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AN APPRAISAL OF ISLAMIC AND WESTERN DEMOCRACIES:A COMPARATIVE ANALYSIS

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Abstract

It is saddening that Nigeria, since attainment of independence in 1960, has encountered several socio-political and economic imbalance compared with the situation in developed countries where government are stable. Recently, notable elites in Nigerian who know that the coins have two faces, particularly from the Northern part of the country are calling for the application of Islamic system of governance, which they considered ensure stability in governance. However, some antagonists are of the view that Islamic government is undemocratic, theocratic and cannot meet the secular nature of the Country. It is for these conflicts of ideas that this paper attempt to compare and contrast the democratic nature of Islamic government with the practice of democracy in the western world. This paper is historical and descriptive; it therefore adopts doctrinal approach. The paper employs the primary and secondary sources of information. The primary sources include the Glorious Qur'an, Hadith of the Noble Prophet Muhammad (PBUH), and also the Constitutions of the Federal Republic of Nigeria, 1960-1999 (as amended). The secondary sources include Journals, Textbooks, etc. The research discovered that the western democracies that began in England in 1642(17th century) derived their sources from Islamic democratic system of governance practiced during the life time of Prophet Muhammad 1439 year ago, and during the renaissance of Islamic democratic system of government under the four rightly guided *Khulafah* who were the Successors to Prophet Muhammad. This paper therefore concludes that Islamic system of governance is democratic and is applicable to secular society like Nigeria.

Keywords: Islamic government, Western systems of government, comparative and Governance.

1.1 Introduction

The aim of this paper is to examine the democratic nature of Islamic system of government and its suitability for a secular society like Nigeria. The proponent of an Islamic system of government for Nigeria, especially from the northern part of Nigeria, believe and contends that Islamic system of government would solve the various socio-political- economic and religious predicaments currently facing Nigeria. However, the anti-Islamic system of government on the other hands, are of the view that it can only be applied in a non -secular society, where the people practice only Islam as religion. It is their contention that Islamic system of governance, unlike the western democracy, is undemocratic and theocratic in nature.

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This paper, is to examine Islamic system of government from the historical perspective and compare same with the system of government in the western world. It is the notion in this paper that the two popularly democratic system of government leading today: parliamentary and presidential came much later in England around 1642 (17th century) in England.[3]

This paper will compare and contrast the two systems of government: that is, the western system of government in the western world; Islamic system during the medieval Islamic era of Prophet Muhammad (PBUH), and the renaissance period of Islamic system of government under the *khulafah-l-Rashidun*[4], one thousand, four hundred and thirty-nine years ago (1439 A.H).[5]

The paper contends that, both the Parliamentary and the Presidential systems of government were derived from Islamic system of government as practiced during the time of the Prophet, and his successors, with some variations and modifications to sweet the need of time.

The paper is divided into five parts: part one deals with the introduction, part two exposes the origin, development and meaning of democracy. Part three deals with the democratic nature of Islamic system of government under Prophet Muhammad (SAW), and, under the four rightly guided *khulafah-Rashidun*. Part four looked into the nature of Parliamentary and Presidential systems of government under the Nigeria Constitutions. Part five is the conclusion.

1.2 Origin, Development and Meaning of Democracy

(a) Islamic Democracy

Islam is a belief and way of life, which includes political institutions. Thus, Islam recognizes exercise of political leadership. It is noteworthy that the mode of evolving this leadership and its structure are not explicitly prescribed by the Sunnah or the teaching of the glorious Qur'an.[6]

The Glorious Qur'an recognizes the Kingdom ship of Prophet Hood of Dawud and Suleiman (Peace and Blessing be upon Them).[7]

The essence of Allah's creation of human-being on earth is to organize themselves in communities and nations to formulate a government as a true representative of Allah. Thus, Allah said in the glorious Qur'an that: 'Behold, thy lord said to the angels; I will create a vicegerent on earth....''[8]

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[3]Akinbosade. A., (2007) *The Legislature: Law-Making Organ of Government*, Akure, (O &A Books Publisher), p.2.

[4]Means, the successors-in-title to Prophet Muhammad (PBUH) who carried out the spiritual and mundane affairs in compliance with Allah's wishes.

[5]A. H., simply means "After Hijrah), that is, the migration of Prophet Muhammad (PBUH), and his Companions from the persecution of Mekka Infidels to a more suitable place of asylum in Medina.

[6]Abid, U. J. (2003), *The End of Democracy*, (Pragmatic Publishing and Distribution, Canada), pp.191-192.

[7]Q 38: 18-26. Q 6:45 and Q 7: 69 respectively.

[8]Q2:30.

In line with the spirit of creation of mankind stated above, Allah has determined the frontiers and the languages spoken, not purposely to create crises, rather, it is to know each other. Allah said: 'O mankind! We create you from a single (pair) of a male and a female, and made you into nation and tribes, that ye may know each other (not that ye may despise each other)....[9] This shows that the foundation as to live in political life is designed by Allah (the creator), to exhibit the way and manner of establishing same, thus, Allah sent Prophets and Messengers one time or the other, and crown the institution as to political life with Prophet Muhammad (PBUH).

The importance of sending Prophets and Messengers is to guide Mankind to the Will and Wishes of Allah. Thus, the glorious Qur'an says: 'We said " get ye down all from here and if, as is sure, there comes to you guidance from me, whosoever follows my guidance, on them shall be no fear, not shall they grieve.'[10]

The Prophet, who was initially not accepted by the Mekka to guide their ways of life, was accepted by the People of Medina in 620 (A.D). In 622 A.D. the People of Medina made up of the *Awz* and *khazraj,* as a political unit, the Jews and the emigrants as another political unit, accepted the Prophet in Medina.[11] In order to organize relations between the inhabitants of Medina, the *Aws, khazraj,* emigrants, Jews and the Prophet, the ruler of Medina and the Prophet proclaimed a document (*al-sahifah*), that is, the Constitution of Medina.[12]

The democratic nature of Islamic government was predicated on the three principles of *tawhid* (oneness of God) *risala* (Prophet hood) and *khilafah* (Representation).[13]

'Risala' simply means the medium through which we received Allah's wishes and desires on mankind through the institution of Messengers and Prophets sent with the laws. The finality of the Prophet and Seal is Prophet Muhammad (PBUH). The *Khalifah* simply means representation as address in the above quotation. We are vicegerency to exhibits the dos and don'ts of Allah as contained in (Q2 v 38). This is the point where Islamic democracy begins in the medieval time of Prophet Muhammad and developed by the four rightly guided *KhulafahRashidun* whom the Prophet has sanctioned their Sunnah,in which the Islamic democratic renaissance period cannot be undermined.

The origin of democratic nature of Islam government as narrated above is the more reason why Islamic political thought cannot be separated from Islamic eschatology with atomic accuracy.

In view of this fact, that Islamic political thought, among other things,postulated the ones of *khilafah*(vicegerency) and *al-akhirah*(the hereafter).[14]Sovereignty in Islamic

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[9]Q49 :13.
[10]Q2:38.
[11]Rahim, A. (2001), *Islamic History*, Lagos, (Islamic Publications Bureau), pp.12-13.
[12]Al-Mallah, H. Y., The Governmental System of the Prophet Muhammad (PBUH): A Comparative Study in Constitutional Law, Lebanon, (Dar Al-Kotob Al-ilmiyah 2nd edn.) 2011, pp.45-46.
[13]Mawdudi, A. A., Human Rights in Islam, Leicester, (The Islamic Foundation), 1980, p.9.

democracy resides with Allah (SWT), as opposed to the western notion that popular sovereignty is vested in the people. Thus, Allah said: "Say; O Allah! Lord of power (and rule) thouGivest power to whom thou pleasant, and thou strippest off power from whom thou pleasant;Thou enduest with honour whom thou pleasant, and thou bringest low whom thou pleasant..."[15]

(b) Western Democracy

The term' democracy' first appeared in ancient Greek political and philosophical thought in the city-state of Athens, during the classical antiquity.[16] The Athenian medieval democracy took the form of direct democracy in which all citizens could speak and vote in assembly. In fact, it is importantto note that there was nothing known as representative government.[17] The Athenian medieval democracy is characterized with the distinguishing feature of lack of equality among the citizenry, as majority of the populace, such as the women, slaves, foreigners, non-landowners, and males under 20 years old, were excluded from participation and voting. The franchise was limited to native-born citizens.[18]

The development of democracy, as being practice today began with the first rebellion against monarchy in England, in 1642 (17th century).[19] It finally ended with the execution of King Charles I. The notable front runners of the modern western democracy like Montesquieu, Jacques Rousseau of French, Thomas Jefferson and James Madison of America, were all inspired with this revolution. Before the end of 19th century, every important western European monarchy had adopted a Constitution, limiting the power of the Crown and giving a considerable share of power to the people.[20]

It is important to note thatthis Constitutional Monarch was already in practice in most pre-colonial African society,even before the coming of the Colonialist, without been in contact with the Greek not to talk of the western world.[21] The pre- colonial Africa societies had their systems of constitutional monarch, by installing the kings or Oba, and they have their procedure or process of removing him in any case of abuse of power.

The *Alaafin* was a supreme ruler in Yoruba pre-colonial time. He was considered semi-divine. Despite that attribute, the '*Oyomesi*' or the 'Council of Notables' consist of seven prominentChiefsheaded by *Basorun*, had the peoples' voice of choosing the *Alaafin*, and could also remove him by sending an unpopular *Alaafin* the gift of parrot's egg, signifying a request that the *Alaafin* should destroy himself or commit suicide.[22]This

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[14]Akintola, I. Good Governance in Islamic Eschatology: Ahmad Sani as a case study, in '*Correlates of Islam*'Akintola I, Yusuf B. O., Salisu, T. M., (ed), Zaria, (Ahmadu Bello University Press Ltd), 2009, pp.123-124.

[15]Q3:26.

[16]Akinbosade, Op. Cit, (note 1), pp.1-4.

[17]Ibid, p.1-2.

[18]Ibid, p.2.

[19]Ibid, p.2.

[20]Ibid, p.3.

[21]Shehu, A. T., 'The Compatibility of Shariah and Constitutional Democracy: An Evolution of Current Debates,' *Sacha Journal of Policy and Strategic Studies*, Vol.1, No.2, 2011, pp.74-95@ p.80.

[22]Adeyemo, F. O. (1993), *Government Made Simple*, Lagos, (Franc Soba Nigeria Ltd 3rd edn), pp.84-85.

is synonymous to vote of no confidence under parliamentary system and impeachment under presidential system of government.

It is an undisputable fact, the indirect rule system adopted in Nigeria was basically predicted on the Emirates met by Lord Fredrick Luggard who was the first Governor-General of Nigeria.[23] This amounted to acknowledgments of the Political structure met by the British in existence in Nigeria.

Although,'Democracy' has no universal definition,this does not preclude us from fashioning a working definition that could serve as an analytical tool in a comparative study.[24] At this age, we cannot talk of Athenian democracy which was far away from the modern conception of democracy, let alone comparable to any system of governance,since democracy in the medieval Greek means nothing more than minority rule over the majority; thus, the Athenian democracy discriminate against other members of the city-state, hence no equality among members.[25]

The two most leading ideological democracies today are: the Parliamentary and Presidential democracies. In fact, the practice of Parliamentary systemunder the 1960 Independence Constitution of Nigeria,and the 1963 Republican Constitution of the country,gave the opportunity to a member of executive arm of government to equally be member of the legislative body.[26] It is noteworthy that this practice is traceable to the medieval democratic practice of governance by the Prophet (PBUH), and during the presidential system during the Islamic renaissance under the *KhulafahRashidun*.It is this samePresidential system government already in practice during the Islamic renaissance that was adopted by Nigeria in the second Republic from United State of America. The above reason account for why Abid[27]rightly said in his book that Islam poses a great challenge to western democracy. That is, Islam has the basic elements which if ingrained in any of these western forms of governing ideology, would not only result to an Islamic democracy but also the best ever form of governing ideology for human being.[28] This is because the practice of western democracy lacks moral compass, which is a permanent norms of Islamic democracy. Pope John Paul II acknowledged this lack of moral compass in western democracy when he said: 'fundamentally, democracy is a system and as such is a means and not an end. Its moral values are not automatic, but depend on conformity to the moral law to which it, like every other forms of human behavior, must be subject.[29]

The above statement was in conformity with the statement ofBabangidaAliyu erstwhile governor of Niger State in Nigeria when he said: if you cannot lie, get out of politics, anything you are involved in has its own rule. You are in politics to win. If you

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[23]Ibid, p.86.
[24]Shehu, Op. cit. P.84.
[25]Ibid, p.84.
[26]Adeyemo, Ibid (note22),p.63.
[27]Abid, Ibid, (note6), p.171.
[28]Ibid, p.172.
[29]Ibid, p.173.

are talking of morality go and become an Imam in the mosque or Pastor in the church not in the political arena.[30]

In contrast to the above statement, Khalifah Umar, during his reign, pressed on morality in governance to the political office holders, thus:

> Fear Allah openly and secretly, whosoever fears AllahHe provides him sustenance from such source about which he never thought. Whosoever fear Allah, Allah forgives his sins and gives him double reward. No doubt to have good will for the people's great piety. You are on such a way that you may go beyond the prescribe limits very easily. Stick to the rules prescribed by the religion and that would save you from all evils.[31]

In fact, in the modern age, most western countries and the third world countries have inculcated the principle of Islamic democracy. Thus bringing about positive development as opposed to those that think that Islamic democracy cannot be used in a secular society. Watt is of the view that:

> ... It is clear that the influence of Islam on westernChristendom is greater than is usually realized. Not merely did Islam share with Western Europe, many material products and technological discoveries; not merely did it stimulate Europe intellectually in the field of science and philosophy but it provokedEurope into forming a new image of itself.[32]

To further corroborate the influence of Islamic system in heralding civilization in Europe, Adedimejias quoted by Adebayo,[33]cited a letter written by King George of England, Sweden and Norway to Hishamlll,the Muslim Khalifah in Andalusia (now Spain), which reads as follows:

> To: His Excellency, Khalifah of the Muslims in Andalusia, Hisham III
> From: George II, the king of England Sweden and Norway. After saluting your Excellency, we see the progress your kingdom had made in area of science and Technology, Literary and social Amenities .... And we want our children to emulate from these good gestures. So that it can be good begins to spread the lightof

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[30]Babangida, A. <hhp:www.ng.guardian.news.com/news/national-news/192852-no-morality-in-politics-says-niger-governor> Accessed on 12th February, 2015.

[31]AbdulGaniyu, M. (2006), *Timeless Wisdom for Modern Managers: Leadership strategies of Prophet Muhammad*, (Emgee Books Publishers, Ibadan), p.161.

[32]Watt, W. M. (1972), *The Influence of Islam on Medieval Europe*, (Edinburgh University Press, Edinburgh), p.84.

[33]Adebayo, R. I. 'Islam, Democracy and Good Governance: A Glimpse of the Islamic Political Thought.' Orita, Ibadan *Journal of Religious Studies*, Vol. XLII, No. 2, 2010, p.22.

> knowledge in our own country, which was dominated by ignorance from all corners. I have sent my princess with other British children to come and learn from their honourable age mates in your kingdom. Along with her are these small gifts. I hope that your Excellency will admit her with love and compassion.
> Signed:
> Your Subordinate,
> George II.

Malaysia, a third world country in Asia on the inclusion of Islamic policy in their administration, today, Malaysia is a growing secular nation.[34]

Lastly, the system of governance set up by the Prophet is more democratic when the British philosopher was appraising the comprehensiveness of Islam and its programmes in connection with the letter written by King George 11 above thus:

> If any religion had the chances of ruling over England,nay Europe within the next hundred years, it could be Islam, I have always held the religion of Mohammad in high esteem because of this wonderful vitality. It is the only religion which appeals to me to passed that assimilating capacity to the changingphase of existence which can make itself appeal to every age. I have studied him, the wonderful man and in my opinion far from being an anti-Christ, he must be called the savior of humanity. [35]

1.3 The Democratic Nature of Islamic System of Government

The democratic nature of Islamic system of government shall be dealt with in two folds; during the mediaeval time of Prophet Muhammad (PBUH), and, the renaissance period of*Khulafah-Rashidun*(successors).

(a) During theMediaevaltime of Prophet Muhammad (PBUH)

Although, under the Islamic constitutionalism the democratic governance established by the Prophet was not called Presidential, Parliamentary, Monarchical, Theocracy, Democracy and host of other forms of governmental ideologies known in these various names today;however, its governmental outlook possessed the features of the political ideologies such as: the Parliamentary, Presidential,Theocratic and Democracy. The Prophet did not establish any form of governmentalideologies; he rather,left the ideology or type of government to being operation to the discretion of any

[34]Nor, M. R. M., (*et al*), Historical Development of Islamic Institutions: A case of Malaysia Government; in *African Journal of Business Management*, 2012, vol.6 (8), pp.2766-2772. Accessed at< htt://www.academicjournals.org/AJBM>

[35]Bernard Shaw, http//www.google.com.ng/ur/ Accessed on 1st June, 2013.

government, depending on the prevailing situation at each age.[36] This account for the statement accredited to the Prophet that:

> Truly God has laid down ordinances, so neglect them not; He has set limits, so do not out pass them; He hasmarked certain things as forbidden, so do not commit violationswith regard to them;and He has said nothing about certain things, so an act of mercy to you not forgetfulness...[37]

This simply means that some aspects of man's endeavoursuch as the type of political system to be adopted cannot be found expressly stated in the glorious Qur'an or in the teaching of the Prophet himself. What the Prophet said as guide was that; we should follow his practice and the practices of his successors- in-title, thus: "the Khalifah of Prophet hood will last for thirty years, then Allah will give power or His Kingdom to whoever He wills ....Saheed said "Safinahsaid to me" calculatedAbubakar as two year, Umar tenUthman as twelve and Ali as such ...."[38]

Some scholars like Noibi agreed that Islamic government is democratic;SayyidQutub's view rejected this assumption.[39] Since democratic rule in format and approach deals with consent of majority at their free -will by giving allegiance to a person of their choice, the People of Medina in their free- will invited the Prophet and assured him their full support. This can be seen on the Prophet's arrival to the common-wealth state of Medina, in their welcome poem that reads: *"Tala'albadru 'alayna, Min Thaniyyati-l- wada'I Wajabashukru 'alayna, Ma da'alillahidaa'iiAyyuhalmab' nnthumfiina, Ji'tabilamrilmutaa'iiJi'tasharraftalMadiina, Marhabanyakhayradaa'ii"*

The poem simply means:

> The Full Moon rose over us, from the valley of *wada'*and it is incumbent upon us to show gratitude, for as long anyone calls out to Allah, Oh, our messenger amongst us who comes with the commandment to be obeyed, you have brought nobility to this city, Welcome you who call us to a Good Way.[40]

Certaincritics are of the views that we should go back to adopt the name *Khalifah* rather than using the western names (President or Prime- Minister). It is the view of this work that adopting the name "*Khalifah*", as obtainable during the rightly guided*KhulafahRashidun*, and going by the saying quoted above, of the Prophet that, the

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[36]Muhammad, A. (2009), *The Principle of State and Government in Islam*, (Islamic Book Trust, Kuala-Lumpur), pp. 22-23.

[37] Ibid

[38]Sunan Abu Dawud, Riyadh, (Darussalam Global Leader in Islamic Books). 2008, vol.5, Hadith 4646, pp. 181-182.

[39]Adebayo, Ibid, (note 33), pp.14-15.

[40]Umar Abdul-Jabbar (1933), *'Khulasatu Nurul Yaqiin,'* (Mustapha Sanni Publication), p.56.

Khalifah of the Prophet hood will last for the period of the rightly guided *Khulafah.*[41] This historical*Khulafah* in Islam political thought, from the Prophetic saying, is temporary institution, and same was limited to the period of*KhulafahRashidun.*

A cursory look at the government system adopted by the Prophet in the commonwealth state of Medina shows that it closely related to the current British Parliamentary system of government which in all facets, came much later after the Islamic renaissance around 17th century.

It is an undisputable fact that Islam is a comprehensive way of life, which covers every aspect of human endeavor,the political institution inclusive.That is the more reason Islam is being referred to as '*Din waDawlah*'[42] (Islam is politics and religion). In other word, according to Islamic Constitutionalism, both spiritual and temporal affairs are welded under one umbrella. The two stages 'herein' and 'hereafter' means, (this world and next world) are two stages of continuous life. The first stage of creation is related to actions, deeds and efforts; the second stage is reserved for result, reward and punishment.

We are Allah's representation on earth to execute His will and wish through our day to day affairs,hence, the whole worldly affairs rangefrom socio-political and economic activities, predicated on faith.

Anisuddin,[43] when describing the political ideology of Prophet Muhammad (PBUH), said that, it is neither a secular democracy nor a theocracy.He is of the view that it is hi-breed of the two systems. He went further, in his explanation, that mankind was bestowed with limited popular sovereignty;the popular unlimited sovereignty exclusively belongs to Allah (SWT)upon which the executive power of Prophet Muhammad was predicated.

In the absence of express application of Shari'ahto an issue, the decision will be taken by the *Majis –shurah,*[44] where every qualified Muslim will be entitled to make analogy as to the issue at hands. The case of Mu'adh bin Jabal, a companion of the Prophet who was sent by the Prophet to Yemen as a judge, told the Prophet how he will dispense justice by applying his independent reasoning out of his understanding of the glorious Qur'an and the Sunnah (that is the saying, practice and teaching of Prophet Muhammad),to issues neither covered by the glorious Qur'an nor theSunnah.[45]This shows that in mediaeval Islamic political period, there was presence of parliamentary work personnel where opinion wasacceptable under Islamic constitutionalism. Though, it may not be in the modern time parliamentaryapproach,this shows that opinions are allowed and in that situation,it is democratic in that sense. On the other way round, where the law is not subjected to any interpretation or subjectedto periodic legislative review, as in the current case in western perspective, the application of the legislation, as enacted by Allah, to an issue at hand should be strictly applied as enacted by Almighty Allah. In

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[41]Muslehuddin, M., Islam and its Political System, India, (Nusrat Ali Nasri for Kitab Bhovan), 1999, pp.36-37.

[42]Abid, Ibid, (note6), p.129.

[43]Anisuddin, S. (2011), *Democracy and Islam*, (Adam Publishers & Distribution, India), pp. 10-11.

[44]The Arabic word is synonymous to the modern term, "Parliament."

[45]Asaf, A.A.F. (1999), *Outline of Muhammadan Law*, (Oxford University Press, Bombay, 4thedn.), p.17.

this sense, it is theocratic. This is the view of Anisuddin, describing the political ideology during the Prophet under Islamic constitutionalism asTheo-democracy.

(b) During the Renaissance period of *Khulafah-Rashudun*

The period of *KhulafahRashudun*was known as the renaissance period of Islamic democratic governance. The administration of the government following the death of Prophet Muhammad (PBUH) devolved into the hands of *Khalifah* Abubakar (632-634 A.D), *Khalifah* Umar Bin Khattab (634-644 A.D), *Khalifah* Uthman Bin Affan (646-656 A.D) and*Khalifah*Ali Bin AbiTalib (656-661 A.D)[46]. The above mentioned*Khulafah*were whom the Prophet referred to as the *Khalifatu-Rasulullah*(the successor of the Prophet of Allah).

As the successor of the Prophet, the *Khalifah* had to discharge both religious and temporal functions. The *Khulafah*assumed the title *'Ameer-l-mumeneena'*or the commander of the faithful.[47] The word *Ameer-Mumeneena* is synonymous to the word used for the executive President as the commander of the Armed forces, today, under the western democratic system.

Since the Prophet never prescribed any system of government to be adopted, rather, left the situation to the prevailing circumstances in each nation.He further advised that any reasonable society that wanted to emulate any system should do that by picking from his practices and the practices of the *KhulafahRashidun.* Thus, the Prophet (PBUH), before his demise, sanctioned the political ideology to be followed by reasonable political office holders, at any time, and at any age, thus:

> ...my testamentary exhortation to you is that you have a pious fear of God that you hearken and obey even should it be that a slaveis appointed as leader over you. He among you who lives long enough will see great disagreement, so take care to observe my Sunnahand the Sunnahof the rightly guided caliphs, holding on to them with your molar teeth...[48]

This paper is looking at the democratic nature of Islamic government during the renaissance period under the *Khalifah* Umar Bin Khattab (634-644A.D) who ruled the Islamic commonwealth nation ofMedina. It wasduring his reign, that Islam gained momentum ground in so many parts of the world; middle-east, Asia and Africa.[49]

Khalifah Abubakar, the first *Khalifah*on noticing that death was fast approaching him, consulted some of the companions of theProphet Muhammad (PBUH), on the need to appoint the next in succession to himself. He invited AbdurRahman Bin Awf to know

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[46]Rahim, Ibid, (note 11), pp. 52-111.
[47]Ibid, p. 106.
[48]Abdul, M.O.A. *The selected Traditions of Al-Nawawi: Arabic Text, Transliteration, Translation and Commentary,* (Islamic Publications Bureau, Lagos), No, pp. 65-65, see for general reading, Abu Dawud and Trimidhi.
[49]Abdul-Ganiyu, Ibid, (note 31) p.156.

his view about Umar. The reply was favourable for the candidacy of Umar except for the exceptional clause raised by AbdurRahman as to Umar's hot temper.

Also, Abubakar consulted Uthman Bin Affan on who is suitable to succeed him among the above mentioned companions of the Prophet Uthman's opinion was in favour of Umar.[50] KhalifahAbubakar then consulted the *Ansar*(the people of Medina that assisted Islam during the embryonic stage) as to the suitability of Umar. The appointment of Umar, as the successor to Khalifah Abubakar was finally announced in the Prophet's Mosque in Medina, followed by public *bay'ah*oath of (allegiance), and ultimately, confirmed by the community.[51] There were great lessons and tremendous achievements during Umar's reign, most especially on the democratic nature of Islamic government rooted in strictly Constitutionalism. Some of the achievements' under Khalifah Umar's administration that are akin to the present day Presidential system of government are:

(i) **Separation of Judiciary**

Khalifah Umar made efforts to demonstrate the democratic nature under Islamic system of government and the application of Constitutionalism per excellent. He separated the judicial functions from the executive arms. The separation of judiciary from executive arm enhanced the impartial administration of justice and judicial system during his reign. In exercising his executive powers heappointed judges for each of the Provinces.[52]

(ii) **Public Treasury (Bait-ul-Mal)**

The principle of public treasury, known today in modern government as Central Bank, was a well-established institution during his reign. All funds generated from *Zakat* paid by the rich Muslims, *kharaj* (land-tax), *Jizya*(Poll tax), tributes and other funds went into the *Bait-ulMal*for the running of his administration.[53] The surpluses that remained after the overheard expenses in the maintenance of his government, called today unspent expenditure, were distributed among his subject as stipends.

Khalifaf Umar introduced the use of coins, bearing theinscription of the *Kalema (Lailaha, IlaAllahu).* [54] Ancillary to the above was the establishment of *Diwan* (the department of finance). ThisMinistryadministered revenue matters and ensured that all incomes and expenditures of the government were judiciously handled.[55]

(iii) **Welfare and Security of the people**

The most paramount matter in the mind of Khalifah Umar as aleader was the welfare and security of his subjects. Because of this, he initiated measurements to improve the material resources of the caliphate under

[50]Muslehuddin, Ibid, (note 41), pp.65-66.
[51]Rahim, Ibid, (note 11), p.67.
[52]Ibid. pp.81-82.
[53]Ibid. p.82.
[54]This simply mean, No gods except "Allah"
[55]Rahim, Ibid, (note 11), P.83.

his government. He ensured security of life to the peasants and reduced their burden of taxation to better their conditions. Importantly, irrigation system of farming that yielded pumper harvest for the farmers was introduced.

Islamic Lunar Calendar (Hijra-Counting System).

It is important in any civilized society to have a system of counting their days in the running the affairs of the state. This, Khalifah Umar, brought into limelight, the system of counting the Islamic lunar calendar. The counting began from the date the Prophet and the Mekkan Muslims migrated from Mekkato Medinaagainst the Mekkainfidelity and sought for political asylum in the commonwealth nation of Medina on 2nd July, 622AD.[56]

The Islamic lunar calendar was never an innovation, although some people pointed out that it meant an innovation after the demise of Prophet Muhammad (PBUH). The Prophet had instructed the Muslims to follow the Sunnahof the *KhulafahRashidun.* The *Hijrah*calendar introduced by Khalifah Umar going by the saying of the Prophet during his life time cannot qualify as an innovative idea, because, the introduction of Islamic lunar counting got its root from Allah (SWT) where He said: " Verily, the number of months with Allah is twelve months (in a year), so was it ordained by Allah on the day when he created the heaven and the earth..."[57]

Emolument to be Paidto Khalifah Umar

Khalifah Umar was a businessman. On his assumption to the office as the *Amir-I-Mumineen,* he told the congress about his inability to attend to his business. In this situation, different opinions were suggested as to how much his take home allowances should be Khalifah Umar accepted the amount suggested as averagely sufficient for him and his family members. The amount was paid for some period before some of the Prophet's companions including Ali, Uthman, Zubair and Talhah (R.A), suggested further increment in the amount been paid. They predicated their recommendation for the increment on the enormous responsibilities before the Khalifah. It is important to note here that the increment did not emanate from the office of the Khalifah, and nobody can approach him on such.[58] The new message could not be conveyed by the companions directly to the Khalifah. The process of taking the message to him for his reaction was channeled through Hafsah (R.A), his daughter. Having listened to his daughter on the proposal for the increment in his

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M. Z. (2000), *Fada'i-l-Ammal*, (Farid Book Depot (PVT) Ltd, Delhi 1stedn), p.67.

emolument, andafter series of interrogation between him and Hafsah, Khalifah Umar said:

> Hafsah: Go and tell those people that the Prophet (PBHU) has set a standard by his personal example. I must follow him. My example and that of my other two companionsviz-viz... theProphet (PBHU) and Abubakar (R.A) is like that of three men travelling on the same road. The first man started with a provision and reached the goal. The second followed the first and join him now the third is on his way. If he follows their way, he will also join them. Otherwise he can never reach them.[59]

It could be distilled from the above quotation that the practice of Islamic democratic system of governance and the payment for the services rendered by the *Khalifah* was very distinct from what is obtainable in our present day of western democratic system of governance operating in Nigeria. Apart from the allowance paid to the *Khalifah* and family, we have nothing on record that any budget was made for other things connected there-with to the office of *Khalifah* such as feeding, clothing, vehicle, or to the office of the wife of *Khalifah* as being practiced by the government of Nigerianowadays.

The standard of Islamic democratic system of governance practiced by the*Khulafah*was not in any way prone to wastage, corruption and extravagant lifestyle, which is the hall mark in governance in Nigeria. This was the analogy of Khalifah Umar comparing himself, the Prophet (PBUH), and Abubakar (R.A) as three men traveling on the same road.

The dynamic system and approaches of Khalifah Umar to governance was what Rahim[60] when judging Umar's character, ideals and achievements, identified as reasons that made Umar a great democrat and that no leader has been more successful than him in the world.

When death was fast approaching, Khalifah Umar set up committee of wise men known as (*Ahl-al-Hallwal -aqd*) within the Islamic commonwealth State of Medina. They were: Ali, Uthman, Abdur-Rahman, Sa'ad, Zubairand Talha to recommend anysuitable person to the caliphate within three days.[61] The proceedings were accordingly started as ordered by Khalifah Umar and afterconsultations;Abdur-Rahman sent for Zubair and Sa'ad and told them that Uthman and Ali deserved. The consensus of the commonwealth nation State of Medinafinally approved Uthman'scandidature to succeed Umar.[62]

The beauty in the process of electing and nominating a leader under Khalifah Umar is exceptional in the practice of democracy. In fact, the modality is more democratic than what we are practicing in modern democracy. For instance, Khalifah Umar set up a Consultative Council to select a successor that is acceptable to the masses.

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[59]Ibid, p.68.
[60]Rahim, Ibid, (note 11), P.84.
[61]Muslehuddin, Ibid, (note 41), P.67.
[62]Ibid, p.67.

1.4 The Nature of Parliamentary and Presidential System of Government in Nigeria

The nature of parliamentary and presidential systems of governmental shall be looked into two folds; that is, Parliamentary system of government under the 1960Independenceand 1963 Republican Constitutions, and, Presidential system of government under the 1979 and 1999 Constitutions.

1) (a) Parliamentary System of Government in Nigeriaunder Independence Constitution (1960)

ThisConstitution maintained the federalism legacy as contained in the 1954LyttletonConstitution.[63] The power in the Constitution was divided between the federal and the three Regional governments. That is, the Northern, Western and Eastern Nigeria Regions.[64]

The executive power of the federation was vested in the federal government and the regional governments on 'WestminsterSystem Model'. The executive power of the federation was controlled under the Constitution by her Majesty the Queen of England, but exercisable in Nigeria on her behalf by the Governor-General. Chapter four of the Constitution made her majesty the Queen of England the Commander-in-Chief of the federation but the position must be held by a Nigerian in representative capacity on behalf of her Majesty.[65]

The Constitution further provide for the Head of government known as the Prime Minister to be appointed by the Governor-General among the members of the House of Representatives whose political party had majority in the House of representative.[66] The Prime Minister and all other Ministers were themselves members of the legislature.[67]This was the model of Government Nigeria inherited at Independence.

Although,under this model of government, theParliament can change, or amend the Constitutionor any law at will where the Constitution is unwritten, as it is in Britain;where however, there is a written Constitution as it is in Nigeria, the laid down procedure for amending Constitution must be followed to the letter.[68]

Each of the three Regions under the constitution was self-governing. The regional government was made up of: the Governor and the Premier[69]for each region. The regional executive power was held on behalf of her Majesty by the Governor.

(b) Under the Republican Constitution

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[63]Anyaegbunam, E. O. (2005), *The Legislator's Companion: A Handbook for House of Assembly*, (Book Builders Publisher, Ibadan), pp.14-15. See, Michael, J. E., and Igweike, K., Introduction to the 1979 Nigerian Constitution, Hong Kong, (The Macmillan Press Ltd), 1982, pp.36-37.

[64]Section 2, Constitution of Federation of Nigeria, 1960.

[65]Section 33 (1), of the Constitution.

[66]Section 81 (1), of the Constitution.

[67]Oluyede, P. A. O. (2001), *Constitutional Law in Nigeria*, (Evans Brothers Nigeria Publisher Ltd, Ibadan), p. 289.

[68]Ibid, P.9.

[69]Ibid, pp.29-30.

The Republican Constitution came into force on 1st October, 1963.[70] It came into force when Nigeria abolished the use of Crown and replaced same with Republic.[71]

The Constitution was similar with the 1960Independence Constitution on the super-structure of the federation. The only difference was an additionalRegion the mid-western region,to the existing three. The Regions were; the Northern, the Eastern, the Mid-Western and the Western Region.[72] The additional Region equally affected the executive administration of the federation with one more Regional governor.[73]

Another land mark change under the Republican Constitution was the departure from 'Governor-General' to executive President.[74] It is noteworthy that, the President of Nigeria was henceforth no longer subjected to the authority of her Majesty and Nigerians no longer owe allegiance to the British Crown.

The 1963Constitution gave the executive President the power to execute its power through officers subordinate to him. This is referred to as delegation of power or administration.[75] The Regional executive power under the Constitution was vested in the Regional governor.[76]

2. Nature of Presidential system of Government under the 1979 and 1999 Constitutions of Nigeria

Nigeria during the second Republic moved from Parliamentary system to Presidential system of government. This was because of the cumulative record of problems and unrest recorded during the first Republic under Parliamentary system of governance.[77] The Supreme Military Council (SMC) led by General Murtala Rahmat Muhammadappointed a Constitution Drafting Committeeunder the chairmanship of (Chief) Fredrick RotimiAlade Williams, SAN (now late) to fashion out a Presidential system of government modeled after the system in the United States of America.[78] The new Constitution was aimed at enhancing the following Constitutionalism in Nigeria, which were not adequately present in the Westminster Parliamentary model of government:

(a) A federal system of government predicated on solid democracy, rule of law and separation of power;and

(b) Adoption of an executivePresidential system of government.

The nature and system of Presidential government during the second and fourth Republic were similar. Thus, the Presidential Constitution of 1979 and 1999 (as amended) were virtually the same in contents. It was the opinion of Nigerians at home

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[70]See the commencement in the 1963 Constitution of the Federal Republic of Nigeria. See Section 2 of the Constitution which provide for the name 'Federal Republic of Nigeria.'

[71]Abiola, O. (1979), *Constitutional Law and Military Rule in Nigeria*, (Evans Brothers Nigeria Ltd, Ibadan), p. 9.

[72]Section 3, Constitution of the Federal Republic of Nigeria, 1963.

[73]Michael, Ibid, (note 64), P.38.

[74]Section 34 Constitution of Federal Republic of Nigeria, 1963.

[75]Section 84 Constitution of Federal Republic of Nigeria, 1963.

[76]Section 86 Constitution of Federal Republic of Nigeria, 1963.

[77]Michael, Ibid, (note 64), P.30.

[78]Adeyemo, Ibid, (note 22), p.165.

and abroad that contributed to the making of the Constitution, with series of seminars, workshops, public hearing and conference held, showing the desire to retain the features of the 1979 Constitution.[79]

The nature of federalism under the 1979 and 1999 Constitutions changed from the Regional government to state governments, to be administered by an Executive Governor in each state. It provides for a federation consisting of states and a federal capital territory.[80]

The executive powers of each state were vested in the respective state governor. Each state also has a deputy governor, commissioners and officers in the Public service.[81]

The executive power of the federation was vested in the executive President.under the Constitutions.[82] The Vice-President,[83] and the Ministers[84] are members of the Federal Executive Council (FEC) of the federation of Nigeria. The ministerial appointments during the second and fourth Republic were by nomination by the President. The nominee is subjected to the legislative confirmation by the Senate.[85]

The processes in the nomination of the ministerial appointees andsubjected to legislative confirmation was to achieve the principle of federalism, separation of powers, checks and balances rooted in rule of law.

The appointment to various heads ofministries and parastatals are also subjected to the screening and confirmation by the state House of Assembly. The procedure at the federal level, applied to the State level *mutatis-mutandis.*

The above procedure account for the nature of Parliamentary and Presidential systems of government in the first to fourth Republic in Nigeria.

1.5 Conclusion

This paper traced the origin and development of democracy, and the two leading political ideologies: Parliamentary and Presidential systems of government to the medieval Islamic time of the Prophet, and, the renaissance period of the *KhulafahRashidun.*

It is not a vain talk that, in modern time, the application of the principles of Islamic political thought, is more deserving to the positive democratic rules. This can be appreciated from the body of this paper after series of acknowledgments of Islamic tenets by the Philosophers and thinkers in the western world.More so, the third world countries such as Malaysia, Indonesia and Iran have developed through the application of Islamic principle in their public life.

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[79]Jadesola, O. A. (1999), *Introduction to the Constitution of the Federal Republic of Nigeria1999*, (MIJ Professional Publisher Ltd, Lagos), roman figure vi.

[80]Section 2(2), 1979 and Section 2 (2), 1999 Constitutions of the Federal Republic of Nigeria.

[81]Section 5 (2)(a) and (b) 1979, Section 5(2)(a) and (b), 1999 Constitutions of the Federal Republic of Nigeria.

[82]Section 122 (2), 1979 and Section 130(2), 1999 1999 Constitutions of the Federal Republic of Nigeria.

[83]Sections 130 and 131 (1), 1979, Sections 141 and 142 (1), 1999 1999 Constitutions of the Federal Republic of Nigeria.

[84]Section 135 (1), 1979 and Section 147 (1), 1999 1999 Constitutions of the Federal Republic of Nigeria.

[85]Section 135 (2), 1979 and Section 147 (2), 1999 Constitutions of the Federal Republic of Nigeria.

More so, the secular nature of the common wealth nation of Medina during the period of Prophet Muhammad (PBUH) discloses that Islamic democratic governance is a divinely wishes of Allah, its application is subject to the prevailing situation in a particular age.

Lastly, it is convincing that the western world developed upon the democratic nature of Islamic governance in the medieval period and during the renaissance under the*KhulafahRashidun*. If the two stages of Islamic ideology mentioned above wereingrained into the two leading ideologies today of the western democracy, would lead to Islamic government. The only problem associated with the western democracy as shown in this paper is that aspect of popular sovereigntythatwere given to the people. Under Islamic democratic nature, peoples' sovereignty is limited to certain area where Allah (SWT) has given mankind the free-will or choices to make.