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The Civil Society between Islam and the West

- **First: The Civil Society or the Nation in the Islamic Scope:**

The civil society as a human experience, and not as a term, was found among all the nations that knew the forms of cooperation and social interdependence, in which people were organized as a cooperative entity independent from the State. If we look at the scope of the Islamic and Arab experience, we will find that a lot of the concepts of the civil society were known, but the term itself did not exist. In fact, there was another term that referred to the entity which represents the regulatory framework which stands for the State regulatory framework or the Caliphate, known as 'Ummah'. If the term referring to this entity in the West is 'the civil society' for the system of the State, then its term in the Islamic civilization is 'Ummah' for the Caliphate system[1].

To point out, the 'Ummah' term combines all the formations between the family and the Caliphate (or the State). Such formations are founded upon free will, volunteering, and commitment. The aim at accomplishing interdependence, protecting the profession or group members, defending the general interests of the community, and exercising exchanged communal observation through 'the propagation of virtue and the rejection of evil'. Most of the time, these formations work independently, away from the rule and power of the Caliphate system.

If the concept of the civil society in the political theory refers to the society which is formed according to the Social Contract, then the first social contract signed in history is represented in what is known as the 'Medina Constitution'. Moreover, if the civil society is not based upon racial or religious bounds, but upon the concept of belonging to free will and commitment to the conditions of the social contract, then the base of belonging in the concept of the nation, at a moment of flourish of the Islamic civilization, is in the commitment to the conditions of the social contract. The most important of such conditions is probably the factor of 'achieving safety'. This is clear through the text of the 'Medina Constitution', which considered the Jews 'a nation of believers', as the Jews have their

religion, and the Muslims have their own as well. That is, people of other religions have the right of complete citizenship. This was strongly confirmed by Al-Kasany in saying: "The protected tributaries are among the people of the home of Islam." [2] Also, Al-Sarkhasy adds: "The home of Islam is the place under the rule of Muslims, and the fact that Muslims are safe in it is a sign of this." [3]

To point out, belonging was not based on religious or racial bonds, since there was a freedom of belief as well as legislative and judiciary independence of the minorities. This proves that there is a protection of the weak groups and the minorities, considering them part of the society. Also, there was no discrimination against them, but an acceptance of diversity as a global feature that cannot be eliminated neither at the level of a single society nor at that of an international society. The ethical commitment to a peaceful management of differences in the existence of struggle was also there.

When it comes to transparency and mutual observation in the general scope without trespassing personal life, individual freedom and privacy, this can be clearly found in 'the propagation of virtue and the rejection of evil'. As a result, the nation got to know a group of

social institutions independent from the government, like Waqf, which is a system that had a role equal to that of charitable organizations now. Also, there was a system of professional bonds in the form of organized sects for craftsmen and traders, which is known now as the syndicate and the commercial chambers.

- Forms of the institutions and organizations of the civil society in the Islamic civilization:

The civil society (Ummah) in the Islamic civilization witnesses various forms of what are known as the institutions of the civil society, like the Waqf, the sects of crafts and traders, and the brotherhood.

The system of Waqf represents an infrastructure of social interdependence, far from the State. It played a major role in the structure of the nation or the civil society, as it contributed to the social and economic balance. It was a public service to the people for the sake of Allah, and was diverse. It included all the services like fixing public roads and building bridges, constructing mosques, providing medical services, helping the orphans and the poor, aiding students, supporting the farmers as they take their lands' seeds for free, helping small traders with offerings or good loans without interests, marrying the poor

from young males and females, aiding the blind and people with special needs, along with offering milk for poor mothers, and helping the traveler or the foreigner.

The great role of Waqf in people's lives can be traced in one of the capitals of the Islamic civilization, as Ibn Batouta said: "The types and sources of Waqf in Damascus are uncountable, as they are many. There is Waqf for the incapable of pilgrimage by providing the pilgrim with all his needs, the Waqf for girls whose family cannot prepare for marriage by preparing them for their husbands, the Waqf for freeing the captives, the Waqf for travelers by giving them food and clothes, the Waqf for fixing and paving the roads as the Damascus alleys consist of two pavements on the sides for pedestrians in the middle of which passengers pass, and the Waqf for other good services."[4]

Some people may be surprised from a hilarious form of Waqf which was formed by good people to help the children who are sent by their parents to buy things for the house having a vessel with them that breaks. Such children used to go to what is known as the vessels waqf to take money to buy another vessel for the one that broke so as not to be beaten by their parents.

Ibn Batouta spoke about this form saying: "One day, I passed by some of the Damascus alleys and saw a small servant who dropped a Chinese pot, that they call the plate, and broke it. So, people gathered and some told him: collect its remains and carry them to the vessels waqf owner. He collected them and showed them to the man, who paid the boy the amount needed to buy another plate. This is one of the best actions, as the master of the boy would have hit him for breaking the plate, and the master's heart would have broken and changed, so it was an act of reparation to the hearts. God bless whose effort contributes to such good action like this." [5]

As for the fraternity, in its core, it is a Sufi system that was found beyond the mosque scope in what was known as the corner, or the hospice. Its members constituted a social system called the fraternity system. Even though joining this form of organization was open, it was inevitable to have some conditions, like ensuring the existence of free will, genuine desire and self-belief. Such brotherhoods developed, adding to them the members of certain or most of the crafts, and then they represented a workers' communion or a small syndicate. This is what can be called: the partnership on the base of mutual interests.

As for the professional organizations that contained the workers of each craft in one system of common interests and ways of interdependence among its members, they are well known. Also, even if they did not include the registers and mechanics existing today, they still represented the base of a guild.

Among the forms of the civil society that were known, and still exist in Egypt and a number of Arab countries, are the hosting system, the boards of customs, and the boards of Arabs to solve disputes away from the State or the law. There was also the system of 'organization (in the colloquial sense)', not in the term sense but in the meaning existing among the commoners in Egypt. It represents a form of social interdependence. In it, when someone needs a whole sum of money, a group of people, mostly ten, would pay a monthly amount and each month one of the ten takes the whole sum of money. The priority in this case is given to the neediest. In fact, it is recognized that many economic projects started in this way in Egypt. The famous sociologist Botnam registers that this system was available in North Italy, upon which many economic projects were based. This system represents part of the civil society, as it is founded upon interdependence, mutual interests, free will, trust, and a social bond without any blood or racial connection.

These are all forms of the civil society in our communities, which need to be preserved or returned, then developed and modernized by raising awareness of the modern mechanics and practices expanding their roles. After that, new forms would be formed or borrowed to work beside such traditional formations.

Is there a Social Contract in Islam?

- It has been noted that the civil society should be founded upon a Social Contract, so did Islam know the concept of the Social Contract?

It is noteworthy that despite the inexistence of this term in Islam, its content has been achieved through the agreement signed by the Prophet in Medina with the members of the civil society: its tribes, communities, religions and beliefs. This is not mentioned for projection, interpretation or coloring of the Islamic concepts with Western ones. This is because the Medina contract or constitution which contains the text of agreement, directly expresses this. I will present it to the reader without any interpretation, but my role will be limited to a linguistic explanation, to enhance objectivity and to avoid any accusation of interpretation.

It is noticed that the Social Contract mentioned by the Western philosophers, like Thomas Hobbs, John Lock and Jean Jacque Rousseau, describing it as a contract signed and agreed upon by the members of the society and the governors, is only a philosophical perception but was not actually achieved in reality. On the other hand, the Medina Constitution is an agreement that actually took place in reality. Hence, the contract of philosophers is just a theory, but the Medina Constitution is an actual reality.

Now, we look at the nature of the social contract in the Medina Constitution, if we observe this constitution, we find that "the nation" (civil society) in Islam was first established in the city on a social contract agreed upon among all the communities of the city. This social contract is one of the foundations of the civil society (Ummah).

It is known that the city is a non-homogeneous human diversity, in contrast to the countryside which is a homogeneous human gathering. Hence, the coexistence in the city requires a social organization that follows rules which determine the relationship nature between the non-homogeneous members on the basis of agreement or oppression.

In Medina, the relationship was not determined on the basis of oppression like tribal, parental or class-based societies, but on the basis of the social contract. This contract represents a developed form of civilization, and of the patterns of the coexistence which is based on diversity in a frame of equality, justice and full citizenship for non-Muslim communities who live in the Islamic society without any kind of discrimination.

The Medina Constitution expressed this, as it considered Muslims and non-Muslims as the people of the city constituting "one nation" (Ummah). Each community has freedom of belief, ownership right, and protection right, and combined defense, participation in the army, observation right, accountability and expression of opinion.

As for the freedom of belief, it appears through the constitution's saying: "The Jews have their religion and the Muslims have theirs, their freedmen and their persons, except that who behaves unjustly and sinfully". The charter also mentioned the ownership right, which was asserted by Ibn Ishaq in his introduction to it saying: "The Messenger of Allah wrote a contract between the Muhajirun (immigrants) and the Ansar with which he concluded

a covenant and a truce with the Jews, Confirmed them in their religion and their property, and Imposed obligations on them and guaranteed them certain rights".

The rights for protection, the duty of participating in the military and mutual defense are all clear in the text of the constitution: "Those Jews who follow us shall be helped and treated with equality. They shall not be wronged nor shall their enemies be aided. The Jews must pay with the believers so long as was lasts. Each must help the other against anyone who attacks the people of the constitution".

Hence, this constitution includes a social contract that ensures diversity and complete citizenship for everyone without discrimination at any level.

The following is the full text of the first social contract in history "Constitution of Medina": as Ibn Ishaq said: The Messenger of Allah wrote a contract between the Muhajirun and the Ansar with which he concluded a covenant and a truce with the Jews, confirmed then in their religion and their property, and imposed obligations on them and guaranteed them certain rights…"In the Name of Allah the Most Gracious the Most Merciful. This is a document from Muhammad, the Prophet, between the believers and the Muslims of Quraysh and Yathrib, and those who followed them, joined them and fought together with them in war. They are one community to the exclusion of other people. The Quraysh emigrants remain in their condition[6].They jointly pay blood-wit[7] and ransom their captives[8] with the kindness and justice common among believers. Banu Awf remain in their condition; they jointly pay their previous blood wit[9]. Every group ransoms its captives with the kindness and justice common among believers. Banu Sa'idah remain in their condition; they jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu al-Harith remain in their condition; they jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu Jusham remain in their condition; they jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu al-Najjar remain in their condition; they jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu Amr Ibn Awf remain in their condition; they

jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu al-Nabit remain in their condition; the jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Banu al-Aws remain in their condition; they jointly pay their previous blood wit. Every group ransoms its captives with the kindness and justice common among believers. Believers shall not leave a debtor[10] among them without paying his redemption money or blood wit with kindness. No believer shall enter into alliance with the freedmen of another Muslim against him. The God-fearing believers shall be against the rebellious[11] or he who seeks to spread injustice, or sin or hostility or corruption between believers; their hands are all against him even if he is the son of one of them. A believer shall not kill a believer for the sake of an unbeliever, nor shall he help an unbeliever against a believer. The protection of Allah is one; the protection granted by the least of them is binding on all. The believers protect each other to the exclusion of other people. Those Jews who follow us shall be helped and treated with equality. They shall not be wronged nor shall their enemies be aided. The peace of believers is one. No peace shall be made with a believer apart from another believer when there is fighting in the path of Allah, except on the basis of mutual equality and justice. In every expedition, the parties shall follow each other. The believers must avenge the blood that is shed of one another in the path of Allah. The God-fearing believers are under the best and most upright guidance. No polytheist may grant protection to the property or person of Quraysh; neither shall he protect him against a believer. Whoever is convicted[12] of killing a believer, he shall be subject to retaliation unless the person entitled to revenge is satisfied. The believers are against him as one man, and they are bound to take action against him. No believer who understands what is said in this document and who believes in Allah and the last day shall give assistance to a wrongdoer or shelter him. If anyone helps or shelters such a person, upon him be the curse and wrath of Allah on the day of resurrection. No repentance or substitute shall be accepted from him. Whenever you differ about a matter, it is to be referred to Allah and Muhammad. The Jews shall share the expenses of the believers so long as they are at war. The Jews of Banu Awf are one community with the believers. The Jews have their

religion and the Muslims have theirs, their freedmen and their persons, except that who behaves unjustly or sinfully, for he harms[13] only himself and his family. To the Jews of Banu al-Najjar, the same applies to them as what does to the Jews of Banu Awf. To the Jews of Banu al-Harith, the same applies to them as what does to the Jews of Banu Awf. To the Jews of Banu Sa'idah, the same applies to them as what does to the Jews of Banu Awf. To the Jews of Banu Jusham, the same applies to them as what does to the Jews of Banu Awf. To the Jews of Banu Tha'labah, the same applies to them as what does to the Jews of Banu Awf, with the exception of he who behaves unjustly and sinfully, for he harms only himself and his family. The clan of Tha'labah is like them. To Banu al-Shutaybah, the same applies to them as what does to the Jews of Banu Awf. Honesty is demanded without treachery. The freemen of Tha'labah are like them. The close friends of the Jews are like them. None of them shall go out to war without the permission of Muhammad, but no one shall be prevented from taking vengeance for wounds. He who slays a man without warning slays himself and his household, unless it is one who has wronged him. Allah is the truest fulfiller of this. The Jews must bear their

expenses. They help one another against those who attack the people of the constitution. Between them are mutual advice and consultation, and honesty without treachery. A man is not liable for his ally's misdeeds, and help is to be given to whoever is wronged. The Jews must pay with the believers so long as the war lasts. Yathrib is sacred for the people of this constitution. A guest is as his host doing no harm and acting without treachery. No woman shall be treated as a guest except with the consent of her family. If any dispute or controversy likely to cause trouble may arise, it must be referred to Allah and Muhammad. Allah accepts what is nearest to piety and goodness in this constitution. Quraysh and their helpers shall not be given protection. The parties are bound to help one another against those who attack Yathrib[14]. Whenever they are summoned to make peace and maintain it, then they shall make peace and maintain it. If they make a similar demand on the Muslims it must be carried out except who makes war on account of religion. Everyone has his share from their side which is directed to him. The Jews of al-Aws, their freedmen and themselves, have the same rights as the people of this constitution". Ibn Hesham said: and it is said: in pure honesty on the part of the people of this

constitution. Ibn Ishaq said: Honesty is demanded without treachery. He who acquires guilt acquires it for himself only. Allah accepts what is just and nearest to goodness in this constitution. This writing does not protect the unjust and the sinner. He who goes out as well as he who remains is safe unless he had been unjust and sinned. Allah is the protector of the good and faithful, and Muhammad is the Messenger of Allah[15].

- Multiplicity, Coexistence and Belonging:

This way we see that the principles upon which the civil society is established in Medina Constitution are diversity, freedom of religion, citizenship, equality and the peaceful administration of differences. These do not contrast with the idea of belonging to a single community or one civil society.

Islam did not set religion as the standard of belonging, but the commitment to the conditions of the social contract, the most important of which is the "achievement of security". This is clear through Medina Constitution which considered the Jews as one community with the believers. The Jews have their religion and the Muslims have theirs. That is, they have the right of complete citizenship, which

was decisively confirmed by the Muslim scientists. Mohamed Ibn Hassan Al-Shaibany said: "When the Muslims gave them their protection, they were committed to keeping injustice away from them, and they became from the people of Islam's home".[16] Al-Kasany said: "The Christians and Jews are from the people of Islam's home".[17] Al-Sarkhasy said that: "Islam's home is a name used for the position that is under the rule of Muslims, and a sign of this is that Muslims are safe in it".[18] "The focus is not on being Muslim or not, but on security and insecurity"[19], because Islam "did not discriminate between Muslims and non-Muslims based on religion difference, and it did not discriminate between citizens and foreigners based on their nationality or following. Therefore, it is wrong, as a result of illiteracy and deception, how some writers allege that citizens are Muslims only and that non-Muslims are all foreigners".[20]

Hence, belonging or citizenship are not classified based on religion, but on peace and war, because Islam considered the peaceful people of other religions as the people of Islam's home, that is they have the right of complete citizenship.

Equality among everyone is a characteristic of citizenship. As Abu Ebeid Al-Kassem says in blood, blood

wit and prohibition of backbiting for a non-Muslim is as the prohibition for a Muslim[21]. As Al-Laith Ibn Sa'ad, the thinker of Egypt said that if they were captivated, it is a duty to redeem them from the treasury[22].

The base of rules in admitting diversity, and equality in rights and duties is that great base upon which Islamic Legislation is founded stipulates that: "They have what we have and they are responsible for what we are responsible for".

On the other hand, the verses that honor man as a human in the Holy Quran apply for every man giving him all human rights, the most important of which is the right of citizenship. Quran's order for Muslims to adopt goodness and justice in dealing with non-Muslims means that it is their duty to establish justice with all its types, among which are social and political justice.

The social history included the facts that proved citizenship for minorities, and the state mainly respected this in Islamic history. Muslims and Christians held many important and sensitive posts, as a Christian family was responsible for financial management for a whole century in the Umayyad Age, and the most famous member of this family is Yohana Al-Demashky, the famous historian. Moaweya Ibn Sofian also appointed himself a writer known as Sergon, and his doctor Ibn Athaal[23] was appointed for collecting taxes (jizyah) in Hems, and it is known that this profession is sensitive for what it involves of knowing the secrets of the state.

Abdel Malek Ibn Marwan appointed Ethnasios, who is a Christian scientist, for bringing up his brother Abdel Aziz. When Abdel Aziz held the state of Egypt, he gave this Christian Scientist important professions, among which is the management of Alexandria Diwans, along with holding the post of "Tax Administrator" (jizyah) of all Egypt. [24]

In Abbasid Age, we find that Al-Moatasem appointed a Christian, known as Ibrahim, for the General Treasury of Caliphate, and made him responsible for protecting the Caliph's ring. Moreover, he appointed his brother Salmweya in a major post being responsible for the royal documents, which were not implemented except after being signed by him. In that same age, Israel, the Christian was appointed for the organization of the Abbasid army. In Al-Moktader's Caliphate, a Christian was also appointed for "Army Diwan"[25] (office of army).

- Freedom of Belief:

Quran decisively stipulates the

complete freedom of belief, as it says: "No compulsion in religion".[26]

The Prophet's behavior supported this text being a general rule that cannot be broken. It is narrated by Al-Tabary Ibn Abbas: that a man from Banu Salem Ibn Awf named "Al-Hasin" had two Christian boys and he was a Muslim. He asked the Prophet to enforce his sons to join Islam, after they had adopted Christianity, but the Prophet refused, and the verse appeared: "No compulsion in religion".

In another statement by Al-Tabary: It was a habit for the women of Aws tribe who gave birth to short-aged children in heatheism to make a vow that if she gets a boy she will convert him to Judaism until his age is prolonged. Some women sent their children to the Jew Banu al-Nadir tribe. When Islam came, and the Prophet ordered the evacuation of Banu al-Nadir for the conspiracies they exercised against Islam and for their attempts to kill the Prophet twice, there were still some of the Aws children who turned to Judaism among the tribe. Their parents wanted to enforce them to convert to Islam, so the verse appeared determining the principle of freedom of belief.[27]

Quran has clearly stated the existence of several religions in saying: "To you be your religion, and to me my religion".[28]   It also considered the difference among people as a normal thing and a cosmic norm, as Allah says: "If thy Lord had willed, He verily would have made mankind one nation, yet they cease not differing. Except those on whom thy Lord hath bestowed His mercy and for this did He create them".[29]

These extracts were not in isolation from reality, as they were revealed in it in several ways at the level of society movement or the state exercising level. This is revealed to us through various situations, as what is said about the Prophet that after Khaybar's conquest he found copies of the Old Testament among the captures, and he ordered their return to the Jews.

Also, Omar Ibn Al-Khattab was visited by a disbelieving woman asking for something, so he asked her to join Islam but she refused. He did what she demanded, but felt that he acted in a compelling was by asking her to convert to Islam under the pressure of need, so he asked Allah for forgiveness and said: "Allah! I was guiding and not forcing".

This principle had a perfect reflection on some thinkers, to the extent that Al-Shafei debated with Abi Hanifa on the extent of acceptance of a

husband's demand from his non-Muslim wife to convert to Islam. Abu Hanifa saw it was acceptable on condition of not using force, while Al-Shafei believed that it was unacceptable for a Muslim husband to demand this from his wife "because it involved force, and they guaranteed the non-existence of force through the protection agreement".[30]

- The right of establishing temples and the freedom of practicing rituals:

Among the features of freedom of belief is the right of establishing temples and practicing rituals, and without doubt this is one of the features of equality in rights and duties. There is no text in Quran or Sunnah that limits the freedom of non-Muslims in establishing their temples or hinders their right of practicing their rituals. The general rule which governs the situation of Islam in this issue is "They have what we have, and they are responsible for what we are responsible for." Also, Quran asks its followers to deal with the people of other religions with kindness and justice: "Allah forbiddeth you not those who warred against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Allah loveth the just dealers." [31] It is unquestionable that among kindness are:

justice and equality in rights, among which are the establishment of temples and practicing of rituals.

This theoretical base is clear in some practices. Among the facts that prove this is Medina Constitution, and Jerusalem's treaty between Muslims and Christians that was signed by Omar Ibn Al-Khattab and Patriarch Sofrowinus in 15A.H., and its text is as Al-Tabary stated it: "In the name of Allah the Most Gracious the Most Merciful. This is the assurance of safety which the worshipper of God, Omar, the Commander of the Faithful, has granted to the people of Aelia. He has granted them as assurance of safety for their lives and their possessions, their churches and crosses; the sick and the healthy; and for the rest of its religious communities. Their churches will not be inhabited nor destroyed. Neither they, nor the land, on which they stand, nor their crosses, nor their possessions will be encroached upon or partly seized. The people will not be compelled in religion, nor will any of them be maltreated. No Jews should reside with them in Aelia. The people of Aelia must pay the jizyah tax like the people of the cities, and they must expel the Byzantines and the robbers. As for those who will leave, their lives and possessions shall be safeguarded until

they reach the place of safety, and as for those who remain, they will be safe. They will have to pay tax like the people of Aelia. Thos people of Aelia, who would like to leave with the Byzantines, take their possessions and abandon, their churches and crosses will be safe until they reach their place of safety. Whosoever was in Aelia from the people of the land may remain there if they wish, but they must pay tax like the people of Aelia. Those who wish may go with the Byzantines, and those who wish may return to their families. Nothing will be taken from them until their harvest has been reaped. The contents of this Assurance of safety are under the covenant of God, and are the responsibilities of His Prophet, of the Caliphs, and of the faithful if they pay the tax according to their obligations." [32]

Muslims provided these rights to all the countries under their rule. Even if some believers were strict in putting constraints on the establishment of temples and churches, this did not have a great impact on reality, as Sir Thomas Arnold said: "This fatwa was like a lot of the researches of the Muslim believers, as it was weakly connected with actual facts. It might have been that the ideologists, for a reason or another, agreed that Christians and Jews are not allowed to build places of worship in the cities established by Muslims, but the civil rule (according to Egypt's believer Al-Laith Ibn Sa'ad) enables Copts to build to build churches in Cairo, the new Capital, and he also allowed Christians to establish churches and new temples in some other cities." [33]

- **Legislative and Judiciary Independence for Minorities:**

Muslims gave the minorities the right to follow and execute their rules that are related to personal judgments and religious issues based on their religious legislation, even if they totally disagree with the Islamic Legislation.

The main connection between all religions, based on the relation among them, is the civil connection that is based upon the civil contract between Muslims and others. According to this contract, each sect had its own individual legal condition. These sects were small civil communities with individual independence inside the big civil society under the Islamic rule, which did not interfere in the affairs of the private sects.

During the Umayyad Age, each church had its individual rule, and the Umayyad signed contracts that proved the Patriarchs' power. This contributed to providing power for the church sects under oppression (like Yacabians and

Al-Nasatera) from the ruling Christian sect who considered their worship a heresy, thus the Byzantine State oppressed its followers and took the money of their churches. Until the end of the Umayyad Age, the Islamic State did not interfere in appointing Patriarchs, and this was the policy with all other sects.

In the Abbasid Age, sometimes internal disagreements among the sects concerning appointing the Patriarch were strong, and they turned to the Caliphs for judgment. This led to the next step in which Caliphs had favorite candidates. It is noticed that in the Abbasid Age, Al-Nasatera Patriarch summed powers, the spiritual and the civil in ruling the Christian sects (Al-Nasatera, Al-Yacabian, Byzantines and Royals). However, the Egyptian church, as well as the Armenian, was always under the rule of their own Patriarch.

The Maroni church mainly had its total independence, even after the spread of the release appointing system in a period of the Abbasid Age. Also, the Maroni was not under the system of consulting the Caliph while appointing the Patriarch.[34]

If we look at the release appointing system for the Patriarchs of Egypt, Byzantines, Al-Nasatera, and Armenians, we find that it is highly important to know the political contract that clarifies the civil relation between the political system and the religious sect. In this system, the political state acknowledges the individual legal rule of each sect, giving the Patriarch the power over his sect, as he is in the position of the elected magistrate, on condition of the Caliph's consent to this. His decisions have the executive power without waiting for the Caliph's consent, and it is not the Caliph's right to remove this Patriarch, as the sect's people are the only holders of this right.

Generally, the sects were given the right of total management of civil and religious affairs. This is proved by the document issued by the Abbasid Caliphs on this. The following is some of the most important of what came in the right given by the Abbasid Caliph Al-Moktafy (1136-1160) to Al-Nasatera Patriarch Abd Yassou (1139-1147); as the Caliph's secret-keeper registered the following:

"There was a deputation of Christians, who were widely knowledgeable with the bases of this profession, after discussion, research, and reviewing your applications, have reached that they need an Archbishop[35] who handles their affairs and their combined needs. They have collectively decided to raise you to

the icon of their religion to handle their affairs, support their needs and justly rule among them, the strong and the weak alike. They demanded the enforcement of your raising upon the release to guarantee a strong base and fixed infrastructure. According to this, the Commander of Believers ordered that they have what they demanded. The Supreme Islam Leadership, by crowning its orders with endless success, provides you its release to be the Archbishop of the Christian Al-Nasatera who are staying in Islam and all the countries of Islam. You are depended upon to act and you are also a leader to the Byzantines, Yacabians and Royals, the ones represented here and those who are not represented alike, who will stand against their enemies in any of the states. You are among the people of your single religion which carries the features of Archbishops in their churches and places of meeting for worship. It is not the right of a bishop, priest or verger to share it with you, as it is a witness to their subordination to the sophisticated position you were raised to. If any of those mentioned disagrees with you, disobeys your orders, denies your decisions or distracts your clarity, he shall be traced and punished for his behavior until he changes it. This will make others neglect following this behavior and you will ensure that your

church's legislatives will be literally applied".[36] History has recorded many incidents that prove the exercise of this right, which is following the legislations of a certain religion, in reality. This is what Ibn Kadama mentioned in his book Al-Maghny: "A Megian married his daughter, who gave birth to a girl, and he died, so she inherited two thirds of what he left."[37]

Abu Ebeid Al-Kassem mentioned in Al-Amwal: "that the Caliph Omar Ibn Abdel Aziz was astonished at giving Megians the right to marry their daughters and mothers, so he sent to Al-Hassan Al-Basry asking: How did the earlier Imams provide Megians the right to marry our mothers and daughters? Al-Hassan replied: Well, you are a follower not a creator."[38] That is you should commit to what was mentioned by the Prophet and his followers whom he gave the right to follow their own rules.

History also recorded that the minorities had their ideological courts, and even executive authorities related to the execution of judgments. In Damascus, the Patriarch had a prison connected to the church where he imprisoned Christians who break the rules, and one time he imprisoned Al-Akhtal, Banu Omayya's poet, because of being overly drunk, and did not release him until the Caliph himself asked for his forgiveness.[39]

Each religion had its own leader who was responsible for its affairs, and such a leader was responsible to the Caliph. The Caliphs had certain associations for minorities handling their affairs. The Umayyad established an association for this issue under the leadership of what they called "Writer of Themam" who was responsible for taking care of non-Muslim minorities.[40] The Abbasids also specified a special Diwan that handles their affairs, interests and finance, and the leader of this Diwan was "Writer of Al-Gahbath."[41]

If some periods of Islamic history witnessed limiting of these rights, it is the result of political, social and economic circumstances in the first place. The deteriorated socio-economic circumstances that the Muslim public experienced in contrast to the extravagant socio-economic situations that some minorities enjoyed, and their professional exercising due to their supreme administrative occupations which involved some sort of injustice in collecting taxes and in monopolizing financial professions for long centuries, all this had a direct relation with what happened of sectarian instabilities, even in Egypt.[42] In "Madet Al-Nasara" (Christians subject) in "Islamic Knowledge" meeting, while speaking about Christian employees who held major posts, it was mentioned that: "we

can form an idea on their number and power in administration, at all stages, from the repetitive complaints on the dishonesty of Christian controllers. They have specifically and almost totally monopolized the financial affairs until the nineteenth century in Egypt." [43]

The foreign occupation adopted a friendly manner in dealing with minorities, and as an example is that the English people in Egypt: "used the Coptic minority in most cases to rule the community and collect taxes. This phenomenon is also noticed in Syria, as Gab and Beauliac's researches showed the effect of the minorities' domination in the economic field and how it led to serious religious disagreements among the Christians and Muslims in Damascus in 1860, and between Al-Mowarana and Al-Dorouz in Lebanon Mountain in 1840 and 1860." [44]

On the other hand, the strict personal feature of some Caliphs was sometimes responsible for sectarian disagreements and minorities oppression. This is evident in the Abbasid Al-Motawakel's Age, who did not only oppress non-Muslims, but also the Islamic tribes who were against Sunnah people or the group. The same thing is also found with the Fatimid Al-Hakem Be Amr Allah, but he was prejudice to Shia'a Fatimid, as in these two ages, two major cases of

oppression took place. However, as we noticed, the prevailing main state is the admission of diversity and multiplicity.

- First The Civil Society Specifically in Egypt

Egypt has witnessed throughout its history various forms and certain degrees of the civil society efficiency, which increased at certain times and decreased at others. The main present sides of the civil society in Egypt were the social and economic. On the other hand, the political side did not have a strong presence except at limited periods, like the role played by Omar Makram in appointing Mohamed Ali for the rule of Egypt. However, the strongest presence was for the social side, as Egypt witnessed shades of social solidarity before and after Islam away from the State, but the entrance of Islamic concepts had a major influence, even in the civilization development.

In fact, Egypt witnessed all the forms of institutions and organizations previously mentioned in the Islamic civilization, like Waqf, crafts and traders' guilds, fraternity, corners, and hospices.

During the modern age especially in the nineteenth century Egypt witnessed the modern forms of civil society, like domestic organizations, the first of which was the Greek Organization in 1821, which was constituted by the Greek Colony in Alexandria to take care of the Greek living in Egypt through individual care. In 1859, 'Egypt Institute' Organization was established, which is a historical organization, then Knowledge (Al-Ma'aref) Organization in 1868, the Geographic Organization in 1875, the Islamic Charity Organization in 1878, and the Coptic Charitable Organization in 1881. Then, these organizations developed in their new form, and the Waqf system had a major role in financing these organizations.

In this century, Egypt also witnessed the formation of political organization, like "Misr Al-Fatah" in 1879. In this same year Helwan Organization was founded including some politicians and elites, in addition to many secretive organizations. Egypt also witnessed in that century a continuation of the guild system like the craftsmen guild, traders guild, and transportation and services guild.

The first workers' syndicate was founded in 1899, which was the tobacco workers' guild. Lawyers formed themselves a syndicate in front of the mixed courts in 1876, as wee as an organization opposite to the domestic courts in 1886. After that, the modern formations of the civil society continued in the twentieth century for syndicates, organizations, workers' unions, parties and more. They passed through different

phases in relation to their role, nature and relation with the State. It can be wholly said: that the civil society in Egypt passed through various stages:

1- **The Traditional Stage**: in which the civil society in Egypt was part of the general Islamic civil society. That is, it was part of the Ummah in the Caliphate phase. It is the stage in which the traditional forms appeared: Waqf, crafts and traders guilds, fraternities, corners and hospices.

2- **The Stage of Changing towards the Modern Forms** (nineteenth century): in which Egypt started to witness the modern forms of civil society formations, like domestic organizations, parties, political and scientific organizations, and syndicates…etc.

3- **The Expansion of the Civil Society** (1900-1923): in which the civil society formations expanded, qualitatively and quantitatively. The Egyptian University was established as a domestic organization in 1908 (Cairo University now), and the first general syndicate for lawyers was formed in 1912, also womanly organizations appeared. At that stage, organizations had a major political role in fighting for independence.

4- **The Liberal Stage** (1923-1952): in which the civil society organizations increased and varied, and witnessed a competition between Liberals, Lefts, Islamics, and Copts. In it, most professional syndicates were established like doctors syndicate in 1940, journalists syndicate in 1941, dentists syndicate in 1949, veterinaries syndicate in 1949, pharmacists syndicate in 1949, agricultural syndicate in 1949, and the teachers syndicate in 1951. Also, the number of workers' syndicates increased reaching 38. This period was a time of development, performance and high participation in all society issues: social, economic, and political.

5- **Freezing of the Civil Society** (1952-1970): in which the socialist thinking was the prevailing and it was the only acknowledged one. There was one political system, and the guilds were closed along with many organizations. Moreover, the professional syndicates were devoted to serve the political movement of the State.

6- **Sadat and Mubarak's Age** (1970-2003): in which new syndicates, and domestic and scientific organizations were established. The efficiency of the civil society increased sometimes, and at other times there was tension among its wings and the State. The organizations played a social and political role within the openness and privatization. A new form of non-profitable organizations appeared, most of which worked on defending human rights. Also, businessmen organizations appeared…etc. [45]

Basically, this is not a position for tracing

the stages in details, as there are many researchers that can be referred to for the knowledge of history, nature or formations and the civil society organizations in Egypt. [46]

- Second: The Civil Society in the Western Context:

The Political Theory and John Lock:

We knew earlier that the term of civil society was not available in the Islamic civilization, but there was another term "Ummah" which means the same content that the civil society term refers to, and it is the medial area between the family and the State. We also noticed that the content of the civil society is a general human experience, and we mentioned the manifestations of this experience specifically in the Islamic civilization and Islam, as well as in Egypt.

In the new ages, and in the Western perspective, the civil society term appeared to refer to the medial area between the family and the State. It refers according to the political theory, as it was formed in the Western thought, to the society that is formed based on "the social contract", and it is considered as an organizational frame along with the organizational frame of the State. [47]

To understand this meaning we had to have a look at the concept of the

social contract according to John Lock (1632-1704 A.D.), who is an English Liberal philosopher. He said of the social contract theory that the rights of life, freedom, and personal ownership are the most important normal human rights, with which he is born and that cannot be taken by any other person. Hence, they are not for debate or negotiation.

He saw that in the social contract theory the society members give up on some of their freedom to the rulers in order to preserve security and for mutual interests. It is not a complete renunciation or one without conditions, but surrendering a limited part of individual freedom to the central authority or the government, according to a contract, agreement or constitution that is agreed upon by the community and the rulers. Rulers extract their legitimacy from this social contract only; hence, the legitimacy of power has no place if this contract does not exist. [48]

Lock suggested the idea of the social contract to face political despotism and to reject the idea of the divine right of rulers and kings, because God created all people equal. If some justify despotism for the only substitute to chaos, then Lock believes that "chaos is not the only substitute to despotism, as there is a

constitutional rule that prevents chaos and despotism all together".[49] Lock also believed in the individuals' right of ownership as a principle of "natural law". His ideas influenced American leaders like Thomas Jefferson. That is why the American Revolution against British crown in 1776A.D. adopted all Lock's ideas and guaranteed them in announcing the American independence.

Hence, according to John Lock, the civil society refers to the society that is formed based on "the Social Contract", and that is considered as a circle along with the State circle.

The initial roots in the West of the civil society concept are represented in the concepts that were crystallized in the social contract theory in the modern political philosophy, like:

1- "**Nature State**" concept is the primitive state when people lived without law or a system. It is the first state when people lived before the establishment of a social, political and religious system.

2- "**The Social Contract**" concept is when man transformed from the primitive state, nature, and disorder to the social phase, and the political and religious system.

3- "**The Civil State**" concept is the state that people turned to in which systems prevailed, and the political and religious rules were constituted.

4- "**The Government Contract**" concept if formed between the people and the ruler, giving the state the base of its legitimate existence.

When these concepts "reached their peak with Lock and Rousseau, the civil society concept was revealed, as if it was the purpose they were aiming." [50]

- **The History of the Civil Society for Adam Ferguson:**

The famous book entitled "An Essay on the History of Civil Society" on the concept of the "civil society" played a major role in the spread of this term, which appeared in 1767, for the Enlightenment Scottish philosopher Adam Ferguson (1723-1816). In this book, Ferguson presented a theory that explains the stages of human evolution from the socio-cultural side, as he said there were three stages as follows:

- **The First Stage**: is the savagery stage in which man acted according to the pure animal instinct in him.

- **The Second Stage**: is the barbarity stage in which private ownership appeared, where the commercial community that depends on individual interest and wealth began.

- **The Third Stage**: is the civil society stage in which the high social bonds appeared, and that is governed by manners where liberal political systems prevail. The barbaric and individual trends are ruled by

selfishness, which is why this stage represents civilization in its civilized side.[51]

Ferguson's book was translated to German in the year following its issue in 1768. It is sure that Kant knew the book as he mentioned it in his book "Criticism on the Ruling Queen", paragraph 83.Hegel also knew it and spoke about it in "The Early Theological Writings". Anwood says: "The civil society term became common in Germany due to Ferguson's book." [52] That is why it was known to Hegel from an early time.

- **The Necessary Condition of Freedom for Thomas Paine:**

Thomas Paine is an American Liberal Democratic thinker, and is the author of the American Revolution Publications. He was influenced by John Lock, and defended the civil society institutions against the government, having a view against that of Hegel showing a limitless enthusiasm for the civil society.[53]He said: "The government at its best is an inescapable evil, and at its worst an unbearable evil." [54]

Thomas Paine considers the civil society a necessary natural condition for freedom. That is why his ideas were one of the main tributaries of the American civil society with all its effectiveness and power in the State.

In contrast to Hegel's view of nature, Thomas Paine sees that nature is "regular in all its works and this is why the diverse elements of the civil society interact involuntarily and spontaneously in a harmonic way[55], without the need for an external regulator like the government.

- **The Principles and Moments of the Civil Society to Hegel:**

The German Philosopher Hegel (1770-1831A.D.) is the main person behind philosophically crystallizing the concept of the civil society, and in distinguishing it at the theoretical side from the concept of the State. Anwood assumes that Hegel was not preceded by any other thinker who clearly distinguished between the civil society and the State, then "Aristotle's expression" political economics, and followed by Civitas and Respublica. Thoma Al-Akwainy's expression "the civil society" or "the political", and Lock's statement "the civil or political society" refers to the political state and does not discriminate or differentiate between the two words "political" and "civil".[56]

In his view, Hegel was highly influenced, in his view of the civil society, by the social and political reality contemporary to him. His perception of

the principles upon which the civil society is built is a reflection of the socio-political reality that Europe witnessed at that age, and a picture of actual reality. That is, Hegel's study is a kind of presenting an intellectual picture of actual reality. To him, philosophy's mission is limited to analyzing what is present, but what is present is not a world reflecting the intellectual, yet it is the mind itself. Philosophy is the mirror of reality, and the daughter of its time and age. This is one of the reasons that make man consider that Hegel's philosophical situation is a justification of reality.

According to Hegel, the civil society is based on two principles, which are:

1- The First Principle: Selfish Individuality:

Selfish individuality is the first principle in the civil society, and is represented in the individual who takes himself as a main goal, as he aims at fulfilling his partial goals and meeting his personal needs. He is governed by subjectivity and controlled by material necessity. His aim is selfish in the first place. Hence, he lives in isolation and separation from others[57], because he enters into conflict with others and becomes selfish to the maximum.

It is undoubtable that selfishness leads to separation, hence, this principle

represents the moment of division and separation, because it separates between members according to their personal needs, and each one is isolated in his individual selfish circle. The civil society is an "individual and useful world" and is "the kingdom of social atom, which is a world constituted of social atoms, as its units are small, individual and scattered, according to Hegel."[58] Hence, the civil society system to Hegel is an Atomistic one of scattered parts.[59]

This division within the civil society reaches a condition in which the society becomes a continuous battlefield, as a personal interest contrasts and disagrees with another.

2- The Second Principle: Mutuality:

The individual does not remain isolated, and the partial circle of the individual has to intersect with the others, as many needs are not met except through others. Hence, mutual relations are created among individuals, and the group is formed which connects the people together with a general, mutual and medial connection among independent individuals.[60]

Therefore, the second principle initiates from the individual's notice that his personal selfish need will not be met except through the mutuality and intersection with others.

Then, meeting becomes a means of accomplishing individual interests and meeting partial needs.

The second principle represents a moment of connection between individuals, while the first one represents a moment of collapse, separation and conflict between them. Then, the civil society is built upon collapse and conflict together, which reflects the contrast upon which the civil society is established according to Hegel. The contrast is clear between the partial, atomic and independence in the first principle, and on the other hand, the complete, connection, interdependence and mutuality in the second principle.

Hence, Hegel's view of the civil society as a system of conflict and exchanging needs at the same time, does not get out of being an economic view that sees the civil society as missing freedom and based on conflict of opposites. That is why it presents a "scene of excess, misery, and financial and behavioral corruption." [61]

If the civil society according to Hegel is collapsed and separated, then it would not be rescued except with the existence of social bonds like marriage and guilds. This is because the "sacredness of marriage and the power of the guild member are the pivotal

points around which the unorganized civil society atoms revolve." [62]

The civil society passes through three moments, which are:

1- The system of needs moment, in which man seeks to fulfill his individual needs through work. In seeking self-fulfillment through work, man fulfills objective needs, which are the needs of others.

2- The moment of achieving legal justice, in which law is applied on behalf of the judiciary institutions to preserve individuality and ownership, protecting them against any attack and ending any attack against them.

3- This moment is of the protection of the civil society members and guaranteeing their security and prosperity, since they are common issues not individual, and it is also a moment of bringing the gaps in the application of justice. This moment prospers in the public power and guilds.

- **The Civil Society and Criticism of the State according to Gramsci:**

Antonio Gramsci (1891-1937) is an Italian Marxist philosopher, and one of the founders of Communism in Italy. Among his publications are "Cultured and the Organization of Culture", "Notes on Micaville and Modern Politics", "Historical Materialism and the Philosophy of Benedetti Crochet" and "Prison Notebooks", as he was imprisoned for

twenty years in 1928 for his revolution and being against fascism. [63]

The starting point in his political philosophy and the key perception of it is the civil society. This is in contrast to Hegel's political philosophy as the key perception for it is his theory of the State.

In fact, Gramsci's revolutionary philosophy criticizes the state with its repressive instruments that have the tools of power and oppression, with its legislative instruments that justify and legitimate the laws that provide all control to the ruling class, with its ideologies that aim at gaining the acceptance of the ruled classes towards the ruling one. He also criticizes the power which spreads the ruling class perception to the world, and he generally calls for standing against the control of the State.

- The Classical Social Democracy (The Old Left):

The classical social democracy speaks of a civil society that is totally submissive to the State, and that is governed by the collective trend. The markets only provide a limited role and have a strong tendency towards mechanic equality. This democracy was connected to socialism and agreed on certain views with communism, although

it considers itself against it. It also sees the complete interference of the State in the social and economic life, making it responsible for providing public services and goods, and is responsible for complete operation. [64]

- The Liberal Perception:

Liberalism is a capitalist movement that calls for individual freedom in the economic and political fields. It believes in ideological multiplicity, and party and syndicate organizations that are not guaranteed except through the democratic parliamentary system that actually separates between the three powers: legislative, executive and judiciary. It also guarantees the personal and public freedom religious belief. [65]

The individual represents the focal point in the political building in the liberal perception. In it, the civil society enjoys a high average of freedom, like for John Lock, Thomas Paine and Adam Ferguson.

As for the civil society according to the radical liberal right, it confirms the total independence of the civil society and not being submissive to any form of observation from the government. It sees that the government's role should be minor and limited.

Its vulgar trend is unlimited and

exaggerated, as it also has a behavioral tyrannical and authoritarian tendency, confirming the economic individual trend, while job market is totally free.

The radical liberal right sees inequality, in a belief that equality eliminates individual differentiation and leads to a society of mechanically similar individuals. That is, they become similar copies with a traditional national trend, viewing the prosperity state as a net of security, following a developmental modernizing route. It views the world as constituted of national states and the decisive element in its power. That is why the preparation for war and preservation of a military force are essential elements for the state's role in the international system.

- The Third Route:

The third route is a new movement which refers to the thinking reference frame and the construction of politics that aim at harmonizing social democracy with a world that experienced radical changes throughout the two or three past decades. It is a third route in the sense that it is "an attempt to overcome each of the Classical Social Democracy and Modern Liberalism."

This is the newest definition of the third route in its latest picture in the West, mentioned by Anthony Gedins in his book "The Third Route: A Renewal of Social Democracy". In fact, this definition is expressive of how Bill Clinton and Tony Blaire.

Yet, the expression third route is not totally new in itself, and its concept changed from one stage to another. It was formed since the beginning of the twentieth century and became common among the communities of the right wing in the twenties, though it was used more among the socialist democrats and socialists.

In the period directly following the world war, the socialist democrats clearly announced that they discovered a distinguished road on the American Capitalist market and on Soviet Communism. Upon its reconstitution in 1951, the Communist internationalism frankly spoke abut the third route in this sense. This expression appeared many times till it acquired its newest use with Gedins, the advocator of the third route philosophy, and at the executive political level with Clinton and Blaire.

Hence, the third route works on overcoming each of the classical social democracy and modern liberalism, as if it is the formation that overcame the case and its opposite, if we use Hegel's language.

The third route philosophy is

established upon the cooperation between the government and the civil society, as well as mutual observation. In fact, the government's sources are essential to support the activities taken over by the local communities related to the poorer areas, and the small loans are a means of supporting the local economic initiatives. The State is to protect the individuals from the interests' conflict that the civil society never overcomes. On the other hand, the correct civil society has to protect individuals from the tyrannical power of the State, and it is also supposed to help in observing security within the small local society and tell about any accidents that happen within its scope. [66]

Summary:

A lot of the concepts of the civil society were known, but the term itself did not exist. In fact, there was another term that referred to the entity which represents the regulatory framework which stands for the State regulatory framework, known as 'Ummah'.

To point out, the 'Ummah' term combines all the formations between the family and the Caliphate (or the State). Such formations are founded upon free will, volunteering, and commitment. The aim at accomplishing interdependence, protecting the

profession or group members, defending the general interests of the community, and exercising exchanged communal observation through 'the propagation of virtue and the rejection of evil'. Most of the time, these formations work independently, away from the rule and power of the Caliphate system.

If the concept of the civil society in the political theory refers to the society which is formed according to the Social Contract, then the first social contract signed in history is represented in what is known as the 'Medina Constitution'. It is noteworthy that despite the inexistence of this term in Islam, its content has been achieved through the agreement signed by the Prophet in Medina with the members of the civil society: its tribes, communities, religions and beliefs. This is because the Medina contract or constitution which contains the text of agreement, directly expresses this.

The nation got to know a group of social institutions independent from the government, like Waqf, which is a system that had a role equal to that of charitable organizations now. Also, there was a system of professional bonds in the form of organized sects for craftsmen and traders, which is known now as the syndicate and the commercial chambers. The civil society

(Ummah) also witnessed various forms of civil organizations which are known as the institutions of the civil society.

These forms of the civil society in our communities need to be preserved or returned, then developed and modernized by raising awareness of the modern mechanics and practices expanding their roles. After that, new forms would be formed or borrowed to work beside such traditional formations, if we seek a strong and advanced civil society.

Except for some cases, the civil society in the Islamic civilization was established upon multiplicity, which was respected by the State. Also, the civil society (Ummah) was built upon enlightened non-mechanic equality which believes in the equality in human values, duties and legal rights, but it provides a scope for individual differentiation through effort and productive competition. In fact, it is the same in the equality between men and women, as it is not a mechanical equality that wastes the differences among genders. Moreover, the civil society (Ummah) witnessed the protection of weak communities and minorities, fighting any discrimination against them.

We saw that the civil society in the West does not have one concept, but had different concept based on the different political theories. The initial roots in the West of the civil society concept are represented in the concepts that were crystallized in the social contract theory in the modern political philosophy, like "Nature State", "The Social Contract", "The Civil State", and "The Government Contract". When these concepts "reached their peak with Lock and Rousseau, the civil society concept was revealed, as if it was the purpose they were aiming."

The famous book entitled "An Essay on the History of Civil Society" on the concept of the "civil society" played a major role in the spread of this term, which appeared in 1767, for the Enlightenment Scottish philosopher Adam Ferguson.

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Gramsci's revolutionary philosophy

criticizes the state with its repressive instruments that have the tools of power and oppression, and the starting point in his political philosophy and the key perception of it is the civil society. This is in contrast to Hegel's political philosophy as the key perception for it is his theory of the State.

The Classical Social Democracy (The Old Left) sees the complete interference of the State in the social and economic life, making it responsible for providing public services and goods, and is responsible for complete operation. The classical social democracy speaks of a civil society that is totally submissive to the State, and that is governed by the collective trend.

The individual represents the focal point in the political building in the liberal perception. In it, the civil society enjoys a high average of freedom, like for John Lock, Thomas Paine and Adam Ferguson.

As for the civil society according to the radical liberal right, it confirms the total independence of the civil society and not being submissive to any form of observation from the government. It sees that the government's role should be minor and limited. On the other hand, the third route philosophy is based on the cooperation between the government and the civil society, as well as mutual observation.

Notes :

1- The civil society is equal to the nation (Ummah) since their content is the same. Hence, they can be used interchangeably because the content is what matters.

2- Al-Kasany, Badaei Al-Sanaei, Egypt, Al-Babi Al-Halaby Printing, S.5, p.181.

3- Al-Sarkhasy, Al-Mabsout, Egypt, Al-Sa'ada Printing, First Edition, S.2, p.28.

4- Ibn Batouta: Mohamed Ibn Adallah Ibn Mohamed Al-Lawaty Abou Abdallah, Ibn Batouta's Journey entitled Tohfet Al-Anthar fe Gharaeb Al-Amsar wa Agaeb Al-Asfaar, studied by Dr. Ali Al-Montaser Al-Katany, Beirut, Al-Resala Institutions, 1405 A.H., fourth edition, S.1, p.118.

5- Same reference, same page.

6- That is their custom, and the way they were on. The condition of man: is his state that he remains on, that is stays upon. Man: people in their custom and their state, and their condition mean their custom. Ibn Manthour, Lesan Al-Arab. S.8/p.107,108.

7- Blood wit: is the fine. It is said paid his blood wit if it is paid for the death of someone. In Manthour, Lesan Al-Arab. S.8/p.108.

8- Captives: prisoners.

9- That is they remain on their previous state of taking ransoms and giving them, and it is an

interaction of mind. Blood wits: are ransoms, the plural of blood wit. Each Banu on their previous custom of blood wit, which is those they paid in heatheism, and on their previous blood wit means on their ancestor's manner and origin.

10- Ibn Hesham said: "the debtor: heavy with religion and children, Al-Sha'er said: If you return the debt, and pay another's it will be carried for you", Sirah, Egypt, Al-Manar Publisher, 1994, First Volume, p.446.

11- The massive.

12- Convicted: kills without good reason.

13- Harms: hurts.

14- That is attacked Yathrib out of a sudden.

15- Ibn Hesham, Sirah, first vol., p.446-448.

16- Mohamed Ibn Al-Hassan, Al-Seir Al-Kabir, Egypt, Sa'ada Publisher, 1933,s.1/p.140.

17- Al-Kasany, Badei Al-Sanaei, Egypt, Al-Babi Al-Halaby, undated,s.5/p.181.

18- Al-Sarkhasy, Al-Mabsout, Egypt, Al-Sa'ada Publisher, first edition, s.2/p.28.

19- Abdel Wahab Khalaf, Legal Politics, Egypt, Al-Tawfikeya Library, 1946, p.77.

20- Dr. Sobhy Mohamasany, Law and International Relations in Islam, Beirut, Alam Al-Kotob, 1978, p.123.

21- Abo Ebeid Al-Kassem, Al-Amwal, Cairo, 1353A.H, p.170-171.

22- Al-Haskafy, Al-Dar Al-Mokhtar, Cairo, Al-Babi Al-Halaby Publisher, 1365, s.1/p.273.

23- Phillip Hatta, Arab History, translated by Mohamed Mabrouk Nafei, Egypt, Arab World Publisher, 1949, s.2/p.259.

24- A.S. Tartoun, Christians and Jews in Islam, translated by Hassan Habashy, p.21.

25- Thomas Arnold, Calling for Islam, translated by Hassan Ibrahim Hassan, Abdel Majid Abdin and Ismail Al-Nahrawy, Cairo Al-Nahda Al-Masreya Library, 1954, p81-82.

26- Al-Baqara: 256.

27- Al-Tabary, Gamei Al-Bayan, s.2/p.54.

28- Al-Kafirun: 6.

29- Hud: 118,119.

30- Dr. Abdel Karim Zeidan, The Rules of Christians, Jews and the Secured in Islam's Home, Iraq, Al-Mathny Library, 1985, p.629.

31- Al-Mumtahanah: 8.

32- Dr. Ismail Al-Farouky, "The Rights of non-Muslims in the Islamic State", Contemporary Muslim Magazine, edition 26, 1981.

33- T. Arnold, Calling for Islam, p.84.

34- See: George Kerm, Diversity of Religions and Ruling Systems, Beirut, Dar Al-Nahar, 1992, p.262-267.

35- That is the Head of Bishops, and the plural is: Archbishops.

36- Ibid, p.267-268.

37- Of: Mohamed Ghazaly, Strictness and Forgiveness among Christianity and Islam, Cairo, Nahdat Misr, 1997, p.5.

38- Abu Ebeid Al-Kassem, Al-Amwal, p.45.

39- Mohamed Al-Ghazaly, Human Rights between Islam Teachings and the Announcement of the United Nations, Cairo, Al-Tawfikeya Library, 1978, p.49.

40- Sayed Amir Ali, Islam Spirit, translated by Omar Al-Dirawy, Cairo, Al-Adaab Library, 1961, p.266.

41- Al-Gahbath: a Persian word which means the critic who knows how to differentiate among issues. Ibid, same page.

42- For more details see: Jack Tager, Copts and Muslims from Islamic Conquest to 1922, Cairo, 1951.

43- Islamic Knowledge Meeting, "Al-Nasara" subject, quoted from: George Kerm, Diversity of Religions, p.230.

44- Ibid, p.230, 231.

45- See: Dr. Amany Kandil, The Civil Society in Egypt from the beginning of the New Millennium, Cairo, Political and Strategic Studies Centre in Ahram, 2003, p.13.

46- Like: Dr. Sa'ad El Din Ibrahim, The Civil Society and the Democratic Transformation in Egypt, Cairo, Keba'a Publisher, 2000. Dr .Amany Kandil, The Civil Society in Egypt from the beginning of the New Millennium, previous reference.

47- Charlotte Simore-Smith, Human Science Encyclopedia, translated by a group of Professors under the supervision of Dr.

Mohamed Al-Gohary, Cairo, Supreme Council of Culture, 1998, p.614.

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49- Dr. Abdel Wahed Ahmed Al-Afandy, Islam and the Modern State, London, Al-Hekma Publisher, undated, p.21.

50- Dr. Mohamed Abed Al-Gabry, The Civil Society in its Historical Conditions, Al-Wasat Magazine, edition 415, 10/1/2000, p.36.

51- For more details see Ferguson's book: "An Essay on the History of the Civil Society", ed. Duncan Forbes, Edinburgh, 1966.

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53- In his two books: Common Sense, 1776, and The Rights of Man, 1791-1792.

54- Quoted from Jordan Marshall, Sociology Encyclopedia, translated by Dr. Mohamed Al-Gohary and others, Cairo, Supreme Council of Culture, 2000, 10/320.

55- Thomas Paine, Rights of Man, ed. Henry Collins, Harmondsworth, 1977, pp.117,126,204.

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57- Hegel, Basics of Rights Philosophy, 431.

58- Renee Seru and Jack Dondette, Hegel, p.96.

59- Hegel, the Encyclopedia of Philosophical Sciences, tr. By William Wallace, Oxford University Press, London, 1954, 2nd Edition, Paragraph 523.

60- Hegel, The Encyclopedia of Philosophical Sciences, paragraph 523.

61- Hegel, Basics of Right Philosophy, p.433.

62- Ibid, p.491.

63- Fascism: is the movement name led by Mussolini, which drove him to power in Italy in 1992 A.D. It has an extremist national trend, believing that the government is above all, and the individual is but a slave. Hence, it extremely believes in the collective organization which deprives one of freedom, and attacks democracy and equality, standing against liberalism and advocating the single leader!

64- Dr. Mohamed Othman El-Khosht, "The Third Road in a Changing World", Al-Ahram Newspaper, Political and Strategic Studies Centre Page, 15/11/1999.

65- See: Dr. Abdel Wahab Al-Kialy, Encyclopedia of Politics, 5/556.

66- Dr. Mohamed Othman El-Khosht, "The Third Route in a Changing World", Al-Ahram Newspaper, Political and Strategic Studies Centre Page, 15/11/1999. Anthony Gedins, The Third Route: The

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