus and spreading chaos. The Fatwa stated:

*“The senior religious scholars’ commission recognizes the blessing of consensus under the guidance of the Quran and Sunna, under the umbrella of a wise leadership, and calls all people to provide reasons that reinforce unity, strengthen intimacy, and warns all from reasons opposite*

*to these orientations. On this occasion, the commission confirmed the necessity for advisement, understanding, and cooperation in fidelity and piouness, and forbidding sins and aggression, and warns from all that is opposite to this such as injustice, tyranny, denial of rights. The commission also warns from the adoption of biased thoughts and political parties, because the people of this country are one group, adhering to what was performed by pious ancestors and their followers, and what is used by the previous and current Islamic Imams in regard to the unity of people and genuine advice, avoidance of creating faults and spreading them, and recognition that no man is complete, and confession of errors and the importance of reform in any case and at any time. The commission confirmed that reform and advice have their legal methods that achieve benefits and abolish evils, and not through statements filled with exaggerations and inciting seditions, and concluded with a number of signatures. This is a contradiction to the order of His Almighty. The commission does confirm prohibition of these demonstrations in this country and that the legal method, which will achieve the benefits with no corruption, is the provision of advice that was initiated by the prophet (may peace of Allah be upon him) and complied with by his respectable companions and their followers.”*

Thus the trust of the rulers in their religious scholars and people did not fail. On the March 12, Prince Naif bin

Abdul Aziz congratulated religious scholars for their brave stand and nobility, and saluted the public for their loyalty and nationalism.

The world was amazed by developments in Saudi Arabia, because during the Friday revolution the magic was turned against the magician. Instead of a bloody revolt, a “happiness and solidarity” revolution emerged.

March 18 marked the first revolution from the hearts of a faithful nation, cheering and chanting their renewal of loyalty to their leadership. It was a revolution based on the nation’s cohesion with its leadership. The world watched the Saudi celebrations – children, old people, women and men on the streets with jolly, bright, smiling faces expressing their relief. The joy peaked as the King said, “I am proud of you, the words and the expression failed to describe you, I am saying that for history as a witness, and for pens to write, and for the national memory to memorize that you – after His Almighty – are the safety valve of the unity of this country, and that you have lashed absurd with right, and the betrayal with loyalty, and your solid believing will.”

This “happiness revolution” was the result of the practical application of tolerance and dialogue principles. It was a revolution of free dialogue, based on open discussions between the public and their leadership, whereby the people expressed all their requirements and needs, and the leadership gave heed to all those requirements. The result was a set of decrees for substantial reforms, solutions to central problems,

with a dialect that confirms honesty and a genuine will to fulfill all promises. Above that, it showed the results of hard and persistent work to expedite the achievement of promises to improve the lot of the people.

The reform decrees have met the expectations of the people regarding health, education, cost of living affairs, and most importantly housing problems and unemployment. Additionally, other reforms were spread throughout the country. Perhaps most importantly, the decrees and reforms highlighted the importance of the rights of the people and reconfirmed that they are partners in the resources and revenues of the country.

Based on the aforementioned, it is clear that the Saudi political scene does not comply with conventional theories. It revealed to the world that Saudi Arabia's comprehensive political practices were more durable and desirable than calls for progress, democracy and freedom – calls which promised chaos, sedition, sabotage and bloodshed.

To recognize the roots of Saudi political theory, we should revert to the history of the establishment of the Kingdom, and read the political Saudi scene since its foundation, provided that this reading is mindful and neutral. This reveals the foundation and principles of successful leadership, perhaps most prominently the bond between rulers and their subjects. This bond is extracted from the whole methodology of life, upon which they have organized the relationship between themselves and their larger community – based on respect.

From this noble belief the strong communication bridge is extended between the leader and his people with absolute honesty and transparency, thus the bond between all parties is universally accepted, cements the system, and instills loyalty. This great convention is Islam, the religion of mercy, affection, and fraternity. This is stated in Article seven, chapter two of the ruling system in the KSA which states, “The rule in the KSA drives its legitimacy from Quran and the prophet’s (may the blessing of Allah be upon him) Sunna (traditions), both of them are the rulers of this system, and all the regulations of the state.”

Article eight of the same chapter states that, “The rule in the KSA is based on justice, consultation, and equity in line with the Islamic legislation (Sharia).”

In every point in its ruling system and constitution, the Kingdom confirms that Islam is its foundation. Article one of chapter one of the ruling system, and the relevant general principles, states, “The KSA is an Islamic state with complete sovereignty, its religion is Islam, and its constitution is Quran and the prophet’s (may the blessing of Allah be upon him) Sunna (traditions), its language is the Arabic language, its capital is Riyadh.”

Is the world aware of the reason behind the Saudi policy’s success, and the binding of the religion scholars and people to this policy?

Furthermore, this system, based on the genuine monotheistic word, is not a new, but was applied upon the

establishment of the first Saudi state by Muhammad ibn Saud. His alliance with Al-Sheikh Muhammad ibn Abdul Wahab glorified the monotheistic word, and was not a political-religious alliance for personal interest but a shared interest in spreading Islam to benefit the people of the country.

The purpose of this call is to spread benefaction, affection and peace between all the people of the world in line with His Almighty's saying,  
*“And we have not sent thee (O Muhammad) save as bringer of good tidings and warner unto all mankind, but most of mankind know not.”<sup>(1)</sup>*

And, His Almighty's saying,  
*“And have made younations and tribes that ye may know one another. Lo! The noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware.”<sup>(2)</sup>*

The alliance between the religious and the political is not based on the domination of one party over the other, but on integration, consultation, advice, harmony, affection and cooperation. All concepts are stem from one origin – Islamic legislation, which is accepted by all.

The importance given by the first Saudi state to religious scholars was seen by the leader's commitment to attending the meetings of religious scholars, learning from them, participating in religious discussions, and accompanying

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(1) Saba, verse 38.

(2) Alhujurat, verse 13.

scholars during invasions so as to enlighten and give guidance to the army in religious affairs.

Thanks to the efforts of the leaders and honesty of the religious scholars, intellectual thought flourished through Quranic schools, endowment libraries, and opportunities for open discussion. All these efforts were the seeds of the current comprehensive renaissance witnessed by the Kingdom today, and point to a bright future by the will of His Almighty.

The relationship between religious and politics factions continued to grow and flourish after each party recognized the achievements that resulted from their integration and cooperation. The picture of this cooperation appeared during the emergence of the third Saudi state under the leadership of King Abdul Aziz Al-Saud. He utilized the cleverness of Prince Muhammad ibn Saud, and recognized the importance of the religious scholars' role in the security and stability. Or, as researcher Moda bint Mansoor noted, "The King was right in his estimates that the move of inhabitation, and strengthening the ancestor teachings, would be the decisive factor for changing the balance of power in the Arabian Peninsula."

Readers of King Abdul Aziz's biography will note his respect and appreciation for religious scholars. He used them as consultants in the education, guidance, and judiciary affairs. He held special meetings to hear their advice, and during Hajj seasons he conferred with religious scholars from other Islamic countries.

He restored the status of religious scholars in the Kingdom, returning them to a respected place they still occupy today. When the numbers of the students of Al-Shaikh Abdul Aziz ibn Baz increased, including students drawn from neighboring countries such as Iraq, Yemen, and Al-Sham, King Abdul Aziz ordered the construction of new educational facilities. He also supported the religious and scientific efforts of Sheikh Abdullah Al-Gra'awe in the south of the Kingdom, where he established and funded a number of schools.

In line with this integrated straight methodology of the relationship between the ruler and the religious scholars, his sons adopted an identical policy.

The Kingdom has harvested the fruits of compliance with this methodology, as we have explained, during the most daunting challenges and crises. At times of crisis, religious scholars have stood with the country with total honesty and loyalty. The failed demonstrations in 2011 serve as an example of the nation rallying around their leadership, with the religious scholars' calling for national unity.

There are countless examples of the religious scholars supporting the leadership, but perhaps the most prominent is the 1979 attack on the Grand Mosque in Mecca. That incident was the biggest challenge ever faced the Saudi government, and the religious scholars were up to the challenge. The scholars knew the instigators were seditious by claiming they belonged to the ancestry and that they were protecting the holy mosque.



The incident, with its complicated and intermingled components, represented a threat to community's security. However, the consensus of the religious scholars and their Fatwa reinforced the government's stand, and clarified to the people that the group violated orders of Allah and His Prophet. The Imams said the ruler should take every legal action to get rid of sedition, even if it led to fighting inside the holy mosque. Thus, the sedition was quelled and the security of to the country was restored.

The religious scholars must also be thanked for their honorable stand during the second Gulf War, when the Iraqi army invaded Kuwait and tried to attack the Saudi border. Here emerged a more difficult benchmark challenge than the previous example, because it concerned the controversial basing of foreign military forces in Saudi Arabia. However, the scholars determined that the Islamic approach demanded the protection the system, unity, and support for the leadership.

But perhaps the greatest test, and the most difficult examination of the solidarity of the alliance and the strength of this unity, occurred after the September 11, 2001 terrorist attacks on New York and Washington. After the attacks, fingers of accusation pointed toward Saudi religious scholars, and the religious syllabus and agenda supported by them. They were blamed for encouraging extremists, backwardness, and expansionism. The Saudi government was pressured to restrict their authority and limit their activities, which

threatened to nullify the religious and political alliance on which the state was built.

There is no doubt that, whoever reads the Fatwas of the religious scholars objectively will confirm that opinions expressed are not based on flattery and adulation toward rulers, or a blind compliance with political wishes. Rather, they rest upon the consensus of senior religious scholars who understand the Kingdom does not use man-made legislation, but rules on His Almighty's legislation authority as expressed in the holy Quran and the Sunnah.

For the sake of brevity, I will cite the sayings of only one dignified religious scholar, who has special respect among all the Islamic nations. Listen to the thoughts of Sheikh Abdul Aziz ibn Baz (may Allah bless his soul) on the Saudi state: *“This Saudi state is blessed by which His Almighty supported the truth and justice, and the religion, and unified the word of the people, terminated the reasons of corruption, and secured the country...The main reason of the success of this call is that Allah had prepared for it rulers who believe in this call and supported it together with those who call for it, these are Al-Saud rulers starting from the fighter, Al-Imam Muhammad ibn Saud (may Allah bless his soul) the founder of the Saudi state, and then his sons after him.”*

Despite his description of the state with these characteristics, which were acquired from religion, he did not praise it for personal interest but by comparing it with

other states that use man-made legislation. Furthermore, he did not acquit the state from making mistakes, but said specifically that the state is not immune from errors, is not complete, and has shortcomings.

If you review the speeches of the religious scholars in Saudi Arabia, you will find that they never hesitate to acknowledge shortcomings and errors, which are part of human nature; even the rulers themselves confess that they are not complete and urge people to tell them about problems and deficiencies.

In his speech in wake of the attempted upheaval, King Abdullah praised the efforts of religious scholars to quash sedition. He said,

*“In recognition to what should be bestowed upon our virtuous religious scholars, the commander of religious knowledge, and protector of the belief, whom Allah had lead them to the right guidance, and compliance with our purified Legislation, which is characterized by moderation and reasonability, and the great capability of those in charge of this legislation, in all that they confirmed in their legal opinions, decisions, statements, lectures.*

*Thus they represented the scientific extension of our pious ancestors, in a context that we do not deemed abnormal from our religious scholars, whom Allah had favored by mastering the sources of the Holy Quran and the Sunna, keeping distance from contraptions and whims, away from exaggerations and extremism, but adhering to the*

*white evidence, which its night is as clear as its day light, and whoever deviated from it would perish. We are concerned about the media to reflect the methodology of the state, which is based on the holy Quran and the Sunna of His Almighty's prophet, through the ethics of dealing with the religious scholars without provoking them, or exposing the honorable general legist of the Kingdom, and the virtuous members of the senior religious scholars, to offense, insult or criticism. Due to the importance of this subject all media facilities should comply with these directions.<sup>(1)</sup>*

The King also stimulated support of the ancestral religious orientation, and ordered the establishment of casuistry branches at all parts of the Kingdom, with specific functions and allocated budgets. He called for the establishment of a religious scientific forum for the discussions of legislative problems and affairs, under the supervision of the commission of the senior religious scholars. The King also allotted a financial support to Quran memorizing committees in compliance with the importance of memorizing and learning the holy Quran, and its blessed effect on nurturing, by its magnanimous concepts away from exaggeration and extremism. He also said attention should be given to call and guidance offices, to continue the nation's duty to call for Allah through beneficial wisdom and preaching, without

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(1) A Speech delivered by King Abdullah Ibn Abdulaziz in Friday, March 18, 2011.

exaggeration and extremism, according to the concept the pious ancestor<sup>(1)</sup>.

The echo of the King's pride in religious scholars and the people of the Kingdom, and all those who supported him, is reflected in his saying:

*“Allow me to address the religious scholars in the commission of the senior religious scholars and outside the commission, who stood adoration for His Almighty, and made the word of His Almighty the upper during countering the voice of separation and the caller for sedition, and I will not forget the intellectuals and writers of the nation who represented arrows in the necks of enemies of the religion, country, and the nation. With all proudness I tell all of you, and each citizen, that any nations adhering to the belief of His Almighty will not be feared at all.”*

Thus, the predictions of provocateurs were disproved and the solidarity of the Saudi political structure, based on a comprehensive integration between the religious and the political, was amply demonstrated. The Saudi reliance upon the holy Quran and the Sunna has resulted in a unified nation based of consensus, which the whole world has noticed.

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(1)Ibid.

## **Shared Responsibility Between the Governor and the Governed**

**Dr. Doukoure Boubakar (\*)**

### ***Introduction***

A society will not live in harmony unless it is a fundamentally good society, and for that reason Allah commands every member of the society to be responsible and accountable for his deeds. The Prophet Mohamed (peace and blessings of Allah be upon him) said, “Every one of you is a supervisor and responsible for his subjects; a man is supervisor in his family and responsible for his subjects; and the wife is a supervisor in the house of her husband and responsible for her subjects.” For that reason, Islam has allocated responsibility to every member of society, whether he is a leader or a follower, a governor or a subject.

The common responsibility between the governor and

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\* Consultant for the President of Porkinofaso Republic for cultural and Islamic affairs. (Burkina Faso).

subjects is seen, before all else, in cooperation and devotion to, and the fear of, Allah. That begins with the abidance of all with the teachings of Islam and adherence to Sharia.

Islam does not force a specific form of government on people, since the interests of people vary with time, living conditions, and geographic location. As such, one law may achieve the interests in one place at a certain time, and may not achieve them in another place or time. In order to best meet the needs of people, Islam provides basic rules and general principles upon which law and government is built. But it leaves the details to those in a specific nation so that harmony can be preserved and interests met in accordance with the basic rules and goals of Islamic Sharia.

That is the main difference between Islamic governance and man-made governance, which inevitably is not free from injustice since humans tend to cater laws to protect parochial interests. Moreover, the human mind is limited, and not capable of creating a single system applicable to humans in all corners of the globe. In contrast, what Allah made in the laws of Sharia is a code protecting the interests of people of varied races, customs and religions. Indeed, Allah is merciful with his slaves, with his mercy encompassing all His creations; He is just in all His judgments and has forbidden injustice among people. As His laws can't be described as deficient, unjust or cruel, it follows if all abide by His laws – both the governors and governed – they will live in happiness.

Governance in Islam, therefore, is built upon the teachings

of the Sharia, and since all people collectively can't perform the tasks assigned to them, Allah has commanded that the people should choose someone to perform those tasks, and hence the concept of allegiance (Bayaa) emerged – the allegiance of the public to the governor.

Whoever is chosen to bear the responsibilities of leadership may have the title of president, king, sultan, or ruler. While the terms vary, it was long customary in Islam to call him the Imam, Caliph, or Emir. The caliph in Islam is the one who succeeds the Prophet (peace and blessings of Allah be upon him) in protecting religion and governing the nation. The name successor is generated from the linguistic origin which is to stand on behalf of someone else<sup>(1)</sup>.

In Islam, the Emir is the one who governs and carries out the affairs of the people. The best is chosen to lead and is committed to perform his obligations for his subjects and the nation. These obligations are clearly described in the Sharia: maintaining justice for all subjects, upholding ownership rights, and protecting the wealth and heritage of the nation. In return, he is to be obeyed by his subjects so long as his actions do not contradict with Islamic Sharia.

### **Allegiance: The shared responsibility**

Allegiance is the important bond that ties the governed with the governor; it is a pledge between the two parties

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(1)Ibn Kaldun. The Introduction, p.190.



to cooperate in doing good and mutually fulfilling duties. Allegiance can be general or special, meaning it can be on a special issue, mission, or area. For example, the Ansar (supporters) pledged to support and protect the Prophet (peace and blessings of Allah be upon him) if he migrated to them, and the women pledged to abide by the teachings of Islam. IT reads:

*“O Prophet! If believing women come unto thee, taking oath of allegiance unto thee that they will ascribe nothing as partner unto Allah, and will neither steal nor commit adultery nor kill their children, nor produce any lie that they have devised between their hands and feet, nor disobey thee in what is right, then accept their allegiance and ask Allah to forgive them. Lo! Allah is Forgiving, Merciful<sup>(1)</sup>.”*

The difference between general and special allegiance is that the first can't be multiple for more than one, because its nature denies that, and for that reason the Prophet (peace and blessings of Allah be upon him) said<sup>(2)</sup>,

*“The Israelites used to be governed by their prophets and Messengers of Allah, if one prophet died, he was succeeded by another. But there will be no prophet after me, and there will be caliphs, many of them. The companions asked, what do you order us to do? He said, fulfill the allegiance of the first and give them their rights and ask Allah to give you your rights, because Allah will*

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(1) Almomtahinah, verse 12.

(2) Almawardi, Alahkam Alsultaniah, p.30.

*ask them about their subjects.<sup>(1)</sup>”*

The meaning of this tradition, as was explained by Al Nawawi, is, “If allegiance is given to one caliph after another one, the first allegiance is correct and must be fulfilled, and the second is invalid, and it is forbidden to fulfill and the second caliph is forbidden to request it.<sup>(2)</sup>”

### **Loyalty and allegiance**

*Allegiance is a binding contract for the subject and must be fulfilled to the ruler. Allah said, “So whoever breaketh his oath, breaketh it only to his soul’s hurt; while whoever keepth his covenant with Allah, on him will He bestow immense reward)<sup>(3)</sup>. Allah said also, (fulfill the covenant of Allah when ye have covenanted, and break not your oaths after the asseveration of them, and after ye have made Allah surety after you. Lo! Allah knoweth what ye do.<sup>(4)</sup>”*

The covenant and the fulfillment would be to the Imam, ruler or Emir, in return for his performing his duties subjects and protecting the nation’s interests. Al Mawardi has summarized the duties of the ruler in ten issues as follows:

*“Maintain religion on its stated origins and the*

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(1) Agreed upon Hadith. See: Nail Alawtar, vol. 4, p.356.

(2) Narrated by Moslim, vol. 12, no. 231.

(3) Alfath, verse 10.

(4) Alnahl, verse 91.

*consensus of the ancestor, execute judgments among quarrelers in order to achieve justice and deny injustice, and protect the country from difficulties and maintain security, execute punishments to safeguard Allah's forbidden boundaries, fortify the ports and protect them from enemies, jihad against who shows hostility towards Islam, and stands in the way of call, collection of (fayee) and charity, in other words: administering the state's assets and resources , assess giving and rights of the treasury, selecting the competent of employees and supervising the execution of orders and follow up of work progress in the state.”*

### **Consultation between the ruler and the subjects**

No doubt there are other duties due to the scientific, social and economic development in the world, and it became imperative to define such duties in ways that achieve security and happiness for subjects. There are many texts in the Holy Qur'an and the Sunnah requiring the ruler to perform his duties, and warns of the consequences of neglecting them.

The ruler is encouraged to avoid mistakes by consulting with his subjects. The Prophet (peace and blessings of Allah be upon him) used to consult with his followers and work to incorporate their opinions in addressing issues. There are many examples of his consulting his followers, such as happened during the invasion of Badr and Al Mustadrak.

Abu Hurairah narrated, “I have never seen someone of more consultations to his followers, than the prophet).<sup>(1)</sup>”

### **Obedience according to convention**

Allegiance, if given on a legitimate basis, must be maintained. Disloyalty is considered anathema, and tantamount to leaving the Muslim community. Prophet Mohamed (peace and blessings of Allah be upon him) said, “Whoever removes a hand from loyalty will find Allah on the day of judgment and he has no excuse. And whoever dies and there is no allegiance in his neck, he will die a pagan death<sup>(2)</sup>.”

With allegiance there also follows loyalty and obedience to the ruler. In Obaddah, Ibn Al Samitt Hadith said, “We gave the messenger of Allah (peace and blessings of Allah be upon him) our allegiance in what we like and what we dislike and in our prosperity and in hard times and to be unselfish with him and we will not struggle with the ruler unless we see clear disbelief with proof from Allah for that.”

The Prophet (peace and blessings of Allah be upon him) also said, “Who obeys me obeys Allah, and who disobeys me disobeys Allah; and who obey the prince he has obeyed me and who disobeys the prince, he has

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(1) Zad Al ma'ad, vol. 7, p. 101.

(2) Narrated by Moslem.

disobeyed me.<sup>(1)</sup>”

All these traditions and many others, in totality, indicate the necessity to obey rulers in all cases in order to maintain unity, because disobedience leads to corruption of the Muslim community. Obedience is essential unless there is disobedience to Allah. As the Prophet’s (peace and blessings of Allah be upon him) tradition stipulates, “Man should have hearing and obedience for his ruler in like and dislike<sup>(2)</sup>, unless he is ordered to disobey Allah. If he is ordered to do so, there is no hearing or obedience.<sup>(3)</sup>”

### **Patience of subjects for injustices from their ruler**

Shared responsibility between the ruler and ruled means subjects must be patient with their ruler, even when the ruler is unjust – so long as this injustice does not violate Sharia. This means subjects should not commit actions that may lead to bloodshed or disunity. Instead, subjects should respond to injustice by consulting with the ruler, preaching and providing sound advice.

In turn, the ruler should not continue to justify unjust acts by relying solely on texts encouraging obedience. He should comply with the law and constitution, just like his subjects.

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(1) Agreed upon, see: Nail Alawtar, vol. 4, p. 358.

(2) Ibid, vol. 4, p.359.

(3) Narrated by Moslem.

Particularly, since the Islamic constitution is not man-made, but is from Allah. Sharia applies to all people. Therefore, the governor should be an example for others. Thus, if the ruler is a good example for his subjects, people will love him and execute his orders<sup>(1)</sup>.

It is not only rulers only who must be upright. Subjects are required to be upright if they want good rulers who care for their interests and strive to make them happy and prosperous. As said in the Sunnah,<sup>(2)</sup> “As you are, your rulers will be.” Or, as Caliph Abdul Malik Ibn Marwan said, “Why do not you do us justice! O our subjects. You want from us the conduct of Abu Bakr and Omer, and you do not practice for yourselves or for us the conduct of Abu Bakr or Omer. I ask Allah to help us and you with each other).<sup>(3)</sup>”

### **Council and advice to the ruler**

Council and advice to the ruler is among the responsibilities of subjects. But advice has certain controls specified in Sharia, and has special conditions. The ruler must not feel humiliation from the advice<sup>(4)</sup>. The Prophet (peace and blessings of Allah be upon him) said, “Whoever humiliate a ruler (sultan) Allah may humiliate him.” So advice must be done with wisdom and soft

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(1) Narrated by Alhakem.

(2) The Amawi famous roler Abdulmalik ibn Marwan.

(3) Kalid Said: Said Alkalm, p. 178.

(4) Narrated by AL Termithi.

speech. Allah the almighty said to Moses and Aaron, “And speak unto him a gentle word that peradventure he may heed or hear.<sup>(1)</sup>”

The Kingdom of Saudi Arabia serves as a practical example for the validity of the governance system in Islam. The Kingdom has achieved security, stability, welfare and development in different areas due to its adherence and abidance to this system – including both the ruler and ruled fulfilling their responsibilities.

Accordingly, the Kingdom created a special commission for allegiance which stipulates adherence to the Holy Qur’an and Sunnah, including the coherence of the ruling family to state, means of national unity, and how best to serve the public interest. Every member of the commission must take an oath to perform his duties with integrity, honesty, loyalty and justice. This commission has helped guarantee that the Saudi state is led by good rulers.

Despite the leading role played by Saudi Arabia in Islam – being the focus of prayer, the cradle of Islam, the burial place of prophet Mohamed (peace and blessings of Allah be upon him) – the rulers of the Kingdom have not abandoned their responsibilities to their subjects, even while fulfilling duties to the broader Islamic world.

Saudi Arabia has spent huge amounts of money outside

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(1) Taha, verse 44.



## **Saudi Government & People**

### **What Others Do Not Know**

the Kingdom not to disturb peace and stability, but to provide continuous aid and generous support to Muslims in all parts of the world. This helped the Kingdom become trusted and respected by rulers and people around the globe.

Internally, the rulers of the Kingdom of Saudi Arabia unified their country by ridding it of tribalism and resolving local disputes. They did this while unifying Saudi Muslims behind one Imam, and performing the most important pillar of Islam –the five daily prayers – in the Grand Mosque of Mecca. King Abdul Aziz was able to spread peace and security all over the Kingdom, for citizens and expatriates alike.

On the religion side, the Saudi government sponsored a tremendous extension to the two holy mosques – the Grand Mosque in Mecca and Al Munawarah in Medina – and improved other holy shrines, which helped pilgrims perform their religious duties with ease and comfort.

In the area of health and education, medical treatment and education is free for all citizens. Schools and medical centers have been built in all regions of the Kingdom. The government has created renowned universities in all scientific specialties, constructed a modern highway system, built housing, and provided other basic services. The state has improved the standard of living for its citizens. This explains why few Saudis travel abroad



seeking work or better living conditions.

Given all these achievements, it is not difficult to understand the strong Saudi social glue which binds the ruler to the subjects. The bond is cemented by fairness, justice by the ruler, loyalty and allegiance from the subjects, with all knowing their responsibility under the umbrella of Islam.



## **Chapter: 2**

# **Couses and Factors of Stabliity in Saudi Arabia in the Era of Political Revolutions**

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*The Concept of Allegiance and its Effects on the Saudi Society*

*Piety of the Saudi Community: Contiguity of the Component  
and Specifications*

*The Influence of Religious Scholars on the Political Stability in  
Saudi Arabia*

## **The Concept of Allegiance and its Effects on the Saudi Society**

**Dr. Saud Al Bishr (\*)**

### **Introduction**

It is well known by political scientists and constitutional and legal scholars, that every political system is the product of cultural norms prevalent in society. Political systems in Europe and the United States of America, for example, were derived from the political theories witnessed by the societies of those countries, which developed along with the philosophies and theories at specific periods of time. These were shaped by prevailing political and social conditions and, in the end, established views as to the ideal political system and the nature of the relationship between ruler and subjects.

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\* Associate professor of juristic policy at Imam Muhammed Ibn Saud Islamic University. Represented the Kingdom of Saudi Arabia in a number of foreign countries and international conferences. (Saudi Arabia).

The most prominent of these philosophers was Nicholas Machiavelli (1469-1527), who was famous for his writings on ways of governance and has separated political arrangements completely from religious, moral and social considerations. He was the originator of the saying, “the end justifies the means.” This means that the power of the state and its domination over all joints of life in society must be beyond all consideration and standard.

A successor, French intellectual Jean Bourdon (1529-1561), was influenced by the religious struggle in France between the Catholic and Protestant sects during his time. He formulated the theory of sovereignty, and based his vision of governance on the concept that the ruler has infinite authority with which to govern the state and society. But in wake of this political theory, revolutions and coup d'état erupted in France and the rest of Europe demanding democratic rule.

From these revolutions emerged a generation of philosophers who theorized on freedom, anti-tyranny, and defending of constitutional governing.

After that period, the term “civilian society” emerged which called for freedom, equality and human rights, in the writings of John Locke (1632-1704), Jean Jacques Rousseau (1806-1873), and John Stewart Mill (1806-1873). These philosophers agreed that societies emerged as a result of a contract between the people and an elected ruler. This contract, in essence, achieved the interests of the nation and the citizens. Moreover, the authority of the ruler is

conditioned with the trust and confidence granted to him by the people in return for his care of their interest.

Today, when we look at the constitutions in Europe and the United States of America, we would find that they were derived mainly from the political theories written by those philosophers, and, as such, these constitutions and what was derived from them, or branched off them from rules and regulations, was an expression of the culture that prevailed in those societies and became an expression of the will of the members of society.

### **Social contract**

Although the principles of the “social contract” concept were mentioned in the writings of English philosopher Thomas Hobbes (1588-1679), many contemporary Western political thinkers credit Jean Jacques Rousseau for developing the concept into a working theory.

Rousseau developed the concept as an attempt to organize the relationship between government and people. His framework, in one way or another, would come to define the relations that prevail in society. His successors further developed the social contract, tuning it into a working system of rights that were built upon justice, equality and the achievement of common interests shared between the government and the citizens, and to keep society away from struggle launched by man for the sake of obtaining his rights and needs.

According to the concept, the public will, alone, has the

right to select its ruler, set up of the nation, and direct it to serve the public interest. In the social contract, public will is the will of the people collectively, and alone it was the source of the law, with absolute authority, while the ruler who practices the general authority has limits that he must not exceed<sup>(1)</sup>.

(That is why it was called “the social contract” in attribution to Rousseau’s book *The Social Contract*, which was founded on the main idea of the two systems political and social are the result of a contract concluded by the people with the government.)

What was mentioned before was a historical, concise portrayal that explains the relationship between the political systems and the culture of societies governed by those systems in Europe and the United States of America. This fact is not present in the Western countries only, but it is also found in Eastern cultures. It also explains in large part why Communism appealed to the former Soviet Union and China, given their prevailing historical, cultural, economic, and societal conditions.

The point is that the referential source for the political systems, in the West or East, was man-made, i.e. built on the theories of thinkers like John Locke, John Stewart, Jean Jacques Rousseau, Karl Marx, Mao Zedung, and others. Consequently, the constitutions that govern those countries were subjected to many changes and amendments in order to respond to the political, social and economical conditions that these societies had undergone. This indicates clearly

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(1) Ali Abdul Mu’ati Mohammed. (1988). *Western Political Thought*, p.317.

that the human mind, regardless of the level of economic and scientific development, is incapable of developing an organizational system good for all times and places.

That is the main difference between political systems that is derived from the human mind and a political system that depends for its reference upon the creator of man and the universe, Allah the Almighty; on the revelation of Allah transmitted to us by His Messenger, Prophet Mohammed, peace and blessings of Allah be upon him. This reference was known to Muslims as the two sources of the Sunnah “tradition” – the tradition of the Prophet, peace and blessings of Allah be upon him – and the Holy Qur’an. They are both a revelation from Allah.

### **Reference for political system in the Islamic countries**

A widely acknowledged concept in political sciences is that a political system is the product of human legislation, and those humans are a group of individuals chosen by the people to represent the legislative authority. Their main role, or mission, is to establish, amend or replace rules – passing through different stages (such as proposition stage, discussion, voting, approval and issuance) in order to become effective<sup>(1)</sup>.

In that way, we recognize that those who legislate man-made laws are the human beings, and the man-made legislation is subject to modification according to changing conditions through which the respective countries and societies pass. In the political systems of the Islamic countries, however, the

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(1) Mohmoud Helmi. (1973). Islamic Political System, p. 181.



main source of legislation is the revelation, as represented in the Holy Qur'an and the prophet Sunnah (tradition). More or less, the political system derives its legitimacy from the Sharia of Allah (Allah legislation), who Has absolute authority. Therefore, seeking judgment in the Sharia of Allah is the decisive criterion between the Muslims and the non-Muslims. Moreover, seeking judgment in legislation other than that of Allah can be interpreted as a form of worshipping something other than Allah.

Building on that premise, seeking judgment in legislation of Allah, and making it a source of legislation for the society, is one of the fundamentals of Islam. It was established in the revelation from Allah to His messenger, peace and blessings of Allah be upon him, to govern the religious, political, economical, social affairs of the state. The regulatory authority (the legislative in the political expression) does not have the right to legislate or theorize, except in the places where the Islamic Sharia has no specific rule, or where there is no clear text from the Islamic Sharia. This is where the bounteous mercy of Allah has made Islam good and valid for all times and places.

What is accepted as true is that texts are finite and current events are infinite, and therefore new discretion is needed to give every incident or accident the judgment that doesn't contradict with an obvious text and agrees with the intents of the Islamic Sharia and its entire principles.

Discretion is not accepted from any individual, it is the concern of the learned and the knowledgeable scholars

who fulfill all the conditions put forward by the Islamic scholars. All new incidents that occur on the Muslim society must be referred to the scholars who have reached the rank of discretion, in order to deduce the suitable judgment. It goes without saying, that the source of their discretion and deducing is the texts of Islamic Sharia and its entire principles. In this way the state is ruled with a constitution , regulations and laws that agree with the spirit of the Islamic Sharia, even if there was no explicit text from the Holy Qur'an or the prophet's (peace and blessings of Allah be upon him) tradition (Sunnah) ,which is known for the Islamic scholars as the "Sharia policy". The concept of this Sharia policy is that every system used to execute the affairs of the state is a kind of Sharia policy, as long as it is built on the entire principles of the Islamic Sharia, which is meant only to acquire benefits and to keep away the harms<sup>(1)</sup>.

If we want to apply the previous system on the Islamic world, the best model would be found in the basic law of the Kingdom of Saudi Arabia, where the state is governed by Islamic Sharia. The Saudi state was founded on Islam and its entire principles in the area of policy, governance and society. The researcher on the systems of the Kingdom would find the most important and famous was the basic law of government, which stipulated in its first item that: the Kingdom of Saudi Arabia is an Arab Islamic state with full

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(1) Ahmad Al Fathli. Lectures in Islamic Political System. College of Law, Al Azhar Univirsity, Cairo, p. 4.

sovereignty, with Islam as its religion and the Qur'an and the prophet's (peace and blessings of Allah be upon him) tradition as its constitution. The basic law of government stipulated in its 7th item stated that governance in the Kingdom of Saudi Arabia derives its authority from the Holy Qur'an and the prophet's tradition (peace and blessings of Allah be upon him). They are the control over this system (i.e. the basic law of governance) and all other laws of the state.

The Islamic Sharia, as stipulated by the basic law of governance, is the source and reference of legislation and the constitution and for all the laws of the Kingdom of Saudi Arabia. It is the source of the nation's sovereignty. It is not based on concepts of the nation or parliamentary councils, such as the case in the Western and other countries that adopt man-made constitutions as the source of politics and governance.

### **Allegiance and the concept of the social contract**

Earlier, we noted that the concept of social contract revolves around the notion that the people elect governments to fulfill the benefits of the state and the citizen, and that political and the social system is the result of this contract. This theory goes in harmony with the relationship between the ruler and subjects in the Islamic countries, or between the head of state and the citizens in the modern political concept, but it differs in goals and ends.

One of the differences is that the end (purpose) of the ruler in the Islamic countries is to make the Islamic Sharia

the ruling and dominant element in the affairs of individuals and groups and to establish justice, maintain rights, spread security and stability in the state, so that people will be able to practice their religious duties such as Salat (prayer) fasting, Zakat, Hajj, the promotion of virtue and the prevention of vice, and other types of worships. And also, to enable members of the state to perform their worldly affairs that achieve their living needs.

Here we must stop, to hint to an important issue: the mechanism of electing the ruler is not as important, in the political system in Islam, as the duties and functions tied with the ruler to achieve during his tenure, and for that reason there is no clear explicit text in the Islamic Sharia that defines how to select the ruler. The freedom of electing the ruler was left to the Muslims to choose the method that suits their political and social conditions, as long as it achieve the higher intents of the choice of the ruler.

It is important in this context to mention the conditions and terms specified by the Islamic Sharia scholars that must be available in the ruler (Imam). These include justness, knowledge that leads to discretion during incidents, integrity of the senses, and good opinion that leads to the governing of the people and administering their public good. The Sharia policy scholars also put forward conditions for those who will choose the ruler, the most important of which are: justness, knowledge, and good opinion.

The existence of the ruler in the Muslim community

is one the important duties of religion, regardless of the method by which he came into power, because the interests of Muslims will not be achieved except with the presence of a ruler who governs based upon Islamic Sharia. The scholar Ibn Taymiyya said, “It must be known that to rule people, is one of the greatest duties of religion, and religion can’t be maintained except with the existence of a ruler. Human beings will not be able to fulfill their needs unless they live together for serving each other, and once they come together, they must have a leader. Because Allah has ordered the duty of the promotion of virtue and the prevention of vice, which can’t be executed except with authority and the existence of a leader, likewise all other commands of Jihad, Hajj, justice, Friday congregational prayers, Eid festivals and support of the aggrieved. Moreover, executing religious penalties (Hudoud) will not be effected in the absence of authority and a ruler.”

What is important in an Islamic state is not how to elect a ruler, but the purpose of his existence – to achieve the intentions of Islamic Sharia, and rule among the people with right and justice <sup>(1)</sup>. Allah, said, “And it was said unto him: O David! Lo! We have set thee as a viceroy in the earth; therefore judge aright between mankind,”<sup>(2)</sup>. Allah also said, “Lo! Allah commandeth you that ye restore deposits to their owners, and, if ye judge between mankind, that ye judge

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(1) Al Mawardi, Al Ahkam Al Sultaniah, p.6.

(2) Sad, verse 26.

justly<sup>(1)</sup>.”

To perform the rituals of religion, Allah said, “Those who, if we give them power in the land, establish worship and pay the poor due and enjoin kindness and forbid iniquity<sup>(2)</sup>.”

Thus, the existence of a ruler is to guard the Islamic religion, look after the affairs of the Muslims, keep away the wrongdoers, perform justice by supporting the grieved from the griever, provide and protect rights and sever all kinds of corruption – the result would be a good, healthy nation and good citizens.

Therefore, the existence of a ruler is like concluding a contract between him and his subjects (the people), in condition that he rules with Allah’s Shria and deals religiously, politically, economically and socially with the judgments of Allah, through Sharia texts or regulations and laws that agree with the purposes and intents of Islam.

If the ruler has – in the Islamic political system – a high rank in the order of the Islamic state, then the issue of allegiance (Bayaa) has a very high importance, in fulfilling the concept of viceroy (Caliph) and consolidation.

### **The importance of allegiance for the political system in Islam**

Many Islamic directions made the concept of allegiance a primary link in the political system of Islam. Some of these directions:

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(1) Alnesa, verse 58.

(2) Alhaj, verse 41.

- The Islamic Sharia commands Muslims to be a citizen in a state and under the command of the head of state. The Prophet (peace and blessings of Allah be upon him) said, “Whoever removes the yoke of obedience, will find Allah, in the Day of Judgment, with no excuse, and who dies and has no allegiance, dies like a pagan<sup>(1)</sup>.”
- Imam Nawawi said, in explanation of a pagan death, “Meaning like the way pagans die, as they have no leader<sup>(2)</sup>.”
- The behavior of the prophet’s noble companions – a living application of these prophetic texts. That is why we saw them, leaving after preparing the corpse of the Prophet (peace and blessings of Allah be upon him) after his death, to the shelter of Bani Saida, to choose the first caliph of the Prophet (peace and blessings of Allah be upon him). When they chose Abu Bakr as the caliph, they came back to attend the funeral of the Prophet (peace and blessings of Allah be upon him)<sup>(3)</sup>. They did what they did for fear to stay without a state or without a head of state.

### **Application of allegiance and its benefits for the Saudi state**

The Kingdom of Saudi Arabia is the sole country in the Islamic world whose constitution stipulates that the Holy Quran

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(1) Narrated by Moslem, vol. 12, no. 240.

(2) Alnawawi, The Intepretation of Moslem, vol. 12, no. 238.

(3) Al Tabari History, vol. 3, no. 211.

and the traditions (Sunnah) of the Prophet (peace and blessings of Allah be upon him) are the only source of legislation. These two sources govern the main ruling system and all the regulations prevailing in the Kingdom. This clearly stipulated in the 7th article in the main ruling system in the Kingdom. One of the statements in the main ruling system, which is deemed to be one of the main sources of political legitimacy, is the concept of allegiance to the ruler (the king). Article six states, “The citizens will bestow allegiance on the king upon the holy Quran and Sunnah, and obedience and loyalty in both facility and difficulty, life-giving and compulsive.”

The origin of the context and meaning of this article is embedded in the texts of Qur’an and Sunnah. We cannot elaborate on the details of this here. However, what is meant is that the political system of the Kingdom stipulated that citizens must bestow allegiance to the king and thus it obliges them to be obedient and loyal to him in everything that does not contradict the Islamic Sharia.

Allegiance was the foundation upon which Saudi Arabia was established, ever since the historical allegiance between Al Imam Mohammad bin Saud Al-Saud (the founder of the first Saudi state) and the Imam Shaikh Mohammad bin Abdul Wahab Al-Shaikh, to whom the call for revolution in the Arabian Peninsula is attributed. The context of the allegiance between the two Imams was to support Islam, raise the word of monotheism, and abolish polytheism and heresy that were dominating the Arabian Peninsula, and to apply Sharia law.



The modern Kingdom of Saudi Arabia represents the third phase of the Saudi state, and was unified for the support of Islam and adoption of the Islamic Sharia (law) by the late King Abdul-Aziz. After his death, rule was transferred to his sons by means of the allegiance process. In every word made by the king who received the allegiance, he concentrates on the correlation between the Kingdom and Islam as a way of life and behavior in governance and in the political and social structure and other affairs of life.

The Allegiance Commission was established during the reign of King Abdullah Bin Abdul Aziz, to augment the legitimacy of the governor and the governed. The third item of the allegiance states, “The commission complies with the Holy Quran and the traditions (Sharia) of the prophet of Allah, Mohammad (peace and blessings of Allah be upon him).”

Accordingly the oath made by the members of the Commission gives preference to the religion before the king and the homeland. Upon the death of a king, the commissions call for the allegiance to crown prince as a king for the country according to the regulation of the Allegiance Commission and the basic system of ruling.

The allegiance to the king is not confined to the members of the Commission only, but on behalf of the people of the Kingdom. When the king is nominated he will get allegiance from the princes, scholars and the general public. This procedure was exemplified by the allegiance given to King Abdullah, the successor to his brother the late King Fahad bin Abdul Aziz. While speaking before the people, King Abdullah confirmed

that the country will be governed according to the Holy Quran and the traditions (Sharia) of the prophet of Allah, Mohammad (peace and blessings of Allah be upon him). After which he sat down to receive the crowd who gave him the allegiance. He also received the princes of the regions and the citizens who gave him allegiance according to Holy Quran and the Sharia and to govern by the Sharia of Allah. The ambassadors of the king in various countries of the world received the allegiance from Saudi citizens outside the Kingdom.

Here we have to note that not every citizen is obliged to go to the king or his representative for allegiance, since part of the people can represent the whole, provided that every citizen maintains the allegiance of the king and is obedient to him.

Upon the concept of legitimate allegiance between the governor and the governed in the KSA, and the consequences of this concept, the country has achieved security and stability, and witnessed a drastic development in various fields while maintaining the Islamic principal upon which it was established.

What we should confirm, in the context of talking about the effects of Sharia allegiance concept in the political system of Saudi Arabia, is that it achieved two supreme objectives. First, it has achieved the basic purpose of establishing of an Islamic state, based on the Islamic Sharia dedicated to observance of the pillars of Islam and its rituals. Allah said, “Those who, if we give them power in the land, establish worship and pay the poor due and enjoin kindness and forbid iniquity<sup>(1)</sup>.” The rituals of Islam are apparent in the lives of the citizens and Muslims come to the holy

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(1) Al Haj, verse 41.

places for Hajj and visits (Umrah), and who arrive in Mecca and feel the Islamic life in the faces of the citizens and expatriates.

Secondly, the dominance of security resulting from performing the Sharia in the Islamic state, where the Qur'an stated, as Allah said, "Allah has promised such of you as believe and do good works that He will surely make them to succeed (the present rulers) in the earth even as He caused those who were before them to succeed others); and that He will surely establish for them their religion which He hath approved for them, a will give them in exchange safety after their fear . They serve Me. They ascribe nothing as partner unto Me. those who disbelieve henceforth, they are the miscreants <sup>(1)</sup>."

The Kingdom of Saudi Arabia has achieved security, with the grace of Allah, incorporated Sharia in politics and governance with the help of citizens who paid allegiance to the leaders. This "social contract" has allowed the Kingdom to maintain security, and manage crisis and threats since its unification – from fanatics abroad or from intolerable elements who want the state to divert from the method of Islamic Sharia. The world has seen, during the Arab Spring revolutions that swept the Arab world countries, the strength of the relation between the government and the people which safeguard the Kingdom against such turmoil, and maintained security and stability.

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(1) Al Nour, verse 56.

## **Piety of the Saudi Community: Contiguity of the Component and Specifications**

**Dr. Alkhidru Abdul Baaq Mohammed (\*)**

### **Introduction**

During the course of the Arab Spring, some governments resorted to excessive force against to suppress revolt. Revolutionaries resorted to burning, looting, and sabotage to cripple their own governments. Yet during this same period, the relationship between the Saudi people and their leaders grew stronger, their solidarity further cemented. Despite the calls for revolt made by some instigators – timed to correspond to the revolts sweeping other Arab countries – Saudi internal harmony was maintained. The chaos,

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\* Assistant secretary general of the African and Asian Writers Organization at Cairo, general director of the specialized programs at the Hikmah (Wisdom) University, chief of the media committee and acting secretary general of the United African Association.(Nigeria).

fragmentation, and turmoil witnessed elsewhere contrasted sharply with Saudi national solidarity.

### **Methodology of contiguity and analysis**

The Saudi community, with the guidance of religious scholars and wisdom of other individuals in the nation, responded to calls of revolt by coiling tighter around the government. This positive response marked a great achievement for the country and its people.

Many questions can be asked about how and why events unfolded in the Kingdom as they did. However, utilizing the knowledge theory to analyze how people in the Kingdom responded to calls for revolt against the regime, during the so-called Arab Spring, gives conclusions and satisfactory answers to these questions. It also provides insight into understanding the reasons and factors that stand behind this unique model of how the public reacted to calls for revolt, which were ignited and escalated by the international media – particularly social media.

The legitimate relationship between the Kingdom's leaders and citizens requires an in-depth study of Saudi cultural life, which starts with the understanding that religion is the base component and most obvious feature of the culture. Religion is a central component of the basic system of any community and, accordingly, many theorists see it as an important factor of contiguity. It helps predict the outcome of the events, reactions to incidents, and future expectations.

### **Religion in the Saudi society**

Viewing the Saudi community and the natural relation between each of its components, one discovers the consistency between these components, and the foundation upon which the country was established. This foundation is religion, namely the precedential Salafi doctrine. Hence the dominant role of religion in the character of the Saudi citizen is understood. Religion includes the significant influence of religious scholars and institutions in the Saudi community, whether at the governmental or public level.

Understanding the centrality of religion on the Saudi community is essential because it has been the foundation of history and life in the Arabian Peninsula. The role of religion was dominant during the establishment of the Saudi state. Prior to the Kingdom's establishment, the coherence of religion in Arabia was weak in the face of fads and superstition. The people lacked unity and security, fought endless wars, and the political situation was continually volatile. All these factors together pushed both founding Imams, Mohammad bin Saud and Mohammad bin Abdul Wahab, to hold a historical meeting culminated in the establishment declaration of the of the Saudi state<sup>(1)</sup>.

Thus we conclude that religion and its institutions played a central role establishing the unity, security, prosperity, and political stability, which is enjoyed in the Kingdom to present time. Moreover, religion has directly enabled the regime to deal successfully with the crisis and manage conflicts within the community in a manner that allows the system to carry out the necessary changes and reforms – gradually

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(1) [www.darah.org.sa/information/about.php](http://www.darah.org.sa/information/about.php).

responding to the expectations and needs of the people, at successive and continuous periods of time.

The prestige of religious institutions and leaders has increased because of several unique characteristics. One such characteristic is the confidential relationship between the religious establishment and political leaders. Another is the ability to shape public opinion on political matters. The public responds favorably to the guidance and wisdom of religious scholars, which strengthens support for decisions made by the political leadership. This continually demonstrates the leading role of religious scholars on legislative matters.

Individual Saudi citizens look to religious scholars for guidance on legal affairs and behavior. Accordingly, the community as a whole responds to the advice of the commission of the senior religious scholars, which is chartered to, “Maintain national stability and the blessing of the agreement upon Quran and the Sunnah under wise leadership, and to concentrate on cooperation on charity and piety and avoidance of sins and aggression.”

### **Religious institutions and the formation of Saudi political contentment**

One of the matters that should be explored, but is often ignored by those not understanding Saudi culture, is that the legislative institutions are the main source of Saudi political contentment. Political decision-making by the Saudi government is completely based upon the teachings of the Islamic Sharia (legislation), which supports political stability.

Accordingly, the religious establishment works to support and maintain the political system. It mobilizes the resources

necessary to contain conflicts within the community and prevent the eruption of violence. There is no chance for political opposition, or pressure from interest groups, as there is in the West. On the contrary, there is acclamation for advice and kindness, and efforts to avoid the violation of Sharia.

The role of religious scholars in the political decision-making of the country was confirmed by the late Shaikh Mohammad bin Saleh Al Ethaimean (may Allah bless his sole), one of the prominent religious scholars in the Kingdom. He said,  
*“Be aware of Allah to understand the methodology of the pious predecessors concerning dealing with the governor, and avoidance of using the governor errors to excite the people against the governor, and lead them to the hatred of their governors. This is a plain evil and a reason for seduction between people. Hatred of the governors would lead to evil, seduction and chaos among people. Hatred of religious scholars would also belittle the religious scholars and then belittle the Sharia they are guarding. If someone belittled the dignity of the religious scholars and the governors, legislation and security would vanish. This is because people will not trust what the religious scholars say, and will revolt against the instructions of the governors. This will result in evil and corruption. It is necessary to follow up the methods used by the pious predecessors with the governor. One has to control himself, be aware of the outcome and to know that whoever revolt will serve the enemies of Islam. Revolution is not an example but wisdom is the example. I do not mean by wisdom to keep silence of errors, but to rectify it by advice, not to change the ruling system. An advisor is one who corrects the system not to change it.”<sup>(1)</sup>”*

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(1) Ebraheem Al Faris. Important Fatwa for Umah. Dar Al Asima Publications, , p.288.



## Religious categories in the Saudi community

Talking about piety of the Saudi community in this manner does not mean that there are no variations between Saudi citizens. There are three categories of piety. First are those who have proved their piety, are capable of correlating their conduct, speech and behavior with legitimate evidence extracted from the law as written in religious texts. This category is comprised of dedicated religious scholars, who represent the minority.

The second, lower category can reach for legitimate rules and possess the ability to do scientific research in order to choose and select what is consistent with the views of the dedicated religious scholars. They are, however, incapable of issuing religious rules. They represent the various students of religious science and apostles, and are far more numerous than the first category.

The third category is comprised of those whom cannot be described as “ignorant,” but they do not possess the necessary tools to study religious science, nor can they be students of the religious science. They tend to accompany the dedicated religious scholars and students of the religious science. This category represents the majority of the community, who are occupied by work to secure their life and family requirements. Accordingly, they perform their religious rituals, and follow dominant religious norms and customs. They possess the minimum level of legitimate knowledge, irrespective of its correctness in perception and practice.

## Characteristics of piety in the Saudi community

In conclusion, we can refer to some characteristics of piety in the Saudi community in the following brief points:

***Medial and Moderation:*** *state of balance between*

*fundamentalism and abnormality on one side, and negligence and indifference on the other side.*

This concept is related to all facets of human activity. It is a clear method in the conception of the Saudi to understand religious legitimacy, and how it controls behavior, particularly in political affairs. This method judges the degree of religious adoption or rejection in belief, conduct, or attitudes, resulting in grades of the values, intentions and priorities in terms of adherence to Sharia. This model exaggerates results, and explains an individual's decisions on the basis of whether actions are necessary or unnecessary in relation to Sharia.

***Spontaneous Piety:*** *the natural essence of Saudi piety, and personal inclination to the guidance of religion, even if some seem to ignore some religious details.*

Many men, women, boys, and girls appear to be indifferent to the religious guidance in a way that raises doubt about their piety. However, when challenged, such people demonstrate behavior that clears any doubt about their piety. Piety is deeply rooted in the general behavior of the Saudi people, despite the transition to modernity and urbanization prevailing in the Kingdom in all walks of life, and the impact of these trends upon the youth in particular. One useful, relevant remark in this regard was written by a contemporary writer, who said:

*“One day, I was waiting for a colleague in front of a mosque in Riyadh. I came about twenty minutes early, as a precaution for the road- we were going together for a visit*

*to one of the senior religious scholars, may Allah preserve them. The noon prayer was being performed. Suddenly a fast driving sports car parked beside mine. Two youths, 20 twenty years old, got out. Both wore short sleeves shirts barely reaching the brachium but covering the shoulders, and short leg trousers covering their loins. They went in a hurry toward women in the prayer place! I stopped reading a book in my hand because of my suspicion of this behavior! However, they did not give me a chance to ponder about the possibilities of what I have noted, for very soon they went out and headed towards the ablution place! They did not stay for long because they came out quickly and headed towards the mosque door...I decided to wait for my colleague inside the mosque...after a few minutes I entered and noted that each of them was praying separately! One of them raised his hand appealing to God. They then left together hand in hand. One of them raised his hand greeting me with smile followed by the other! I responded to them with a better smile as a result of my happiness of this scene which cannot not be matched with another scene nor could be expressed in writing.... what I had seen was the last part of the scene during my entrance- because they were doing the Sunnah prayer<sup>(1)</sup>. ”*

Positive piety is another feature of the Saudi community. This genuine piety is one gain for humanity. It can be augmented by instinct in times of serious trial, through the absorb lessons from

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(1) Sa'ad Al Otaibi. Feqhweb: See [www.Feqhweb.com/vb/t1010.htm](http://www.Feqhweb.com/vb/t1010.htm).

religious texts. This is opposite to the piety of so-called Islamic extremists and fundamentalists who are inclined towards negative piety, which is based on the spiritual dimension of the human existence in a way that nullifies the human material dimension. An obvious example of this is seen when looking at extreme Sufis, who draw away from ordinary life on grounds that they are devoted to worship and abstention.

Amid the positive indicators in Saudi piety is the promotion and evaluation of the desirable religious behavior, and the suppression of negative religious behavior.

*Complementary piety is the religious behavior that takes into account and combines intrinsic and objective dimensions, on grounds of the intrinsic dimension of the human existence: that intentions and purpose do not nullify the objective dimension, the behavior. The relation between the two dimensions is that of a complete exchangeable effect (education and deeds).*

Complementary piety is based on the inclusion of piety to multiple human dimensions – behavioral, cognitive, and sentimental. This is obvious in the attention given by Saudis to comply with the general appearance required by religion, and also the inclination to educate and spread of religious knowledge in promotion of values and the grand goals of the appearance of behavior.

The piety of the Saudi community is characterized by continuity, connectivity, and currency. It does not deal only with an accumulation of historical legacy of an old era, as do some communities, which has no value other than ceremonial during festival and seasonal celebrations.

## **Conclusion**

The high prestige enjoyed by religion and religious scholars proves and confirms two basic factors in the stability of the Saudi community, even within the context of regional political transformation. It is also clear that the religious scholars are the best supporters of the Saudi regime because of their acute religious knowledge. They evaluate benefits within the system, and reject evil harmful actions, especially during times of crisis. They represent the elite of the religious scholars in the Islamic world, and manage national affairs with rationality, in light of the goals of the Sharia. They are not affected by youthful enthusiasm or conditions in other Arab countries. However, by the grace of Allah, and then by the highly religious awareness that was maintained by the religious scholars in the Kingdom through instruction and guidance, the Saudi nation dealt with the few odd calls to revolt and uprising against their leadership in a mature manner.

## **The Influence of Religious Scholars on the Political Stability in Saudi Arabia**

Adel Al-Moa'wdah (\*)

### **Introduction:**

The validity of a community depends on mature, intellectual leadership, free from the impact of negative features of mankind, such as whim and personal interest. Allah, glory to Him, used to send individuals, at different periods of time, to lead people from all walks of life to safety. The prophecy ended with the death of Prophet Muhammad (the blessing of Allah be upon him). However, divine religious scholars, who are the heirs of the prophets, lead mankind and guide it to improvements in quality of life in this world and beyond.

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\* Worked as a delegated expert at the Bahrain Center for Studies and Research, previous chief of the Council of Islamic Education, member of the International Parliament Union. He participated in a number of scientific and parliament conferences inside and outside Bahrain.(Bahrain).

The most important issue that the prophets called for was the application of justice between people, as it is deemed to be the foundation of political stability. Justice represents the goal that all nations, states and people seek as a necessity for security and development. The religious scholars and mullahs (legists) have played an important role, through history, in the establishment of stability within Islamic communities.

Due to the religious scholars' standing in the community, it is natural that their words echo with common folk. Accordingly, their opinions about the rules of His Almighty are accepted. And, their pronouncements settle disputes perception and political problems. This is consistent with His Almighty's saying, "Ask the followers of the remembrance if yee know no!<sup>(1)</sup>". And common folk are forbidden from following ignorant logic, or , according to His Almighty's saying, "Follow not that whereof thou hast no knowledge<sup>(2)</sup>". Or, as His Almighty stated, "Say: my Lord forbiddeth only indecencies, such of them as are apparent and such as within, and sin and wrongful oppression, and that ye associate with Allah that for which no warrant hath been revealed, and that yet tell concerning Allah that which ye know not.<sup>(3)</sup>" In total, there is no word to be listened to except from those who have the knowledge of the proper legal texts.

The most prominent factors for political stability, which are required by any community, are:

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(1)An-Nahl, verse, 43

(2) Al-Esra, verse, 36.

(3) AL A'araf, verse, 33.

- Belief (doctrine) and intellect.
- Justice and reform.
- Strong economy.
- Right and duties.
- The media's representation for the values of the nation.

Religious scholars have provided strong and effective contributions in clarifying and explaining these items to the people, so as to avoid chaos and the disturbance of security. No one other than they can provide such a contribution, because they rely on the prophetic teachings. Nor does anyone have greater influence on people, because their words are taken as the rule of Allah, and should be abided by.

The status of those who thoroughly command religious knowledge, and their position and importance in reforming the ruler and his subjects so as to maintain security and stability, is crystal clear. Al Imam Al-Showkani (may Allah blessed his soul) stated that religious scholars should be considered as associates, consultants, and references. Specifically, he wrote, "It would not be mysterious to a wise person that if those who command the religious knowledge, graceful and pious refrained to interact with the kings, then the clean legislation (sharia) will be disabled, due the absence of those who can apply it, and the Islamic kingdom would change to a heathen kingdom in the ruling legislations, both in religion and transactions, and ignorance would dominate, and the rulings of the book (Quran) and the Sunnah (traditions of the prophet) would openly be violated, especially by the king



and his close associates, and followers.”

This essay aims to shed light on the importance of religious scholars in the maintenance of political stability of Saudi Arabia.

### **The Importance of religious scholars and their effect on the society**

Divine religious scholars are the stars of guidance, flair of light, guideposts. Every religious scholar who learns, uses, and applies religious teachings, and call people to them, deserves to be honored and esteemed because he is trustful. Allah, glory to Him, made the status of the trustful directly second to that of the prophets. His Almighty stated, “They are with those unto whom Allah hath shown favor of the prophets and the saints and the martyrs and the righteous. The best of company are they!” An-Nisa:69. He also said, “Allah (Himself) is witness that there is no God save Him. And the angles and the men of learning (too are witness)” Al-Imran:18. Furthermore, He said, “Say (unto to them, O Muhammad): Are those who know equal with those who know not ?” Az-Zumar: 9. And, “Allah will exalt those who believe among you, and those who have knowledge, to high ranks” Al- Mujadilah:11. Further, a prophet hadith says, “Religious scholars are the heirs of the prophets.”

In short, Islamic religious scholars were, and still are, pioneers of blessing and reform, a source of guidance and advice, and contributors to improving the lives of common

folks as required by the community.

Saudi Arabia witnessed its blessed emergence by the efforts of its first founders, Al Imam Muhammad ibn Saud and Sheikh Al-Islam Muhammad ibn Abdul Wahab (may Allah bless their souls). It derived its existence and values from the pure Islamic doctrine. The Kingdom is based on Quran and the Sunnah, and rejects imitation, and refuses the opinions of religious scholars that are not supported by clear-cut evidence. Thus it has done well in serving the people with justice, provided by His Almighty's legislation. Religious scholars, along with the rulers, make and supervise decisions so as to comply with the will and legislation of Allah, to the benefit of people and the country.

The role of the religious scholars in establishing stability of the Kingdom is carried out through formal and informal institutions, by means of instruction, guidance, education, judicial decision-making, the media, and research centers.

### **The historical effect of the kingdom's religious scholars on stability**

The blessed monotheism call, which was started by Sheikh Al Islam Muhammad ibn Abdul Wahab (may Allah bless his soul) and followed by the religious scholars of Najd and Hijaz, had a significant effect on the establishment of stability and security. We can look to history and find that these scholars had the final word in responding to the situations, conditions and challenges that emerged. For example, Al-Shaikh

Muhammad ibn Abdul Wahab (may Allah bless his soul) explained the role of the religious scholar in establishing stability in Mecca Al-Mokaramah, saying:

*“When Allah, thanks to Him, blessed us, we the company of the monotheistic, by entering Mecca, we entered by repeating our compliance with the orders of Allah. Although the number of the soldiers was big, they were polite, did not cut tress, or feared birds, nor shedding blood except that of the sacrifice according to the legislative manner. After we finished our ‘Omrah – minor Hajj,’ the prince – that is Saud ibn Abdul Aziz – asked the religious scholars about what we need from the people and that what we are calling them for is a faithful monotheism to His Almighty alone, and the do’s and don’t’s...thus the word is unified, harmony took place and security is achieved without bloodshed, nor violation of personal affairs, and no one faces any difficulty, thanks to Allah.<sup>(1)</sup>”*

In 1270H, during the era of the second Saudi state, security and stability was shaken in Oanaizah region. The population rose against Prince Jalawy ibn Turkey, and wanted to drive him out of the palace. They wrote to Al-Imam Faisal explaining why they had done so, but their message did not arrived soon enough. Thus they thought that their complaint was not accepted but they still decided to expel him from the region. However, Al-Sheikh Al-Babtain (God bless his soul) succeeded in nullifying the seducement and calming the people, promising them to go by himself to Al-Imam Faisal so

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(1) Abdullah Al Bassam. Najd Scholars in Eight Centuries, vol.1, p. 173.

that he would replace Jalawi ibn Turkey with another prince.

The historical role of religious scholars is not limited to the stability and loyalty of the people, because they also have contributed to the stability of the leadership's organization within Al- Saud family. This was particularly true after the death of Al-Imam, when the final ruling of the leadership dispute was made by religious scholars. For example, the sedition and dispute that arose between the sons of Al-Imam Faisal ibn Turkey. At that time Al-Sheikh Abdul Lateef ibn Abdul Rahman played the necessary role that saved the country from woe and bloodshed.

During the third Saudi state, religious scholars were prominent factors in the stability and success of the regime. Together with King Abdul Aziz ibn Abdul Rahman (may Allah bless his soul), they provided the basic contribution to political stability. In 1337H, the King held a conference for the religious scholars to discuss the dispute that was arising between Bedouins and urban brothers. They decided that the beliefs of both Bedouins and urbanites were derived from the same source – the Quran and Sunnah – and that all followed the nation's ancestors such the companions of the Prophet and those who followed in their footsteps with benevolence. Scholars representing the four Muslim schools of jurisprudence – from the great Imams (legal scholars) Abu Hanifah, Malik, Al-Shafie, and Ahammed ibn Hanbal – believed in the same principles, with only minor differences in interpretation<sup>(1)</sup>.

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(1) Ibid, vol.1, pp. 30 - 29.

## **The impact of the religious scholars on establishing the relationship between the rulers and the public**

The religious scholars' role includes balancing the rights and duties of the people and those of the ruler. No question that the organization of this relationship, in a way that retains the balance between the two sides, has been a key ingredient in the country's stability.

The responsibility of religious scholars in this regard is critical, as their guidance shapes the whole community and nation. His Almighty stated, "And (remember) when Allah laid a charge on those who had received the Scripture, He said: 'Ye are to expound it to mankind and not to hide it. But they flung it behind their backs and bought thereby a little gain. Verily evil is that which they have gained thereby'.<sup>(1)</sup>"

Accordingly, the status of religious scholars in Islam is great. This fact was imbedded in the state by the unifier of the Kingdom, the late King Abdul Aziz ibn Abdul Rahman Al Saud, when he complied with legislation guidance accepted by the religious scholars. He (may God bless his soul) said, "I will execute the sayings agreed upon, by the religious scholars, as for disputed issues between you religious scholars, I will apply on it what the pious ancestors had applied, I will accept anything close to the evidence of Quran and the Sunnah of the Prophet and the sayings of the famous religious scholars accepted by those adopting the

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(1) Al- Emran, verse, 187.

Sunnah and the group<sup>(1)</sup>.”

The correlated relationship between the people and the rulers, resulting from the legislative construct of religious scholars, was clarified in the statement of Al-Shaikh Muhammad ibn Ibrahim, (may God bless himself), the previous jurist (mufti) and the chief of the judges in the Kingdom, in a message he had sent to one apostle. He said, *“I have been informed that your attitude toward the emirate is not as expected, and you, may Allah bless you, know that the purpose of the emirate is nothing else than the benefit of the people, and that its condition is not that it should not commit an error, the wise and unwise know its benefits, and that its benefactions are more greater than its evils. The position of those like you is the position of providing preaching, guidance, legal opinions between opponents, and secretly advise the ruler and the subjects, all this with a genuine intention that resulted in a benefit for Islam and Muslims. The error (or errors) of the ruler should not dominate your mind and control your behavior, secretly carry out the advice duty. Publicly show and state the rights of the ruler and obedience and loyalty that should be given to him according to Allah’s orders. Be aware that a ruler is not chosen to collect money from the Muslims and aggrieve their blood and personal affairs, and does not do that at all, but he is not sinless, be a brother of his: one a clarifier, advisory preacher the second: does what he is supposed to do, refrains from that does not*

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(1) Al zerkli, Arabian Peninsula in the Era of king Abdul Aziz, 1985.

*concerns him, if the ruler does well, pray for His Almighty to bless him and encourages him, if he does not do well treat him as the aforesaid and do not show – particularly to those who are falsely unjustified – your blame and criticism of the ruler to the public, because this does not benefit the people, and opposite to your worship, what benefits your worship is what that I have mentioned above and what is similar to it, that is to unify rather than to disperse, compile rather than estrange. Remember the advice of the prophet to Ma'az and Abi Mosa – may God bless their souls – make things easy not difficult, promise and do not estrange, be agreed and not disagreed.”*

### **Effect of the religious scholars on the incidents affecting the kingdom**

The Arab world, and the Arabian Peninsula in particular, has a significant importance to religious scholars due to the fact that it has witnessed many wars and conflicts, and been subject to the designs of powerful countries motivated by greed. The Kingdom has been a force for stability and security in the region, for the benefit of the people and the country. Religious scholars have had a loud and effective voice in shaping that role. For example, during the triple aggression against Egypt, the senior religious scholars and the Saudi people stood with King Faisal (may God bless his soul).

The fate of Palestine is considered the most important

problem that affects the Kingdom's stability, primarily because of the holy places – the Al Aqsa Mosque and the Al-Haram Al-Sharif. This religious concern is held by the Kingdom more than any other Muslim country given its central position to Islam. Religious scholars have stood against all unfair resolutions regarding Palestine starting from Belfour Declaration in 1917, through the partition of Palestine in 1948, and to the present.

The late Sheikh Abdul Aziz ibn Abdullah ibn Baz (may Allah bless his soul) issued a legal opinion that deemed that the struggle (Jihad) of the Palestinians against the Jews is just since they occupied their land. He wrote, “It is their duty to defend their religion, themselves, families, their children, and drive the enemy out of their land whatever power they have...It is the duty of the Islamic countries and the rest of Muslims to back and support them to get rid of their enemies, and to return to their country.<sup>(1)</sup>”

When Saddam Hussein invaded Kuwait, Saudi religious, scholars condemned this act. The Mufti, the late Shaikh Abdul Aziz ibn Abdullah ibn Baz (may Allah bless his soul), issued many statements calling for resolving the conflict and ending the seduction that was weakening the nation.

Religious scholars have been the foundation of support for the Kingdom's leaders whenever serious events took place in the region – including the regional political unrest occurring today. They remain, as always, on the side of right, and continue

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(1) The Collection of Imam Ibn Baz Fatwa.



to protect religion, community and the public interest.

### **Effect of the religious scholars on combatting extremism**

The Kingdom's religious scholars have embodied moderation and reasonability since the call of Sheikh Al-Islam Muhammad ibn Abdul Wahab (may Allah bless his soul). The highly learned countered odd thoughts, extremism, or exaggeration that could lead to violence in the community. The scientific legislation commissions, and the religious scholars, have continued along the same path.

There are many examples that demonstrate this, but we will refer to two. The first was the statement of the great religious scholar Al-Sheikh Muhammad Al Salih Al-Ethaiman (may Allah bless his soul). He condemned the terrorist attack that took place in Al-Khobar in 1417 H (1996). He said, "Accordingly, those non-Muslims who are safely living with us should be respected and their blood is legally forbidden." This clarified the seriously mistaken rationale of the Khobar terrorists, who attacked on a Wednesday evening at a populated place when it is known that the taking of blood and fortune is legally forbidden. The attack resulted in the death of 18 people, with 386 injured, including Muslims, children, women, old and young, plus the destruction of fortunes and houses.

This operation was definitely unacceptable on the basis of legislation, logic, or nature. Regarding religious legislation, the Quran and Sunnah teach respect for the blood and

fortunes of Muslims and non-Muslims in their care, those protected by treaty, or those provided safety. Respect of these covenants is part of Islam. However, it should be noted that respect of treaties does not necessitate embracement or loyalty, merely fulfillment treaty obligations.

As for logic, a wise person will not do something that is forbidden if he knows the outcome of the deed will be negative. Moreover, a wise person would not do even permissible things without recognizing likely results. The Prophet said, “That who believes in Allah and the day after has to say what is beneficial or should keep silence.” (Narrated by Al-Bukhar)

In a statement about an attack on the traffic police department’s building in Riyadh in 2004, Sheikh Abdul Aziz ibn Baz (may Allah bless his soul) said, “We follow up with sorrow and grieve the explosion that took place in the general department of traffic police in the center of Riyadh, and the resulting killings of forbidden Muslim souls, and various injuries of a large number of Muslims working in the building or those who came to process their transaction, and the passersby or those in nearby buildings, and the damage of the public properties such as building and vehicles. I vindicate my conscience, and as an admonition to the Nation, I strongly condemn the deeds of this erratic and awry group, which used the religion as curtain, to clarify for the nation that this deed is absolutely forbidden and is one of the greatest sins...”

## **Effect of the religious scholars on the advisory of the dissidents**

The most prominent duty undertaken by Saudi religious scholars is discouraging sedition, which can cause widespread damage and destruction. Religious scholars recognize that the deeds of erratic groups violate the regulations of the Islamic state, and are both irrational and semi-satanic. They understand that ill-conceived thoughts cannot be eradicated without strong and clear evidence and argument. Thus, religious scholars work in advisory committees to negotiate with those who have embraced such misplaced ideals. This effort, by the blessing of His Almighty, has been a major asset in quelling sedition and forgiving those who adopted errant beliefs.

An advisory committee was established under the supervision of the Ministry of Interior, in coordination with the Ministry of Islamic Affairs. A group of religious scholars and apostles worked with dissidents. The committee studied the status of those arrested from the intellectual dimension, and discovered why and how their thoughts had gone astray. They then provided reasonable solutions for the dissidents' concerns by utilizing the texts of orthodox legislation (Islamic Sharia).

The advisory mission adopted two approaches:

One approach required the arrested person to take seven weeks of religious courses, where he would be taught selected materials for legislative culturing, correcting wrong and biased thoughts, and learning correct thoughts. Topics

studied include: expiation with its criterions, struggle (Jihad) with its criterions, loyalty and disavowal, intentional killing, the shedding of blood, reading books about analogous matters, and Muslim views on sedition.

The second approach provides personalized advice to each of the arrested. A small group of 2-3 members of the advisory committee meets several times with the subject, explaining that their purpose is to clarify the right approach to problem-solving. And, at the same time, to inquire as to his thoughts in full, with transparency and clarity, so that they can provide clear and frank answers. The arrested is also asked to say whatever he wants without any pressure from officials or members of the advisory committee. The goal is to supply convincing evidence that complies with Islam in order to undermine the validity of erratic thoughts.

### **The role of the religious scholars in countering the claims of “the Mahdi” and the attack on the Grand Mosque of Mecca**

The individuals who followed Juhayman ibn Said Al-Otaibi and falsely claimed to support “the Mahdi” in 1979 committed serious sedition and inflicted great evil on the nation. Inspired by Satan (devil), Otaibi and his companions convinced themselves that Mohamed bin Abdullah Al-Qathani was the Mahdi. They occupied the Grand Mosque in Mecca, closed its doors, profaned its holiness, and committed bloodshed during the holy month. The commission of senior religious scholars issued a legal opinion that necessitated

clearing of the holy mosque of this group of aggressors and outlaws – by force if necessary. The rulers of the Kingdom took the necessary action to quell this sedition, got rid of the evil upstarts, and relieved Muslims from further grief.

The commission of senior religious scholars issued a statement about the “Mahdi” claim and the aggression against the Holy Mosque, saying:

1. The instigators committed a serious crime. Profanation of the divine place of God, and its conversion to a field of killing and combat, changing it from a secured area to a battlefield dominated by chaos, fear, and death, and ignores the severe threat of Allah. His Almighty said, *“Whoever seeketh wrongful partiality therein(the Holy Mosque), him We cause to state of painful doom.”* Al-Hajj;25. In the authentic book of Al-Bukhary, the prophet said, *“Mecca is forbidden by Allah and not by people. A believer of Allah and the day after is not permissible to shed blood therein, nor to cut its trees. If someone tried to take the fighting of the prophet of Allah therein as an example, tell him God had given permission to His prophet and He has not permitted thee, He permitted me one hour at day time, and Mecca returned to its holiness as it was forbidden yesterday, attendants have to inform absentees.”*
2. Shedding the bloodshed of Muslims in the holy city of Allah, honored Mecca, and in His forbidden secured place, is forbidden and thus their acts were seditious.

3. Pertaining to fighting in the holy city during the sacred month, His Almighty said, “*They questioned thee (O Muhammad) with regard to warfare in the sacred month. Say: Warfare therein is a great (transgression).*” Al-Baqarah: 217.
4. Fomenting an uprising against the Muslim’s Imam and their ruler disrupts stability, collaboration, harmony, counseling, and the concert that so many nations and countries in the world envy. This erratic group ignored the crime of disloyalty to the ruler of the Muslims, and either ignored or pretended to ignore the texts regarding this issue in the holy Quran and Sunnah. In the authentic book of Muslin, ibn Omar (may God bless their souls) recounted that he heard the Prophet (may the blessing of Allah be upon him) say, “ *Whoever negated an allegiance of obedience of Allah, will meet Allah on the day after with no justifications, and whoever died without an allegiance will die a pre-Islam death.*” In the authentic book of Al-Bukhary, Abdulahi ibn Amr (may Allah bless his soul) reported that the Prophet (may the blessing of Allah be upon him) said, “*Whoever comes to you while you are on consensus, and tries to dissipate your consensus, then kill him whoever he is.*”
5. Their aggression caused a paralysis of religious rituals, such as prayer, invocations, circling around Kaabah, and Quran reciting at the divine place of Allah.
6. The group deceived the ignorant and naïve, including

women. They exposed people to many tragedies and hardships, including death, resulting from their illegal actions.

7. Referring to one member of their group as the Mahdi, despite no supporting evidence, was a flight of fantasy and deviation from Islam.

Upon the aforementioned, the commission of the senior religious scholars deemed this group as an erratic and sinful group due to its aggression of the holy place and holy mosque, the shedding blood, and attempting to divide the Muslim community.

### **Impact of the religious scholars on national unity**

Religious scholars are concerned with national unity, which is deemed to be an Islamic legislative requirement; it is a social and political necessity for stability. Accordingly, the commission of the senior religious scholars issued a statement in 2011 reinforcing national unity and harmony between the citizens and the state. They reminded the public of the blessing that His Almighty Has bestowed on the people of the Saudi Arabia – consensus about the Quran and Sunnah, and rule by a wise leadership supported by a legal allegiance. They warned against demonstrations and statements to the contrary, and clarified the legal methods for reform and guidance.

The religious scholars also issued strong warnings against national treason, which represents high treason to

both the religion and the country. The Mufti (jurist), Al-Shaikh Abdul Aziz Al-Sheikh warned, *“The greatest treason is that of a person who betrays his country and his rulers. The crime and the sin of treason is enlarged by the harm and damage that its causes for the Muslims and Islamic community. There is no doubt that treason of the country and the rulers will result in great damage and serious loss of the capabilities and fortunes of the country and for the citizens in general. A true believer will not betray his country where he has grown up, and benefits from its wealth and made use of its capabilities. He cannot betray his ruler before whom he had given allegiance to obey him, advice, be honest, loyal to them and not to betray them.”*

### **Religious scholars and the occurrence of sedition**

Saudi religious scholars are deeply concerned with security, stability, the importance of consensus, and internal and external unity during the recent period which saw the fall of several neighboring regimes in the “Arab Spring.” Accordingly, they issued a statement saying, *“All recognize the current accidents, riots and seditions at different parts of the world, and the senior religious scholars’ commission, while invoking to His Almighty for the safety, stability, and consensus of Muslim rulers and their subjects on the truth, is thanking His Almighty for bestowing upon the Kingdom of Saudi Arabia consensus, and unification based on the book of Allah, Quran, and the prophet’s Sunnah*



*(traditions) under a wise leadership with a legal allegiance.... and that retaining the consensus of the nation is one of the great principles of Islam, which is greatly recommended in Quran together with a great condemnation of neglecting this consensus, His Almighty states that 'And hold fast, all of you-together, to cable of Allah, and do not separate. And remember Allah's favor onto you: how ye were enemies and He made friendship between your hearts so that ye became as brothers by His grace, and (how) ye were upon the brick of an abyss of fire, and He did save you from it. Thus Allah maketh clear His revelation unto you that happy ye may be guided.'* Al-Imran: 103. He further states, 'And be ye not as those who separated and disputed after the clear proofs had come unto them. For such there is an awful doom.' Al-Imran: 105. His Almighty also states that: 'Lo! As for those who sunder their religion and become schismatics, no concern at all hast thou with them. Their case will go to Allah, who then will tell them what they used to do.' Al-Anam: 159.

*This principle is the reservation of the consensus of the nation, which the Prophet (may the bless of Allah be upon him) had glorified in several general and special situations, such his saying (The hand of Allah is with the hand of the group" (narrated by Al-Tormizy), and 'whoever negated the obedience of Allah will meet Allah on the day after with no justifications, and whoever died without an allegiance will die a pre-Islam death' (narrated by Muslim), and a further saying that means 'there would be errors and errors whoever wants to divide the unity of the nation when it is unified strike him with the sword whoever he is' (narrated by Muslim).*

*The importance of the advice regarding the consensus and unity of the nation is derived from the great interests of unity opposed to the great evils that may result from the lack of unity. These are well known by the wise people and have old and recent evidences. Allah has favored the citizens of this country by holding together around their rulers upon the guiding of Quran and Sunnah, and are not separated by foreign political currents or political parties with conflicting aspirations, and complying with His Almighty words, ‘Turning unto Him (only), and be careful of your duty unto Him, and establish worship, and be not of those who ascribe partners (unto Him), Of those who split up their religion and became schismatics, each sect exulting in its tenets.’<sup>(1)</sup>*

The Kingdom has retained its Islamic identity, in spite of its noticeable progress and development in all walks of life, by the will and ability of Allah. It has rejected thoughts from the West or the East that belittle this identity, or disintegrate the consensus of the people. Among the blessings of His Almighty on the people of this country, rulers and subjects, is that He honored them to serve the two holy mosques, which, thanks and glory to His, get full attention from the Saudi government, in line with His Almighty’s saying, “And when We make the house (at Mecca) a resort for mankind and sanctuary, (saying): Saying take as your place where Abraham stood (to pray). And We imposed a duty upon Abraham an Ashmael,(saying): Purify my house for those who go around and those who meditate therein and those who bow down and

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(1) Ar-Rum 3132-.

prostrate themselves(in worship).” Al-Baqarah: 125.

Through this service, the Kingdom has a special role in the Islamic world, and is an orientation point for all Muslims around the globe, who come from all directions and places, during Hajj season as pilgrims and throughout the year as visitors.

Knowing the value of consensus, the commission of senior religious scholars requests all citizens to provide the means to reinforce national unity and bind intimacy. The commission emphasizes the necessity of advice, understanding, and cooperation on fidelity and devotion, and warns against sin and aggression, tyranny and injustice, and denial others’ right. The commission also warns against adopting biased thoughts and forming political parties, because the people of the Kingdom are one group adhering to what was performed by pious ancestors and their followers. Collectively, they seek the unity of people. Furthermore, the commission recognizes the high value of advice in religion, as the prophet said, “Religion is the advice.”

The Prophet (may the blessing of Allah be upon him) confirmed the advice to Muslims rulers in his saying, “Allah gratifies three from you: to worship Him, and not to associate with Him anything else, and holding fast, all of you-together, to cable of Allah, and not divide, and to provide advice to your rulers.” Narrated by the Al-Imam Ahmmad.

The commission confirmed that reform and advice have their legal methods that achieve benefit and abolish evil, but not through statements filled with exaggerations and inciting sedition. Such statements contradict the order of His Almighty that, “If any tidings, whether of safety or fear, come unto them, they noise it abroad, where if they had referred to the



## **Saudi Government & People What Others Do Not Know**

messenger and such of them as are in authority, those among them who are able to think out the matter, would have known it. If it had not been for the grace of Allah and His mercy ye would have followed Satan, save few (of you).” An-Nisa: 83.

As the Kingdom of Saudi Arabia was established on the Holy Quran and the Sunnah (prophet traditions), allegiance, group coherence and obedience, reform and advice would not come as a result of demonstrations. Rather, the commission confirms the legal methods and provision of advice which can lead to reform that can benefit the whole people.

Furthermore, the commission confirms the importance of legal, supervisory and executive systems carrying out their duties properly as required by the governmental systems and per the instructions of the rulers. It also requires accountability for those who do not perform their duties. We pray to Allah to preserve our country, and those of all Muslims, from evil and misfortune, and to unify our people and show us right. His Almighty is responsible to adjust the rulers to benefit the people and the county. He is absolutely able to do that. And may be peace of Allah be upon Prophet, and all his family and companions.

## Conclusion

In conclusion, I would refer to the most important foundations of the political stability in this blessed country:

First: The close cooperation between rulers and religious scholars in establishing justice between people in all walks of life, as a result of the application of His Almighty's legislation, which represents divine justice according to the point of view of Al-Imam ibn Al Guyim (may Allah bless his soul).

Second: Exchange of counseling between the religious scholars and rulers in regard to the best solutions for all matters in imitation of the Prophet and his companions, as was ordered in His Almighty's saying, "And consult with them upon the conduct of affairs." Al- Imran: 159.

Third: Establishing the principle of the rights of the ruler and the subjects, and devotion to the duty to explain principles and rights to the people.

Fourth: Observance of the call for Allah and spreading common good between people.

Fifth: Cooperation with rulers in the fields of science and culture inventions. Religious scholars are the heirs to the Prophet, and the base of any common good and important factors in the scientific and cultural evolution.



**Part Three**  
**Development as the**  
**Foundation of Stability in**  
**Saudi Arabia**

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*Development in the Judiciary Field*  
*Development in the Consultative Field*  
*Development in the Area of Supervision*  
*Development of Casuistry (Al Fatwa)*  
*Reform in Social Field*

## **Preface**

A viable society is the one that develops and responds to change and the needs of the people. This is not to say that the change factors are a response to outside factors, even if they be a part of the change process itself, since society is a political unit that both affects and is affected by the outside world. But change is required by the conditions at each developmental phase society is subjected to. The important factor is that change must be related to the cultural and social basis of society, and must be gradual and accompanied by the conditions of moving from one phase to the other.

The development of useful institutional work that is in harmony with the conditions of modern society, and meeting the requirements of basic needs for development and welfare of rising populations, represents two factors essential for every society that wants its members to live in an environment that combines its cultural heritage with the material needs of modern life.

In this context, change means the response planned for by elites to stimulate development – with decisions made after careful evaluation of needs and the context of society. Change is implemented in a process that seeks development



within an agreed upon vision of the future.

The third chapter of this book provides recommendations for development in different areas. We believe these areas are among the most important fields that serve both the country and the citizen.

## **Development in the Judiciary Field**

**Dr. Hani Abdullah Al-Jubair (\*)**

### **Introduction**

The establishment of the Saudi state was correlated with a reformative religious call that won the respect and acceptance of many Muslims: that is the ancestral call. Accordingly, the prominent feature of the Saudi community is that of a pious community, irrespective of the various levels of piety and variety of conceptions. This fact has been confirmed by a large number of surveying research, studies, and public explorations.

From these studies, I tried to present some indicators reflecting Saudi piety. Analyzing these indicators, I found that the overwhelming majority regularly perform their religious rituals strictly. And, about 74% are very careful to use permissible ways to get their earnings, and regularly seek the consultation of religious scholars about the legality of their work, particularly in the stock market.

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\* A Judge at the general court in Riyadh. (Saudi Arabia).

The majority of the males and females investigated carefully watch and follow religious material presented in the media and the social media. This includes 64.2% of those in 35-44 year old age bracket, followed by the 25-34 year old age bracket.

The study concluded that the majority of the Saudi community – irrespective of age, employment, educational level, and social status – believe in the importance of studying religious subjects, performing religious rituals regularly, and trust the mosque Imams and religious scholars. This indicates that piety is deeply rooted in the Saudi community.

The Saudi state (and neighboring Arab countries) was the hub of the larger Islamic state; its Islamic legislation and judiciary system functioned for many centuries. It was a well-known, advanced civilization characterized by the dominance of justice, protection of personal rights, and the freedom of its people.

Historically, Islamic justice returned to the weak his rights from the powerful in line with the Prophet's (the blessing of Allah be upon him) saying, "Allah will not bless a nation that a weak person therein cannot take his rights from a powerful person without hesitation."

Islamic history witnessed a judiciary that executed a clear, coherent justice according to the teaching of Quran verse, "Lo! Allah commandth you that ye restore deposits to their owners, and, if ye judge between mankind, that you judge justly" Al-Nisa: 58. And, "Let no hatred of any people

seduce you that ye deal not justly.” Al-Ma’idah:8. This means, thy enmity and hatred to them should not make thee unjust, because justice in Islam is an absolute justice.

Accordingly, history has preserved the wisdom and justice of Islamic judges, which they had learnt from the teaching of Islamic legislation pertinent to judicial issues.

Given this, it is natural that religion is the primary component of Saudi culture. Saudi citizens accept the judgment and legislation that he believes is compatible with the justice His Almighty wants to be applied on the earth, and which history shows brought the Islamic nation to glory.

### **The Principles of the Saudi judiciary**

#### **1. Adjudication by the Islamic Legislation (Shariah)**

Understanding Sharia in the Saudi Arabian context starts by understanding two key points. First, the correlation between the judiciary and the sovereignty of the country over its population – connected with piety since its establishment. Second, that this explains the piety of the Saudi community and its adoption of legislative judgment. These two starting points reflect the importance and dependence of the judicial system on the Islamic legislation in the Kingdom. This is because the judiciary is the social tool for activating and applying the law.

There is no doubt that the laws of any nation are extracted from that nation, as the law represents that nation’s emergence, development, traditions, cultures and beliefs.

Accordingly, laws differ between nations. The more a law is consistent with the traditions and beliefs, and similar to the social, political and religion aspirations of the a nation, that nation would no doubt adopt and respect that law, as it actually governs itself and is subjected to its religion.

It is reasonable to note that the Saudi judiciary is compatible with the Islamic legislation, and in fact extracts from and preserves Islamic legislation. Thus, the work of the judiciary has resulted in the reduction of the crime rate in Saudi Arabia in spite of huge economic prosperity and development across the nation. This is mainly because the judiciary system is extracted from Islam, and has been adopted by citizens who respect it. This is confirmed throughout history by the fact that judiciary in the Islamic state was based on the Islamic legislation.

According to Islamic beliefs, a Muslim should not prosecute or be prosecuted without the Islamic legislation. His Al-Mighty stipulated in the holy Quran saying, “Whoso judgeth not by that which Allah has reveal: such are disbelievers .” Al-Maidah: 44. And, “But nay, by the lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decidest and submit with full submission.” An-Nisa: 65. And, “So judge between them by that which Allah hath revealed.” Al-Maidah: 49.

Accordingly, this principle, dependence on the Islamic legislation, was the first principle adopted by the judiciary in

Saudi Arabia. Article seven of the basic rule system issued in 1992 stated that, “The rule in the KSA drives its authority from the holy Quran and the traditions (Sunna) of the prophets (May the blessing of Allah be upon him), and both govern this system and all the systems of the country.”

The founder of the modern Kingdom, King Abdul Aziz, noted, “The rules of Islam are the basement of the regime, and will remain a lighting lamp to guide people.”

The eleventh article of the judicial system states that the high court is authorized, “To review the rules and decisions whenever the objection is based on a violation of the Islamic legislation rulings, and this applies also to the authorities of the high administrative court as has been stated in the system of the grievance department.”

## **2. Autonomy of the judiciary**

The second principle of the judiciary in Saudi Arabia is the autonomy of the judiciary. This is clearly obvious in the first article in the judiciary system issued in 2008, which reads, “There is no authority over the autonomous judges in their rulings other than the Islamic legislation rulings and the authenticated regulations, no one is allowed to interfere in the judiciary.”

There are many guarantees for autonomy of the judiciary from executive authority. For example, the fifth article of the ministers and deputy minister’s prosecution system states that, “The minister will be punished in his position for no

more than a ten years jail sentence if he committed a crime by interfering in the judiciary affairs, and his condemnation prosecution would result in: dismissal from his position, and his prohibition to take any public job.”

Here we should explain a controversial problem when talking about the judicial autonomy. According to the principle of the Islamic philology, the punishments suggested by judges can be altered based mitigating or intensifying circumstance. For example, after a judge determines a punishment, a governor has the right to mitigate the punishment. This procedure does not contradict judicial autonomy, because this action is under the authority of the ruler, who is not a part of the executive authority but above it.

### **3. Capability and neutrality of judges**

The previous principle is correlated with another principle of no less importance: the capability, integrity and neutrality of the judges. This is in-line with the conditions for the employment of the judges, set by the judicial system, including the judge’s age, ethic, educational efficiency, qualification, selection to judicial commissions, and ability to litigate at more than one level. It also provides a process for critics to protest against rulings, and the right to appeal rulings in a way that allows judicial review and the possibility of an amended decision.

The reason for this is to protect judicial autonomy so judges can best perform their duties. However, it provides

a mechanism so judges are subject to review to make sure their decisions comply with the law. Here the two principles are correlated, and both of them are within the principles of judiciary in the Islamic legislation as has been stated in Islamic philology books.

#### **4. The multiple levels of prosecution**

Evidence of a legislator's concerns about the multiple levels of prosecution, and facilitating the means of appeal, is that, up to now, the Saudi Judiciary does not depend upon a written, comprehensive, objective law authenticated by the judges.

In fact legalism (formulating the Islamic legislation (sharia) in a form of legal articles) is an idea that surfaced long ago in the Kingdom, when King Abdul Aziz submitted a case to the religious scholars. It was again put before the religious scholars' commission in 1973, and once again in 2005.

The commission thought about the importance of developing the judiciary, and its ability to find solutions to prosecution problems. However, the majority of the commission objected to written rules in the form of legal articles on the ground that it is impermissible to compel judges to prosecute according to these articles. Nor does it present a solution to prosecution problems. It would also end the use of the ancestral philology as a reference point, and prevent the judiciary from taking into account developments



in social life to determine reasonable outcomes for cases.

However, six of the members of the religious scholars' commission opposed that point of view and believe that legalism is a necessity, and is a tool to prevent chaos, unify rulings, help facilitate communication with other countries, and to prevent judges from prosecute according to personal bias.

Today, the judiciary continues to function without accredited legalized law, although a number of jurists and judges have set written guidance in the form of a clear simple reference, though they are not approved in a formal manner.

This may be among the problems of the Saudi judiciary, as the judiciary in general applies the Latin methodology (used in France and many other Arab countries) which considers previous ruling of the judiciary a non-compulsive sources of guidance, unlike the Anglo-Saxon judiciary that considers the precedent as a compulsive source of the law.

Although Saudi judges refer to previous precedents and apply them to many cases, they may bypass precedent due to a change in social or commercial trends. This increases judges' testimonial authority. Accordingly, the legislators require judges to provide reasoning for their decisions.

A recent resolution issued by the commission of senior religious scholars in 2008 approved legalism, together with a recommendation for an execution mechanism, but no legal comprehensive document has yet been issued.

The legalism issue has been the most provocative issue in the development of the Saudi judiciary. Most of those who raise this issue refer to what is happening in the punitive and civil law.

### **Judicial development**

The expected development of legalism in the Saudi judiciary includes regrouping all regulations, whether procedural or objective, to compose one comprehensive structure for each branch of the judiciary. For example, the regulation of the commercial court that was issued in 1932, which is an objective procedural regulation, is still used despite the fact that more than fifty commercial regulations have been issued since then that cancel or modify some of its chapters. These regulations are in addition to numerous international agreements and local regulations.

Furthermore, specialized auditing circles of the commercial judiciary depend upon several judiciary principles that have not been formally registered, nor declared. All this places a heavy burden on the judge and defender to review all applicable sources.

This could be said about all non-commercial issues too. For example, a 2008 judicial regulation stipulated that almost all judiciary circles will be under one umbrella. The first class courts are divided into

general courts, criminal courts, personal affairs courts, commercial courts, and labor courts. The regulation also authorized the establishment of other specialized courts. This should, in time, obligate a comprehensive revision of procedural and objective regulations plus the necessary legalism so as to produce a comprehensive structure; otherwise, partial legalizing would not be a comprehensive solution.

Some people believe judiciary legalism should come from within the judiciary system so as to take into account the present situation, facilitate and explain modifications. If this suggestion comes in the form of general judicial principles, there is nothing in the system to deny it, because the judicial system authorizes the commission of the high court to set the general principles of subjects related to the judiciary.

Included in the conversation is the call for establishing a high commission designated for positive supervision over the judicial system. This commission would review contested laws and regulations. It can be created with the presence of legalism. However, today there is no institutional court in the KSA.

But the question of change is hotly debated in the Kingdom. One side believes the Consultative Council, which is the legislation authority, will satisfy this purpose, and that judges have passive supervision over

legal articles that violate the general system. The other side feels that legislation authority does not satisfy the purpose, and the activation of passive supervision would nullify the benefit of legalism. The dispute on the subject has not yet been settled.

The same applies to the administrative side of the judiciary. Due to increased numbers of claims, judges are preoccupied with administrative and procedural issues at the expense of performing their judicial functions. This results in the dispersal of the judge's efforts due to insufficient judicial and administrative support.

However, the reorganization of the functional organization chart of the judiciary office, through an accurate procedural arrangements and increased number of consultants and claims' researchers, may solve this problem, especially given the dependence of the Saudi judiciary on verbal pleadings.

The activation of mediation and reformative offices will limit the number of claims and help expedite their finalization. Perhaps acceleration of the issuance of modern procedural regulations, increased attention given to the qualification and training of judges, and enabling judges to benefit from foreign courts will upgrade the quality of the Saudi judiciary.

A Saudi judicial insider will note significant changes

to the judiciary since 2008, when the country allotted 8 billion SRs for the development of the judicial system. Although the steps taken so far seem slow, change promises in time to achieve results.

## **Development in the Consultative Field**

**Prof. Suhail Bin Hassan Qadi (\*)**

### **Preface**

Consultative practice in the Kingdom of Saudi Arabia is a unique model compared with parliamentary practice elsewhere in the world. The Saudi model has its own special understanding of the nature of consultative work, and its qualified personnel. Moreover, it has its own understanding of democratic life in general, in the form of concepts derived necessarily and actually from the constitution of Islam and its principles, chosen by Allah for His slaves. The Islamic message, in its essence, came into being to regulate peoples' lives and society both in matters of religion and the secular world.

Islamic perception (fiqh) included details of judgments that explained the fundamentals of governance, administration

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\* Former president of Um-Algura University at Makkah , and former member of the Shura Council. (Saudi Arabia).

and Hisba (means to direct others to do good, and refrain from wrong, and expectation of rewarded from Allah), which are judgments having their reference in divine regulation, that commands that the affairs of Muslims be conducted through consultation. The verse No (38) from Al Shura stipulated that. Asking for and providing consultation, like all works of a Muslim, is a religious issue.

When we give the attributes of individuality and distinction, we do not do that claiming. The application of consultation in the Kingdom is faultless, and has no shortfalls during actual application. We did that to admit the fact that this distinction in the consultative performance is attributed to the distinction of the life of the Islamic nation, in striving to apply the rules of Islam to all matters of life. Therefore, if there is any distinction, its origin goes back to the characteristics of Islamic thinking concepts.

No doubt there are numerous rationales behind the required development and improvement, whether in the areas of council and its regulations, or work methods and mechanisms. Some required development is subject to the readiness of society and the emergence of its necessity, due to the accelerated changes to social and economic conditions and the aspirations and needs of society. Apparently, it is a society newly acquainted with the application of this experience by a new, independent institution.

Other than that, consultative work is achieved as a duty that must be fulfilled by individual persons or by representatives

of the people. Consultation was never absent from the scene, but it has had its ups and downs throughout history.

Consultation is one of the main pillars of the Islamic state, since it was established for the first time in Al Madina Al Munawarah during the time of the Prophet (peace and blessings of Allah be upon him). Despite the fact that he was a prophet and a messenger of Allah, who received the revelation from Allah, he was commanded to seek consultation. Allah said, “So pardon them and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah.”

### **A historical glimpse**

The Kingdom of Saudi Arabia has used all forms of consultation since the late King Abdul Aziz Al Saud established the modern state. He used to consult the wise, experienced men with regards to public and private affairs in a constant manner. He diligently sought consultation and never accepted any issue that contradicted the constitution which was built on the Holy Qur'an and the Prophet's (peace and blessings of Allah be upon him) tradition (Sunnah). It has been reported that he never decided a matter without consultation. When King Abdul Aziz entered Mecca in 1924, while unifying the country, consultation was one of the first steps he took. This was confirmed in the first public letter he sent, which said, “I do not want to be egotistic in ruling the country, but I want to seek your consultation in every issue.”



After five weeks, the king met with Mecca scholars and dignitaries for consultation regarding the form with which to rule the country, ordering the formation of a Consultative Council. He said in that meeting that he did not want an illusory council, but a council that included men with qualifications who would work with diligence and loyalty towards the general good. The result of the meeting was the formation of the council for consultation of twelve members. It adopted the name the National Consultative Council, and grew to fifteen members after six months. Again, it was reformed after the completion of the founding commission tasked to develop the basic instructions for the government formations.

The issuance of the first official organization of the Consultative Council came in 15 items and with full-time members in 1927. The first session was opened by King Abdul Aziz, and a new internal law was issued for the council in 24 items; another supplement was issued in 7 items during the same year.

In that way consultation was launched in Saudi Arabia. It took many changes and amendments, and the council was subjected to periods of inactivation; one period of inaction lasted for almost twenty years. Even then, consultation with the royal court and council of ministers continued.

In 1992, King Fahad issued a new law for the council that went beyond the aspirations of the country and fulfill the developmental hopes. At the same time, the law for regions

and governance was issued. It was also decided to build a colossal building to house the Consultative Council, which is regarded today as a unique building when compared with other houses of parliaments in the world. It was located near to the royal courts complex in Riyadh, built according to the most modern engineering designs, and provided with the best technological installations.

It could be said that the new Consultative Council represented a real development and improvement over what previously existed – including the framework of the Council, its methods and style of its work, and the manner in which it achieved results. Indeed, it was the beginning of a new stage of consultive history in the Kingdom of Saudi Arabia.

In 1994, the Council issued internal instructions and organizing principles. The Council was formed, in its first course, to include a chairman and 60 members and for a period of four years for each course. During the second course, the council was formed of a chairman and 90 members. And, in the third course, the council was formed of a chairman and 120 members; in the fourth course it was formed with a chairman and 150 members, and stayed in the same way during the fifth course which began in 2009.

### **Stages of developments witnessed by the council**

After this brief history of the Consultative Council's establishment, the explanation of the manner of its development at different stages since the issuance of its law in 1992 may

help to explain the conditions and causes that govern the progression of its development. First, a chairman of the Council was appointed in 1993, 60 members were named to it 1994. It could be said that development encompassed many aspects that took time to complete. For example, this can be seen in the development of committees. Members were chosen to committees according to their wishes, but the numbers of committees did not exceed eight. Later on they were increased to twelve committees because of expanded membership in Consultative Council. Development included the performance of the committees, methods of study applied to regulations, and instructions presented to the Council. The method used by the Council moved from discussing regulation or direction item by item, to a detailed study chapter by chapter in the hope of expediting mode of performance.

It also included the duration of leave granted to the members of the council and requirements of a quorum attending Council sessions. This granted members leave for 45 days, besides the official holidays of Eid Al Fitr and Eid Al Adha (Ramadn and pilgrimage festivals).

Even the number of weekly sessions, and the times of session, underwent change and development. Now, sessions are held on Sunday and Monday each week from 9:00 am to 1:00 pm, and committees meet in the afternoons. The new arrangement provides ample time for members to attend to their private obligations the rest of the week, which makes serving on the Council more desirable.

### **Participation of women in the Consultative Council**

The year 1999 witnessed the beginning of the actual participation of women in the council, six years after its formation. This was initiated by a project presented by the presidency of girl's education, aimed at organizing and employing of women to study the feasibility of providing early pensions for women. The Council decided to include women in the discussions, and in response groups of women were formed to represent girls' education, the Ministry of Civil Service, and other women who benefited from the project. The discussion was performed via a closed-circuit TV.

This opened the door for women to discuss other issues related to women with the Council, such as high dowry and excessive marriage costs. The balconies overlooking the Council's hall were prepared for ladies to attend differing general discussions held by the Council. The decision coincided with the time women scored a distinguished presence in other aspects of social life in the country. Women also participated in the discussion of all cases presented to the council, especially those with close relation to the affairs of families and children.

The situation stayed the same way until the opening session in late 2011, when a royal speech granted woman full membership in the Consultative Council, on the same grounds as males. This development was welcomed by all

women and men, with the exception of a few who routinely sing out of chorus. It came in close proximity to what the Minister of Municipality and Villages Affairs announced about women's participation in the local elections. It is worth mentioning, in this context, that a woman now serves as a director for one university, a Deputy Minister of Education, and occupies respected government positions in the Ministries of Education, Health and Social Affairs. And, in recent years, women have been provided the chance to work in the diplomatic corps, in intelligence, and to participate in leadership roles in chambers of commerce and industry, cultural clubs and in private sector businesses such as banks and information technology.

### **Selections from the members of the Consultative Council**

Due to the great importance of having members of the Consultative Council come from among the highly qualified, experienced and specialists, the Council has provided members with the opportunity to practice consultative and organizational missions. The Council is considered one of the centers for the training of administrative leaders. From 1994 to the present, several council members have been named to ministerial positions, chairmen for public commissions, ambassadors and other leading positions in the state. It has become customary, when looking for leaders, to keep an eye on the Consultative Council.

## **Views and ideas on the development of the Consultative Council**

It must be confirmed that consultation is a way to widen the decision-making process, in which the learned and wise participate and, guided by the Islamic Sharia, strive to reach decisions that achieve the general good. Dr. Tawfiq Al Shawi confirmed in his book, *The Perception of Shuraa*, “The nation, in order to guarantee the validity of decisions and its fairness, has to ask for advice from the values and the guidance of the Islamic Sharia that give these decisions a just and valid context that achieve success, progress and growth.”

It is worth noting that any development must agree with the consultation message in Islam, and also that the current regulations in the Kingdom of Saudi Arabia derived from the Holy Qur’an and the prophet’s tradition (Sunnah). Item 44 of the basic law of governance stipulates the following:

**Authorities in the state consist of:**

1. The judicial authority
2. The executive authority
3. The regulatory authority

The three authorities cooperate with each other according to this law and other regulations; the King is the source and reference of these authorities. Dr. Abdul Al Aziz Al Naeem indicated that, what is meant by “the law” is the basic law of governance and the “other laws” indicated in the text are

the regulations of the Consultative Council and the Council of Ministers. When we go back to the regulation of the Consultative Council, two items affirm the regulatory role of the Council. Moreover, Dr. Al Naeem concluded that the Consultative Council's regulations offer strong proof of its regulatory role.

By putting this preface to affirm that the role of the Consultative Council, I wanted to say that this body is not only for consultations, but also serves a regulatory role derived from the Islamic Sharia.

### **The development of the Consultative Council as seen by some of its members**

Eight members of the Consultative Council participated in a book entitled *The Consultative Council: Reading in the Experiment of its Modernization*. I have also read the notes of my colleague, Sadaqqa Fadel, which are meant as contributions to the further development of the Council, in addition to the presentation of former experiences and recommendations from some of the members of the Council during the weekly meetings in an attempt to improve its performance.

It was clear that the majority of the members of the council share the feeling that its performance has improved substantially since 1994. Even if the development was gradual, many hope that one day a decision will be taken to further develop the performance of the council in the following areas:

1. The media level: While secrecy and media restraint prevailed over the settings of the Council during the first cycle, the second cycle witnessed a healthy openness towards the mass media, and as a result, Saudi state television (first channel) began broadcasting briefings of the Council's settings on Thursday and Friday. Moreover, some daily newspapers began covering the proceedings of the Consultative Council, which was welcomed by the citizens, as it achieved some of the necessary communication about the Council's work. In our opinion, increased communication is beneficial and it may be suitable to broadcast the Council's future proceedings live.
2. Many observers, including old and new members, agree that the royal speech delivered at the Consultative Council in 2003 was a proclamation of a new era, and political reform was one of the distinct achievements in the modernization of the Council's work and development. Two items of the Council's regulation were amended. The first was related to the difference between the Consultative Council and the Council of Ministers. The second item was concerned with widening the jurisdiction of the Consultative Council. But nine years after these amendments, there is a feeling that no big progress was made.
3. Supervision over the government performance. Item



(15) paragraph (c) of the regulations of the Consultative Council allows the council to study the performance of government organizations that send annual reports to the Council. And provides a tool requiring officials to the meet with the Council for discussion. But the Council has no jurisdiction or authority to supervise the executive authority of the government, such as approving the general budget of the state. This though the understanding of the aforementioned item (15) was extended, and many ministers and specialists were invited to the council for discussing the performance of their organizations. Members of the Council were able to discuss with concerned officials aspects of failure and setback, if any, and the best methods to monitor performance. It is hoped that the general budget will be presented to the Consultative Council in the future, so that it can reviewed before and after it is executed.

4. We have talked before about female participation in the Consultative Council, and the gradual progress of the operation, until announcement of the King of the need for females as permanent members. Some think a certain percentage should be assigned to the Council, not less than 1/3 of the total seats; others think change should be gradual. Nevertheless, most welcome women participation.
5. The demand to give the Council the authority of initiating

the research on any issue related to the interests of the country and the citizens, and not be limited in scope or content. The regulation's amended item (23), for example, should be expanded – some others as well.

6. The demand to perform the decision of the election of Council's members in the next courses, as there is a semi-consensus among the members that half should be assigned seats through election, while the other half should be appointed.
7. Many officials and citizens look forward to seeing the Council as the focal point of the Saudi political system, by transforming it gradually into a regulatory authority fully committed and guided to propose law, approve policies, rationalize decisions and agreements, and conduct oversight.
8. The organizational issue of the council:
  - a. There are many recommendations from the members about the need for increased administrative capacity, specially secretaries and staff – a highly trained cadre to assist the Council members in performing their duties more efficiently and accurately.
  - b. Other recommendations relate to the need agree upon the agenda and the issues to be discussed during sessions. Likewise, the different committees should make recommendations and proffer views on what comes before them.

- c. Members are looking forward to activating the decisions of the Council, and following up on procedures issued by the King, whether by approval, restraint or rejection.

## **Development in the Area of Supervision**

**Prof. Abdul Rahman Al-Humaid (\*)**

### **Introduction**

Effective management is composed of four basic components, namely: planning, organization, instruction and supervision. Without an efficient supervisory system, a decision-maker cannot be certain the plans, regulations, and instructions he has issued are applied, complied with, and achieve their objectives. The requirements for supervisory systems and the levels of their complexity differ according to the size and nature of the organization that applies these systems. There is no doubt that management of a huge entity such as the Kingdom of Saudi Arabia requires a strong supervisory system, including the contribution of all government organizations, non-government organizations,

\* A faculty member at King Saud University and a previous head of the Accountancy Department. Worked as a member in the management council of the Saudi Association for Legal Accountancy, a member of the Investment Committee in the Industrial and Commercial Chamber, Riyadh. (Saudi Arabia).

and even the Saudi community as a whole.

In line with his awareness of the importance of supervision for the Kingdom, the Custodian of the Two Holy Mosques, King Abdullah ibn Abdul Aziz, has issued several initiatives for the development of supervisory systems and tools to combat corruption, augment integrity, and increase transparency. The following are examples:

The Council of Ministers resolution No. 235, in 2004, designated the General Supervision Department to carry out a study on the development of the government accountancy system to keep abreast of developments in accountancy and auditing, to provide governments organizations with accurate financial data, reliable information about the value of the assets, and the properties of public organizations whose activities have economic natures – especially those targeted for privatization. Accordingly, a comprehensive study was prepared about the development of the government accountancy system to transform the system from the monetary concept to the liability concept, so as to better provide information to decision-makers on the performance of governmental systems. However, this study is still under consideration.

Furthermore, an earlier council resolution ordered the establishment of internal supervisory units within the government systems and public sector in order to provide the basics of internal supervision, preventive protection of the public wealth, how to use it correctly, and upgrading the

performance efficiency of government systems.

Under Royal decree No. A/66, issued in 2009, experts at the Council of Ministers are tasked with promoting the supervisory and control systems and internal supervisory and follow-up units, so as to be able to perform their designated missions. The experts were also asked to carry out a study to discover defects in the supervising systems and regulations.

Royal decree No. A/65 established the national commission to combat corruption. Additionally, the establishment of the stock market in 2003 played a great impact on the supervision of the Saudi stock market, limited manipulation of the market, and established penalties against offenders.

The Kingdom has witnessed a positive transformation in the culture of supervision. Evidence of this trend is seen in non-governmental initiatives aimed at enhancing transparency and integrity. For example, the so called “the good example model (tinea),” which encourages frankness, transparency and integrity according to the national strategy for protecting integrity and combatting corruption. This initiative stipulated the role of the civil organizations through enlightenment, culture, and achievements in-line with objectives of the strategy.

Royal approval has been issued for the establishment of the National Commission for Combatting Corruption. The Commission aims to stabilize the principals of transparency and integrity and instill it in the community the concepts of transparency and justice. It has given rewards, certificates

and honors to private and public organizations that have established high levels of transparency, and distinguished themselves as good examples for others. In addition, research and studies have been undertaken on the activities of the Commission, its performance, and its ability to meet objectives.

The purpose of this article is to provide a brief summary of the current governmental supervision status in the KSA, the conceived expected status, and recommendations for further development.

### **The current status**

The role of governmental supervision in the KSA is basically practiced by the following departments:

The Ministry of Finance provides a supervisory role prior to approval of funds through its financial representatives in the various government departments. The Ministry of Finance supervises the preparation and discussion of the country's general budget, and controls the application of this budget. Furthermore, the Ministry prepares the monthly accounts of governmental organizations and the final account of the country. It ensures the application of the rules, regulations and procedures of governmental storehouses.

The Supervision and Investigation Commission oversees governmental systems and investigates theft, bribery, and forgery crimes, and the prosecution of these crimes before the grievance procedure department. The Commission aims

to investigate the good performance of the governmental administrative system and public organizations and application of the regulations. The Supervision and Investigation Commission was established in 1971, under the authority of the prime minister.

The General Supervision Department represents a higher supervising system and performs the subsequent oversight of governmental systems. The Department carries out investigations to ensure that the country's revenue is collected and reserved according to regulations, and that all funds are expended in-line with the regulations of the annual budget and as per the effective rules. The Department also aims to ensure the application of financial and accountancy regulations and the efficiency and validity of these regulations. It also conducts investigations to ensure that all transferable and fixed funds are used for the purposes intended. This department was established in 1971 under the authority of the prime minister.

The Investigation Administrative Branch investigates bribery and arrests those accused of such crimes. The Branch was established in 1980, and is administered by the General Investigation Department at the Ministry of Interior.

Internal departments were established for follow-up and review within the various governmental organizations. They were created according to the resolution of the council of ministers in 2004. The chief of each of these departments is responsible to the head of the organization so as to provide



the basics of self-supervision, protect public wealth, and upgrade performance efficiency.

The National Commission for Combatting Corruption, which was recently established in 2012, aims to augment transparency and eliminate financial and administrative corruption. It is directly responsible to the Custodian of the Two Holy Mosques.

Despite the numerous systems and entities supervising performance, the Kingdom has not achieved an advanced grade in integrity and transparency at the global level. According to the governmental corruption index issued by Transparency International, the Kingdom ranked 57th. The Kingdom has suffered from the incapacity of the supervision system, which has led to catastrophic results – most notably of late was the Jeddah sewage system. That incident triggered shock and amazement among Saudis, and compelled the King to form a high level committee to investigate the catastrophe and penalize those who caused it. The King also established the Combatting Corruption Commission, and ordered a study on the shortcomings of the current supervision systems.

The numerous supervising systems and organizations demonstrate recognition of the importance of oversight, and its role in improving government performance. There is no question that the current supervision system is improving. Nevertheless, the latest royal decrees confirm the fact that the Saudi leadership is aware that further improvement is needed.

Some of the most important deficiencies can be summarized as follows:

The supervision systems lack autonomy from executive authority. All the supervision systems are either under the authority of a governmental department or directly under the chief of the executive authority, represented by the prime minister.

There is confusion regarding jurisdiction, as the work of differing supervising entities often overlaps. For example, some functions assigned to the General Supervision Department were also assigned to the Supervision and Investigation Commission. This leads either to the dependence of each system on the other, or dispersal of responsibility in the event of deficiency in performance.

Although the resolution of the council of ministers stipulated establishment of internal supervising departments within the government organizations, the role of these departments has not been applied as intended.

There also exists obsolescent and weak internal regulations in governmental entities subjected to supervision. For example, the current accountancy system cannot provide sufficient data to assist follow-up and evaluation. This is attributable to the present governmental accountancy system which concentrates only on the expenditures of the governmental budget, and not about assets, liabilities, and work efficiency.

There is often poor efficiency and professionalism

demonstrated by some leaders and employees of supervising systems. This includes lack of training, manpower shortages, insufficient skills, an absence of a mechanism to assess their performance, and little performance incentives.

Most governmental organizations have not made use of modern technology to perform their work. Thus, it is a failure of the supervising agencies to employ the best means to execute their duties.

There is a need to review the mechanisms of punishment for offenders. Any supervising system should be very accurate and strong during three basic phases: prevention, discovery, and treatment. There should be mechanisms in place to limit offensives, discover offensives, and enforce punishments on offenders. The general sense is that ignoring penalties for some offenses may encourage people to repeat offenses due to insufficient deterrence.

There is an absence of frankness and transparency in the governmental organizations, including the absence of published reports detailed oversight work.

There is also a lack of autonomous institutional authorities to perform investigations and accountancy.

Finally, there is not a clear and methodological role for the media and the community as a whole to supervise the performance of the governmental systems and combat corruption. Most news on this subject in the Saudi newspapers relies on rumor, not on accurate information provided by government sources.

## **The anticipated status**

The Saudi leadership, with the Custodian of the Two Holy Mosques at its head, together with the honorable Saudi people, hopes to see further integrity and transparency in the government backed by an effective, efficient supervising system. This is based on the conviction that integrity, transparency and justice are among the basic foundations of the Islamic religion, upon which Saudi Arabia is built institutions. All Saudis hope the Kingdom will improve its international transparency ranking and lower corruption levels.

The International Transparency Commission has issued a general framework called “the National Integrity System” based on several factors that address integrity, transparency, and accountability. This system is aims to create an effective system providing protection from corruption and abuse of authority. This requires enforcement of the law. In the short, medium and long term it also provides a sense of justice, equity, and prosperity; encourages creativity; and, attracts foreign investments. To be effective, each factor of the national integrity system should be strong, suitable and capable of doing its functions properly.

## **Recommendations**

Adopting the following items will contribute toward improving the effectiveness of supervising systems and promoting greater transparency:

An accurate definition of the role of three authorities: the legislative (organizational), the executive, and the judicial authority – and the checks and balances between each.

A provision of the legislative authority represented by the current Consultative Council with sufficient numbers of elected members representative of all classes of the community.

Connection of the high supervising systems directly with the Custodian of the Two Holy Mosques, or connected directly with the legislative authority instead of the executive authority resting with the prime minister.

Provide the legislative authority the ability to hold members of the executive authority accountable for corruption.

Develop tools for enforcing penalties against those who misuse their positions for personal benefit, and ensure that the applied penalties are reasonable, sufficient, deter corruption, and are in-line with applicable the Royal decrees.

Activate newspapers and other media to report on the performance of the governmental systems and corruption. The media will serve as a forth branch of enforcement.

Create of a clear mechanism for whistle blowing to enable governmental employees and the citizens in general to report on offenses they discover without fear of retaliation.

Encourage civil organizations to contribute in enhancing transparency and integrity, and support positive initiatives such as, “the good example model (tinea).”

Encourage the private sector to adopt policies and

mechanisms to combat corruption and enhance integrity and transparency. This includes the transactions between the private and public sector, and within the private sector itself.

Create a mechanism to guarantee frankness and transparency in the governmental systems, such as issuing detailed periodic reports about performance.

Reorganize the structure of the supervising systems to prevent interference and duality in their functions.

Activate the role of internal supervising departments within the governmental systems that are subjected to supervision, and provide them with specialized, efficient employees and technology enabling them to perform their duties.

Modernize and enhancing the internal systems and regulations within the governmental system subjected to supervision. For example, develop the accountancy system by transforming it to the liability base instead of the monetary base, so sufficient data about assets and liabilities helps increase efficiency.

Recruit efficient leaders and employees for the supervising systems, provide them training, and apply effective policies to evaluate their performance.

Utilize modern technology in both governmental systems and supervising entities.

The Custodian of the Two Holy Mosques and the Saudi government have the political will to improve monetary and

administrative supervision in government. After all, Saudi institutions are based on the Islamic legislation (sharia). This allowed Saudi Arabia to become a pioneer in the establishment of integrity, justice and equity in governance. And despite the shortcomings of Saudi oversight, many governmental organizations greatly contribute to the Kingdom's current social and economic renaissance.

The recommendations discussed above will help, by the will of Allah, improve supervising systems and further contribute to the development of the Saudi economy in parallel to the achievements in prosperity, justice, and equity.

## **Development of Casuistry (Al Fatwa)**

**Prof. Abdul Wahhab Abu Sulaiman (\*)**

Al Futya, Fatwa (legal opinion), and casuistry are closely-related words, having one meaning in the language. They mean the demonstration of a ruling or displaying and clarifying a problem to whomever is asking; thus it is an answer to whatever creates a problem in rulings.

Both the words, “Al-Futya” and “Al-Fatwa” are fluent and correct and in use, however the word “Titya” is a better, fluent expression, and used in earlier times and in the Prophet’s speeches more than the “Al Fatwa” expression.

In convention, casuistry means revealing the rule of His Almighty on the basis of legal evidence in a particular case to whoever requested a ruling.

Al-Imam Ahemmad (may Allah bless his soul) stated, “A jurist is the teller of His Almighty’s ruling due to his knowledge of its evidence.”

Some contemporaries describe casuistry with definitions

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\* A member of the Senior Ulama ( Scholars ) in Saudi Arabia. (Saudi Arabia).



containing some additions and limitations, but do not contradict the previous meaning. For example, “Telling about His Almighty’s ruling in a religious case, according to legal evidences, to whom who had asked about the ruling in a particular case, as a general and comprehensive ruling and not a compulsory ruling.”

The characteristics of “Al-Fitya” are stated at the end of the definition. It differs from judicial rulings, because the ruling of a judge is compulsory unlike the casuistry.

The casuistry is the most important legal job in the Islamic community, due to its legal and social importance. The legality indication of the Fatwa is, first and foremost, the cultural standard of those who are in charge of the casuistry “Fitya” affairs – in regard to their digestion, understanding of religious texts, and their effective application to the real situation, consideration of the legal intensions, ownership of all diligence tools together with the apprehension of the realities of the era, and a comprehensive awareness of social affairs. Casuistry “Fitya” also has an indication of the cultural flexibility enjoyed by jurists (muftis) and their wide religious readings.

The commandment of the jurist (mufti) of these tools, and their comprehension, is positively reflected on the community, and the lack of these tools would reflect negatively on the community.

As for the social indication of the casuistry (Fatwa), it is a key for the identification of the conduct and behavior

of communities, and explains the extent of adherence to the teachings of the holy legislation, compliance with social values, behavior and systems considered in the past and current time, and the relationships between their members. It is also a measure of daily cultural activity, the social and individual orientations of the community, and the extent of its response to new developments within their community.

All that is written about accidents and mishaps in the record of casuistry “Fatwa” and attested legal rulings is considered to be an actual mirror of the religious, social, and cultural realities of openness and wide thinking, or cultural narrowness, during which they were written. They represent a fertile area for social studies.

The pious ancestors of far and near history left for later generations a huge, precious legacy of “Fatwa” recorded in various Islamic countries and schools. This represents a field for social studies, expressing what was adopted by the communities and when, and the diligence enjoyed by the jurists (mullahs) and their perceptions.

This legacy is a spoken record of opinions and opinion-makers, their methods of understanding general and special Islamic lore, awareness of narratives, supervision of disputes, and ability to confront problems – the core of religious lore and the secrets behind it that conveys the applicable and practical side of the Islamic legislation.

Generally, “Fatwas” represent the applicable scientific solutions to mishaps and accidents, and here appears the

difference between the theoretical written lore in the books and the practical “Fatwas” that have taken in consideration of social and political conditions, because “Fatwas” change according to norms, time period, and geographic location.

In addition, the old written “Fatwas” provide the legist (Muslim scholar) with experiences of previous diligent scholars, clear the route for what he should consider from the principles and concepts, what to avoid from faults that may breach the consensus of legists (mullahs), and awareness of disputed cases. These are the advantages of the recorded “Fatwas” (legal opinions) for the future generations.

### **Rumination of old Fataws (old legal opinions)**

This is one of the problems of Fatwas at the present time, because some legists insult the Islamic legislation by ruminating and repeating very old legal opinions and applying them to current events, irrespective of the differences between the people, time, place, conditions and the developments in the religious science. This is definitely a deviation from the spirit of Islam, and an insult to the legislation and the legists of earlier times. In fact, the legists of the old times condemned such rumination regularly.

The basis on which a sound “Fitya” is made, and achieves its correctness, is its representation of the period during which it was, or is, issued.

In an excellent essay in this regard, the outstanding religious scholar Shams Al-Dean Abi Abdullah Muhammad

ibn Abi Baker, who is known as ibn Al-Gaiyem Al Juzia (may Allah bless his soul), stated,

*“Whatever is renewed in the norms, take it in consideration, and whatever is dropped then neglect it, do not freeze and confine yourself to what contained in the books all your life. Further, if someone comes to you from outside your region asking for “Fitya”, don’t advise him according to the norms of your region, and what is written in your books, they said that this the clear right, complete confinement to transported sayings is a deviation from religion, and ignorance of the intensions of the Islamic scholars and the previous ancestors.”*

Legists past and present recommend following this logic – essentially that the jurist (Mufti) should consider the norms of the country, the place, and period of time during which a “Fatwa” is made. In fact, the legal opinion would be incorrect if the jurist fails to consider these factors.

The outstanding religious scholar Ibn Al-Gaiyem (may Allah bless his soul), explained the bad results of a legal opinion that does not consider the differences between people, countries and communities as follows:

*“Those who provide people with legal opinions just according to what is written in the old books, irrespective of differences in their norms, customs, times, places and context of their status, this legist has gone astray and leads others astray, and his*

*felony against the religion is greater than that of a doctor who treats all patients, irrespective of their countries, customs, time, and natural habits, with what is written in a medicine book. This ignorant doctor, and this ignorant legislator, is more harmful to the bodies and religion of people.”*

From this wisdom, it is clear that reform and development of legal opinion (Fatwa) in any Islamic country starts from this principle. This is because legal opinions of the legislators of a specific country would most likely be compatible with the lifestyle of that specific community. It is the cornerstone and the core of development and reform.

Localized ruling also should take into account differences within nations, especially if the country is very expansive with remote parts, and having diverse communities. All should be considered by those genuinely seeking to reform the community, so that legal opinion – *fiya* – is compatible with social life.

The Islamic legislation came for the benefit of people, and considers in its legislation the intentions of the people who must abide with legislation in a way that benefits them and their community. All this can be achieved if the legislators' intentions are genuine and impartial, and reforms are without favoritism.

Accordingly, the proposed reform and development of legal opinion originates from the logic laid out above, required by the Islamic legislation, which is summarized in the following:

## **The legal opinion (fitya) reform recommendations**

The integrity of religion and the life of the nation depends upon the validity of two subjects: judiciary and casuistry. This article deals only with the legal opinion (fitya), which requires a reform and treatment from the roots, as will be tackled about in the following paragraphs.

The legal opinion (fitya) in Islamic legal legislation is the practical application of this legislation. It is an independent subject, having its own principles, rules and ethics, therefore the religious scholars granted this subject with specific independent writings and research.

Not every legist is eligible for the position of casuistry, nor is a graduate of the judiciary or legal opinion section of an Islamic legislation college eligible as a legist (mufti).

Casuistry is a specialty science requiring special educational background, thus it needs an independent section in the legislation colleges during the specialization phase, as is the case of the judiciary.

It needs the establishment of a specific specialty in the legislation colleges under the name of “Fitya section.” Students of this section have to be selected from those who had studied comparative Islamic legislation in depth, through which they recognize the characteristics of each school, so that the legal opinions issued by them serve the goals at hand, the community’s coherence, and are

compliant with the Islamic legislation. Students of this section are to be selected from those who have studied Islamic legislation and are socially open. The teachers of this section are preferred to be from those who had practiced legal opinions (Fatwa).

The syllabus should be divided according to the subjects of study, for example legal opinion in worship, financial transactions, and personal affairs (marriage, divorce, expenditures, blood shedding). Thus, through this special qualification, these students would become qualified legists (mufti).

Specialty in legal opinion (fiyta) has branches in legal opinion, worship, financial transactions, personal affairs, crime and bloodshed. Specialty in each of these branches is very important. Some of the ancestors were famous for their good command of multiple legal opinions, such as A'ata ibn Rabah and Twoos (may Allah bless their souls). They were both famous for the legal opinion (fiya) in Hajj rituals, so that people said ritual legal opinion is that of the people of Mecca. Therefore, the presence of branches within the legal opinion department, for every subject of the legal opinion, is very important for the recognition of the characteristics of each subject.

Not everyone who knows legal opinion and studied the Islamic legislation sciences is eligible for the position of casuistry; it is not necessary that a legist be a jurist

because casuistry has a special scientific and social qualifications. A person may be a legist, an Imam, an orator and memorizer, yet he is not qualified for casuistry, but he is quailed for teaching, or judiciary, or as Imam or other jobs.

Educational qualifications for a student in the casuistry section include awareness of social and cultural realities through specialization courses in the different affairs of current life. Students must be taught the various realities of social activities if they are to be granted casuistry certificates.

This qualification is clearly exemplified by Al-Imam Malik ibn Anas Al Asbahi and his student Al-Imam Muhammad ibn Edreas Al –Shafie ( may Allah bless their souls), when they started to perform the casuistry function in a fantastic way that was followed by the Islamic nation for many generations. This fact was recorded by the religious scholars in their books and was demonstrated by ibn Farhoon.

Not everyone who wishes to sit in a mosque can narrate the Prophet sayings (Hadeeth) and issue legal opinions as he likes; he has to first ask the specialist in this field. The Imam Malik (may God bless his soul) said, “I did not sit as jurist until seventy religious scholar shaikhs witnessed that I am qualified for that.”

The famous religious scholar Muhammad Al-Nabigha



ibn Omar Al-Galawy included this comprehensive concept for those who are ambitious enough to perform casuistry in the following poem:

“Veteran for the companions to follow   Malik attested  
by seventy

*He also wrote down*

*I did not issue a legal opinion until seventy*

*Sheikhs witnessed that I am on the right track*

*Al Shafie was approved by Al Imam Malik”*

Al-Imam Muhammad ibn Edreas Al-Shafie (may Allah bless his soul) listened to the Haheeth (saying of the prophet) from a group – such as Sufyan ibn Oainah, Saead ibn Salim Al Gadah, and Muslim ibn Khalid Al-Zongy (the legist of Mecca) – who permitted him to issue legal opinion when his age was less than 20. Others said he carried out legal opinion (Fatwa) when he was 15. He then migrated to Medina where, accompanied Al-Imam Malik ibn Anas (may Allah bless his soul), he acquired religious science.

The scientific qualifications of a jurist should include, within the educational syllabus, recognition of the Islamic schools, the principles of legislation, a good command Arabic language in way that he can understand the meanings and expressions and find the right solutions.

As the casuistry has become important to national

plans and government functions, its organization should be developed so as to include many positions. This should include a legist (mufti), deputy legist, legal opinion trustee, qualified legists in the different Islamic schools, in addition to registrars and clerks.

The legal opinions (Fatwas) of the previous generations should not be biased by contemporary legists, by responding to the similar mishaps and accidents in the same way as in the past, irrespective to the difference of times, social conditions, and cultural realities. Past Fatwas were legally decided upon based on specific characteristics. It is illegal to apply a previous Fatwa on a different environment at very late time.

Establishment of a casuistry council, composed of legislators and jurists of the regions, who are enjoy considerable legislative knowledge. Regional jurists would be employed for four years, to be extended for only one period, based on legislation efficiency, religious reputation, and social behavior, so as to offer the chance for others. The duties of this council should be recommended by the general jurist, based on his scientific efficiency, awareness of the community's customs and norms, and a general awareness of the customs and traditions of each region. The tenure of the general jurist and the members of the council will be renewed for only one period, based on their legislation efficiency, religious reputation and

awareness of social affairs.

The government of Saudi Arabia considers the development and organization of this subject (Al Fitya) a very important topic, and is seeking to reform this facility. A number of important decrees have been issued, which will lead the subject to the right religious, social and cultural orientation. This effort is quickly assisting in explaining reform and development plans based on scientific foundations.

## **Reform in Social Field**

**Prof. Ali Al Namlah (\*)**

### **Introduction:**

Attention to social affairs in Saudi Arabia stems from the principles the country adopted when all united under the flag that carries the statement of monotheism, “No God but Allah; Mohammed the messenger of Allah.” Based upon this principle, social affairs have long been a national priority. The social service can be divided into two fields: social development and social welfare. Both fields receive care from the government, for example the founding of a ministry in 1960 – Ministry of Labor and Social Affairs – dedicated specifically to social affairs, named the in 1960.

And when the labor affairs changed to become economic affairs, the government found it suitable to single out these

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\* Former member of the Shura Council , and former minister of Labor and Social Affairs for five years. A well- known researcher for his famous published books and studies concerning orientalism and the cultural relationship between the East and the West. (Saudi Arabia).

issues in a separate, independent ministry in 2004 named the Ministry of Labor. It is concerned with the labor of citizens and expatriates, enforces workers' rights, and solves unemployment. The latter has two dimensions in Saudi Arabia, structural unemployment and social unemployment, but not necessarily economical unemployment. It is difficult to believe unemployment exists at all in a country with 1/3 of its population comprised of expatriates. Therefore, the obsession with social affairs exists, independent of the ministry specializing in dealing with it <sup>(1)</sup>.

### **Solving poverty**

The religious orientation of Saudi Arabia, which is based on the Quran and Sunnah, takes into account care for the poor. This is incorporated into the basic law of governance, article no. 27, which states, "The government ensures the right of the citizen and his/her family in cases of emergency, illness, disability and aging, and it supports the social security system and encourages organizations and individuals to contribute in charity." And the government takes responsibility for achieving social welfare through education, development, social care, prevention and treatment. It provides these services based on the basic law of governance.

To achieve this, the government has founded many entities, nurtured them with financial and human resources,

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(1) Ali Alnamlah. (2010). Social work in Arabian Gulf countries, p.311

proposed national strategies to better provide social services, and work to solve poverty by non-traditional methods – including a bold plan to cut poverty by 50% by 2015.

## **Financial resources**

The government provides the financial resources required for social welfare through zakat collection, which is taken from the rich and given to the poor. This process of collecting is considered a matter of the sovereign. The government collects this through a special supplementary fund created at the Saudi Arabian Monetary Agency (the state treasury), entitled “Social Security Fund.” Zakat funds from the wealthy are deposited in the Fund, assessed based on social research and establishing eligibility for an individual or family.

The process of using the zakat funds is exclusive to Saudi Arabia. It has a different function than those funds devoted to retirement, disability, or injury. Since paying zakat is considered to belong to the concept of social development, bodies concerned with social affairs have worked to expand the concept of paying zakat <sup>(1)</sup> so that it is not limited to paying cash directly to the poor, but funds projects that creates opportunity for the poor to improve their economic status.

Therefore, one slogan of National Charity Fund (Bank of

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(1) Abdulsalam Al Korashi. (2002). The Fiqh in Quran and Sunnah, p. 534.

the Poor) is that it helps the poor to help themselves<sup>(1)</sup>. This is based on a hadith by the Prophet of Allah about a poor man who approach him, and the Prophet gave him an ax to work with and earn from his labor. This is comparable with the Chinese proverb, “Don’t give me a fish, but teach me how to fish.”

Financial resources are tapped from numerous sources to improve social welfare. In addition to zakat, there is an Islamic and international rite based on endowments, whereas members and foundations want to provide steady and constant financial resources to support the social projects<sup>(2)</sup>. Societies are almost never devoid of givers, and in Islam it is considered very much part of the culture to provide a lasting charity. Hence, Saudi society provides special care to endowments, which contributes to social work and development <sup>(3)</sup>.

## Social care

One aspect of social care that the government undertakes, and that the public and private sectors integrally participate in, is the care for people with special needs – with physical and mental disabilities, orphans, juvenile offenders,

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(1) Ali Alnamlah. (2004). Facing the Poverty Problem and the Solution Aspects. Alarabiah Magazine, p.39.

(2) Yousif Al Gardawi. (1986). The Poverty Problem and How it is Solved in Islam, p.144.

(3) Abdullah Al Sadhan. (2006). Endowments and Society. King Faisal Center for Research and Islamic Studies, Riyadh. p. 89.

convalescents, and elderly with no relatives to house them.

The Saudi government has had to adapt to address other problems which have emerged in Saudi society, such as drug and alcohol use. This has required a serious dealing with the matter in both prevention and treatment<sup>(1)</sup>.

One challenge to Saudi social care that the government is trying address is decreasing the number of the shelters by adopting homecare models. Saudis feel that the high number of shelters is not an indicator of the strength of a civilized society. On the contrary, the opposite is true: the less the number of the shelters (both guests and residents), the more the society is bonded and the less the social shortcomings. Therefore, the number of shelters for social care of all kinds is no more than 95.

### **The third sector (charity)**

The concept of social care encompasses as charity what the government performs as social services through founding general or specified charity associations and foundations. And the number of the charity associations and foundations has noticeably increased in recent years. It is recommended to focus on the increase in population, and the increased need for services.

The government has responded by approving licensing and regulations, providing financially resources, and

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(1) Abdullah Al Sadhan. (2004). Social Welfare in Saudi Arabia, p. 248.



following up to support issues and address challenges. Government support takes different shapes and forms, based on emergencies, declarations, charity and donations, and endowments from citizens and expatriates.

Additionally, the government encourages affluent businessmen and others to found charity organizations concerned with supporting specific social projects – without getting into details of execution of a charity’s work.

One challenge to Saudi society – government and public – came after the events of September 11, 2001. That event affected local and international social charity work by depressing financial contributions to many charity associations. Obstacles emerged in collecting donations, out of the fear that donations would be delivered to unintended destinations and might support terrorism. This fear was probably exaggerated, but there needed to be regulations established that guaranteed donations would not result in harm to society, the government, or the international community<sup>(1)</sup>.

## **Social development**

Efforts to address social development are varied. The governmental party that was most responsible for social affairs was the Ministry of Labor and Social Affairs. Its developmental functions, however, have now been divided

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(1) Mohammed Al Sallomi. (2005). *Innocent Victims of the War on Terrorism*, p. 304.

between the public and private sectors in the fields of training, protection, cure, vaccinations, family, social and psychological awareness, promoting the concept of productive families, solving social shortcomings (like smoking and drug and alcohol use), and issues related to foreign laborers.

Today, many of the issues listed above are being addressed by independent governmental bodies created to solve specific problems. Some fields in social development are now managed by charity, public or private social bodies. Of those, for example, street centers have been created which are managed by volunteers, and provided specified services.

This phenomenon of volunteering is now considered an important and vital stream of human resources that complements government social welfare efforts<sup>(1)</sup>. By encouraging voluntary associations and bodies, the government is promoting the volunteerism – which is very much in-line with Islamic values<sup>(2)</sup>. In return for volunteer work, God almighty rewards the individual in life and the afterlife – in addition to the social appreciation received and self-achievement felt <sup>(3)</sup>.

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(1) Abdullah Al Kateeb. (2000). The Role of Charitable Work in Achieving the Social Peace and Security. A paper submitted to the conference of (Charitable Work in Arab Countries. Prince Naif University for Security Sciences, Riyadh.

(2) Yousif Al Gardawi. (2008). Principles of Charitable Work in Islam, p. 173.

(3) Ahmad Al Jamal. (2009). Charitable Work in Islamic View, p. 206.

## Constant development

All these functions, in nature, require constant development, including the concern with the quality of services provided to humans and the social change that happens to all modern societies, including Saudi Arabia. This means countries that face a great challenges must keep pace with development, and adjust in order to provide needed services while guarantees quality control.

Simultaneously, bodies and organizations concerned with the intellectual, cultural and cognitive development of society are cognizant of the need for maintenance of security and stability. So the government and the private sector ease the way to undertake social responsibility. The private and charity sectors participate in it. The chambers of commerce set up special administrative units for undertaking social responsibility and hold events promoting concepts and emphasizing charity as complimentary to government efforts <sup>(1)</sup>. Through this, the state guarantees the contribution of people from all categories of society to the progress and development of society.

## Dialogue

One of the means of intellectual and mental social development is the government's concern with dialogue as a modern social cultural necessity. So, the encouragement

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(1) Saleh Alamri & Taher Al Galibi. (2005). Social Responsibility and Work Ethics, p. 467.

for engaging in dialogue came from inside, in order to address and eliminate some social and intellectual issues, and determine the general approach the government adopts to resolve them.

In addition, the government has encouraged dialogue with the outside world. It also approved founding bodies that see dialog as a paramount pillar of Saudi society; listening to different points of view is not necessarily contrary to Saudi perspective. Hearing different viewpoints often leads one to conclude that means may differ but not aims.

Thus, there is an increasing emphasis on finding common ground among cultures while accepting the existence of cultural differences<sup>(1)</sup>. This requires us to note the concept of “Cultural Exception” that France has called for since 1993, which affirms that social differences do not preclude applying effective and successful international social and intellectual samples.

The government encourages, in schools, literary centers, forums, and cultural “salons,” the concept of dialogue among individuals and groups. It reflects systematically in classes and classrooms that are keen on reducing of methods of presentation and indoctrination – except for those subjects based on presentation, indoctrination and memorizing texts.

The government founded a special center concerned with the dialogue, etiquette, and requirements. It has held

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(1) Ali Alnamlah. (2010). East and West: The Basis of Relations and Their Determinants, p. 352.

numerous seminars and meetings inside and outside the country aiming to reinforce the concept of listening to other points of view, and presenting the Saudi viewpoint founded on Islamic system that is based on moderate, a centrist approach, and tolerance and forgiveness among people<sup>(1)</sup>.

### **Saudi woman**

Many of those interested in Islamic affairs, and specially human rights in Islam (and particularly in Saudi woman), usually make a comparison between Islam and other cultures – particularly Western cultures based on Judaism or Christianity.

One theme of comparison is the status of women in Islam and in the West. The West tends to grossly overestimate the status of its own women, and ignore their maltreatment by society. They also fail to acknowledge the real status of the women in Islam, particularly Saudi women.

This proposal seeks to emphasize the lack of relevance of the comparison of many issues between Islam and the West, including on women's issues. Islam is a religion that is applicable and practicable in the West as it is in the East. Signs of application in the west are evident, as Islam is expected to be the most popular global religion 2040.

The West was primarily influenced by geographic location and a culture influenced by a mixture of religions and laws

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(1) Ali Alnamlah. (2009). The Problem of Terminology in Arabic Thought, p. 248.



## **Saudi Government & People What Others Do Not Know**

which take into account the time and space they were issued, and the people they were issued for. But these laws don't take into account the changes time and space. Cultures based on religion were not free of human intervention to the texts revealed to the messengers Moses and Issa, the son of Mariam – Jesus, peace be upon them.

This human intervention in the holy texts written before the Quran resulted in their being inapplicable in various domains, including a woman's status in society. For those who did not directly enjoy benefits from their distorted interpretations, it resulted in the emergence of atheist, liberal, and secular trends that give religion no importance.

And because Islam is noticeably spreading globally, it is no longer a side of comparison because a high percentage of Western women who have converted to Islam are trying, through legal community-based organizations, to establish the concept of woman's rights from the perspective of Islamic law. They are doing so because it honors a woman as God honored the children of Adam, and doesn't discuss of the nature of women.

It is said by some in the West that in the East women's affairs are not relevant, particularly in the Saudi Arabia. But in reality the status of women has advanced in the East, while the West has made her a secondary human, except for a certain category of women who knew their status in the society and adapted to the role they were assigned.

Women in Islamic society, including in the Kingdom, have

not been free from this sorrow. Some Saudi women started calling for women's rights on non-Islamic premises and the liberal concepts of the West and East, making the Western model ideal. Meanwhile, this model is gradually extracting decency out of women, to the extent of negating the importance of family or, as commentator Patrick Buchanan wrote, "the death of the West.". Today, the birthrate in the West is presently, to 1.2%, whereas it needs to be higher than 2.1 to be meet the economic and demographic stability needs.

Two perspectives for comparison exist. The first concludes that Western women have become items, bought and sold. The other perspective sees that Western women could regain some of rights in a non-objective manner, by viewing the issue through a more scientific lens rather than on an emotional basis.

This proposal calls for rejecting this method of comparison, and to restate what Islam brought to humanity in general, and woman in particular – respect for the mind and dissuade those who see woman as items.

The Saudi woman today is a part of the world; she affects and is affected. She and a her Muslim sisters lead a silent campaign in the international feminist community, by which the woman is taken back to her earlier status of belief – in the elevated purpose God created her for. This belief is in-line with Islamic law, which is applied to a society governed by Islam, like Saudi Arabia, also by Islamic societies and communities in various corners of the world.

