

Chapter 10: The Mutual Relationship between the People and the Government (Part 1)

The topic which has been allotted for this session is the mutual relationship between people and government. Of course, the technical and exact description of this topic is “the mutual rights and duties of people and government” because “relationship” itself is not something specific which we have to deal academically and discuss all types of relationships ever imaginable, even those which have no legal underpinning and do not create a duty for anyone. Therefore, the topic of discussion is specifically allotted to the mutual relationship between people and government which assumes a legal form.

Before embarking on the main discussion, it is necessary to mention some fundamental points. (Of course, each of these points can be a separate subject for academic discussion and research.)

The Interrelatedness of Right and Duty

Right and duty are two interrelated concepts, and in a sense, two sides of a single coin. When we say, “The people have rights over the government,” it means that “The government is obliged to grant those rights.” Similarly, when it is asked, “Which right or rights the government has over the people?” its other meaning is “What is the duty of people toward the government?” On the contrary, when we say, “What is the duty of the people or the government?” it means that the government (or people) has rights over the people (or government). So, merely to establish the right of one party requires the affirmation of duty of the other party. This is one of the meanings of the interrelation of right and duty.

One of the issues in the philosophy of law and the philosophy of politics is the same interrelatedness of right and duty. What is meant by the interrelatedness of right and duty, as we have stated, is that wherever a right is established for one over the other, the latter is obliged to give that right to its owner. Of course, there are types of correlativeness between right and duty, one of which is the same stated correlativeness.

Types of Interrelatedness among Concepts

This is the further explanation: The interrelatedness of two things means that these two things are related and connected to each other, and it has different types. Sometimes, the interrelatedness is so extensive that the existing connection between them has been embedded in the meaning of these concepts; for example, the interrelatedness of two brothers whose bond of brotherhood is clear because the meaning of brother is that he has a brother or sister. It is not possible for the concept of brotherhood to appear anywhere and opposite to it, there is no brother or sister. The same is the case of the father-child relationship. If the concept of “father” is to be proved, opposite to it, the concept of “child” must also definitely exist. We do not call as “father” anyone who has no child. In any case, this is one type of interrelatedness among concepts which is embedded in the meaning of the words themselves.

Another type of interrelatedness is that which has not been embedded in the meaning of the word. Rather, rationally and logically, the party to which one of the two interrelated ones is credited, gives credit to the other party. In other words, the rational requirement of some terms is that another term opposite to it must exist. One example is the terms “government” and “people.” If there is no “people” opposite of “government” the dominant apparatus ruling over them the “government” has no meaning at all and the concept of “government” will never be affirmed.

In this type of interrelatedness, the connection existing between concepts is not embedded in the meanings of the terms and the concept of the terms itself does not require it either. Instead, a certain external rational reason dictates that opposite of a concept which is credited, another concept is to be considered as well. For instance, in a dealing in which one type of exchange between goods takes place, the mere transfer of an item to the other party does not necessarily require the payment of money for the receipt of the item, for the other party may give the money and in return, not to receive the item.

Yet, interests require that the goods must be exchanged together, and anyone who produces an item which is more than his need should transfer it to another party in exchange for receiving an item he needs. So, the transfer of goods by itself does not necessarily require the payment of money in return for receiving an item, but the social interests dictate that business transactions and buying and selling must be proportionate. That is, when someone transfers a product to another person, he has to receive something in return which is valuable proportionate to his transferred product.

If a person is defrauded and cheated in a transaction, that transaction is invalid in the sense that the cheated one has the right after becoming aware of being cheated to cancel and revoke it. The reason for this is that here there is no proportion between the exchanged goods. If a glass instead of a pearl or diamond is sold to a person and a huge amount of money is received from him, in this case a transaction has taken place (because after all, glass has a value and is transferred to another party and the payment for it is received) but this transaction is invalid, and the fair-minded ones do not approve it. Why? It is not because the mere exchange or transfer of goods dictates that each of the two parties

should definitely receive the proportional goods for the money paid; rather, it is because the social interests dictate so. As such, fraudulent transaction is invalid. The same is true in the case of “delusive” transaction which takes place without the other party being sure of which thing he has to give.

Two Types of Relationship between Right and Duty

With respect to the topic of discussion, when we say, “The ruler has a right over the people,” the concept of the ruler’s having rights demands the observance of those rights by the people. There is sense in saying that one has right over the other, if his right needs not be observed. Similarly, the meaning of saying, “Someone owes me something” is that “That person has to give me that thing.” It cannot be said, “I have a claim upon a person” if that person could either pay it or not depending on his choice! This situation is not consistent with the concept of being a creditor.

The meaning of having a claim is that the debtor has to pay his debt unless the creditor relinquishes his right. Therefore, the concept of right requires that in return for it, there should be a party obligated to respect that right. This relationship of right and duty is a conceptual interrelatedness; that is, two things that are related, and that connection has been embedded in the meaning of the word. One relationship of right and duty is this one in which wherever a right is regarded for a person, with respect to him the others are duty-bound to observe it.

The other correlation of right and duty is their relationship in terms of “balance.” That is, if we consider a right of person A over person B, in return we also have to determine a right of person B in relation to person A so as to observe balance between right and duty for the two parties. For example, whenever a right is determined for the ruler, a right is also to be considered for the people in relation to the ruler. These two rights are opposite to each other and like the two sides of a scale. Once there is a right for this party, there should also be a right for that party. Naturally, the right that person A has over person B is the duty of person A to observe. The same is true in the case of the right person B has over person A. So, the two rights and two duties are like the two pans of a scale which are balanced.

The Relationship between Right and Duty from the View Point of Imam Ali

An elegant expression (if not to say the most beautiful expression) in this regard has been reported from Imam ‘Ali (‘a) in *Nahj al-Balaghah* when he says:

“It does not accrue to any person unless it accrues against him also, and right does not accrue against a person unless it also accrues in his favor... Then, from His rights, He, the Glorified, created certain rights for certain people against others. He made them so as to equate with one another. Some of these rights produce other rights. Some rights are such that they do not accrue except with others.”¹

Even when God the Exalted determines a right for Himself over His servants, He determines a corresponding right for His servants.² Of course, given the fact that people do not have any right over God, how can it be possible for anyone to acquire any right over God? This requires a profound and extensive discussion which we will embark on at an appropriate time in the future. But here we shall point it out in brief.

Right and Duty in Relation to God

A person acquires right over a thing when he has some kind of ownership of it. For instance, I have the right to speak because I have my own tongue. I have the right to live in my house because I am the owner of it. In view of this, if a person is supposed to have a right over God, does he own anything of God? Does it make any sense for me to say that a person is the owner of something of God?! God forbid, is he the owner of the Essence of God, His Attributes, His dominions, or His creation?

Of which thing is he the owner? He himself and everything else are owned by God. How can he have any right over God? Originally, no creature has any right over God unless God Himself determines that right for him. Yes, if a person does not believe in God, his reckoning is with God. But if a person accepts God as the One Who has created the universe by His Will and the Owner of everything, there is no sense in imagining that somebody has a right over God. Everything that everybody owns belongs to God:

لَهُ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ

To Him belongs whatever is in the heavens and whatever is in the earth. (2:255)

Who else can have any right? Out of His grace and favor to His servants, corresponding to His right over them, He has set rights for them upon Himself:

وَجَعَلَ جَزَاءَهُمْ عَلَيْهِ مِثْلَ نِعْمَةِ اللَّهِ عَلَيْهِمْ تَفَضُّلاً مِنْهُ.

*He has laid upon Himself (the obligation of) their reward equal to several times the recompense as a mark of His bounty and the generosity that He is capable of.*³

The right that God has over His servants is the right of servitude. The servant should worship Him. If he does not worship, what must he do?

Hence, the right of God over His servants is obedience and worship. But He has not set this right as unilateral, but rather ordained, “I have right over you to ask you to worship Me, but you have also the right that if you worship Me, you shall receive reward from Me.” This is the right ordained by God. Even

if you spend your entire life in worshipping God, still you cannot acquire any right over Him because while worshipping Him, what are you really doing? The tongue is owned by God; we move our tongues the way God wants us to do.

The body belongs to God; we move it as God dictates; we kneel down and prostrate. In short, whatever form of worship through whatever member or limb of the body it is, God has endowed and created that limb, and all our actions, movements and pauses are undertaken by the power and might of God. Given this, what right do we have over God? We do not have anything of our own which we can allocate to God, let alone to say, “We did this thing.

So, we have right over you.” The Commander of the Faithful ‘Ali (‘a) says in *Nahj al-Balaghah* to the effect: “If right is supposed to be unilateral, God is most deserving of right over His servants and for His servants to have no right over Him. But God is not pleased even with this. Once the right for Him was established to order His servants to obey Him and to have the right of obedience and servitude over the people, He also set a corresponding right for the people.”⁴ They by themselves do not have such right but God has fixed it so as to establish the balance between the two sets of rights. Of course, apart from it, other rights have also been determined. For instance, in the Qur’an He says:

وَلَقَدْ أَرْسَلْنَا مِنْ قَبْلِكَ رُسُلًا إِلَى قَوْمِهِمْ فَجَاءَهُمْ بِالْبَيِّنَاتِ فَاذْتَقَمْنَا مِنَ الَّذِينَ أُجْرَمُوا ۖ وَكَانَ حَقًّا عَلَيْنَا نَصْرُ
الْمُؤْمِنِينَ

And it was a must for Us to help the faithful. (30:47)

Who has given this right? What right do people themselves have? It is God Who has given this right to the faithful if they remain steadfast in their faith, He shall assist them:

وَلَقَدْ سَبَقَتْ كَلِمَتُنَا لِعِبَادِنَا الْمُرْسَلِينَ إِنَّهُمْ لَهُمُ الْمَنْصُورُونَ وَإِنَّ جُنَدَنَا لَهُمُ الْغَالِبُونَ

Certainly Our Decree has gone beforehand in favor of Our servants, the apostles, that they will indeed receive [Allah’s] help, and indeed Our hosts will be the victors. (37:171-173)

This is another right which God has given to His servants. Yet, another right is for Him to grant their reward in the Hereafter, and another right for Him is to make them victorious in this world. He shall grant succor to those who are treading His path, send hidden assistances and provide causes for them to emerge triumphant. What is given in return for this right? In return, it is to help God and His religion:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَنْصُرُوا اللَّهَ يَنْصُرْكُمْ وَيُثَبِّتْ أَقْدَامَكُمْ

O you who have faith! If you help Allah, He will help you and make your feet steady. (47:7)

If they are steadfast in faith, God will also help them:

إِنَّ الَّذِينَ قَالُوا رَبُّنَا اللَّهُ ثُمَّ اسْتَقَامُوا تَتَنَزَّلُ عَلَيْهِمُ الْمَلَائِكَةُ أَلَّا تَخَافُوا وَلَا تَحْزَنُوا وَأَبْشِرُوا بِالْجَنَّةِ الَّتِي كُنتُمْ تُوعَدُونَ

Indeed those who say, ‘Our Lord is Allah!’ and then remain steadfast, the angels descend upon them, [saying,] ‘Do not fear, nor be grieved!’ (41:30)

Anyhow, these two sets of rights are proportional and each of them requires duty. That is, since God has right over His servants, they have to obey Him (right for God and duty for His servants). On one hand, once they worship Him, they will acquire a right over God and that is for Him to give them reward (right for His servants and duty for God). However, God has set this “must” (obligation) for Himself out of His grace and favor for His servants. In simpler terms, we cannot determine a duty for God, but out of His compassion and generosity to His servants, He has fixed a duty for Himself. For example, He says:

كَتَبَ رَبُّكُمْ عَلَى نَفْسِهِ الرَّحْمَةَ

Your Lord has made mercy incumbent upon Himself. (6:54)

In the language of the Qur’an, *kataba* means a very heavy responsibility. Regarding prayer, He says:

فَإِذَا قَضَيْتُمُ الصَّلَاةَ فَادْكُرُوا اللَّهَ قِيَامًا وَقُعُودًا وَعَلَىٰ جُنُوبِكُمْ ۚ فَإِذَا اطْمَأْنَنْتُمْ فَأَقِيمُوا الصَّلَاةَ ۗ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَوْقُوتًا

The Prayer is indeed a timed prescription [kitabān mawqutan] for the faithful. (4: 103)

Whenever He refers to a very heavy duty, He says “*kitab*” [a written one]. Concerning fasting, He also says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

O you who have faith! Prescribed [kutiba] for you is fasting. (2: 183)

That is, fasting is a definite duty and it must certainly be observed. Regarding Himself, God also uses the same term and says:

كَتَبَ رَبُّكُمْ عَلَى نَفْسِهِ الرَّحْمَةَ

Your Lord has made [kataba] mercy incumbent upon Himself. (6:54)

That is, God has made it incumbent upon Himself to have mercy upon His servants. Of course, this mercy has conditions and it encompasses those who are meritorious and worthy of it. In fact, He has described His conditions elsewhere.⁵

In any case, correlation between right and duty sometimes means balance between the coinages of rights. Commensurate to the coinage of rights for one party, rights are to be considered for the other party. Naturally, since by the coinage of each right, duty on the part of the other party also arises, this finally ends up in correlation between right and duty. Here, correlation is no longer conceptual, but it is either a requisite of social interests or of Divine Grace. The social interests demand that once one party has a right, the other party should have also a right. Once the ruler has a right over the people, the people must have a right over the ruler. These two rights should be balanced and proportional to each other. One party cannot have enormous and profound right over another while the other party has no right over him and is only obligated to observe and give his rights.

As we know that right and duty are correlative to each other, wherever a right is established, without need for further reason, we can deduce that a duty for a person or persons will also be established. For example, if one proved the right of subsistence and living expenditure over his own father, there is no more need for basis to prove that father must provide so because the implication of the first basis stipulating that the child has right over his father is that the father is obliged to do that. By establishing the basis of the right or duty of one of the two parties, the other one is automatically proved. If it is proved through a certain basis that the government has right over the people, through the same basis it will be proved that the people should give it its right, and vice versa. This is another important point which must be noted.

Yet, another point is that determining the duties must be done on the basis of a reasonable foundation. Duty cannot be set for anyone without reason. If it is said that the government is duty-bound to offer a certain service to the people, it must be based on well-defined principles and logical basis. A duty cannot be placed on the shoulder of the government without any reason or just based on whims and caprice. It must be analyzed why the government has such a duty.

The government is founded on the basis of a certain *raison d'être*, and we have to see the reason behind the existence of government so as to understand what duties and responsibilities it has. The same philosophy that proves the necessity of the existence of government will make its duties clear in the process. Once the duties of the government are established, the rights of people will also be established. On the other hand, we should understand what rights the government has over the people; in other words, what the duties of the people toward the government are.

In presenting a logical answer to this problem, it is inaccurate to say that such thinkers as Aristotle, Plato, Kant, Lock, and others have given these views, and we select the midway of these views. Our

answer will become logical once we specify what need for government we can see on the basis of our foundations and worldview so that we know accordingly which duties it has and which rights it creates. If we do not pursue the subject while keeping in view of the *raison d'être* of government, we will not arrive at the logical answer; rather, at a subjective answer devoid of any criterion and logical support.

However, if we prove rationally the reason that government came into being, the same proof will automatically state which duties the government has and which jobs it has to do. Once it became clear what functions the government has to perform, it will be proved what rights the people have over the government as well as what duties they have toward it. Therefore, the same reason that establishes the expediency of government also specifies its duties.

The *raison d'être* of Government

Now, the fundamental question is this: For what reason a government comes into being? What is the need for having an institution in the society called “government”? If there is no government, what problems will emerge? This discussion is one of the important issues in political philosophy.

Since the olden times, there has been a tendency that government is not needed. The reasoning for this is that if the people are morally trained, they will voluntarily act upon the instructions and their duties, and they will not be in need of government. As such, instead of establishing a government, efforts should be made in training individuals. This tendency which is called anarchism has been gradually discussed in the recent ages as a theory in political philosophy. It has been predicted that a time will come when there will be no need for government. One of the views of Marxism is that the society is evolving toward perfection and will finally end up in a classless society in which there will be no capitalist, bourgeois and proletariat. Instead, in that society, all people will be equal and there will be no more need for government.

However, the truth is that such statements are not realistic, and there is no logical proof that one day such a society will come into being. These are only illusions that cannot be reconciled with the reality. As such, most of authorities, both ancient and modern, have a consensus of opinion on the principle of the need for government. Of course, in arguing about this issue, their theories are not completely consistent with one another. The only common element existing among them is the insurance of the society's security and prevention of chaos. One of the important reasons of those who emphasize the exigency of government is that in the absence of government, the society will plunge into anarchy.

Some of those who have been influenced by some Western propaganda and are fascinated by the West think that the Western society has attained such an order and discipline that even in the absence of government, no problem will appear. By observing disorder in our society and lack of adherence to social discipline (such as the lack of observance of traffic and driving rules), these people imagine that the Western society possesses an advanced culture by which even in the absence of government, they will still adhere to social order and discipline and ensure its security.

In order to remove these fancies, it is enough for these people to read national and local newspapers and then they will realize that in the most advanced Western countries, so many crimes are committed daily strange crimes whose example is rare in our country, but are happening there on a daily basis. Some of our friends who had studied in Canada for some time narrated that one night, there was electric power outage of about 15 minutes. (Of course, such an occurrence is rare to happen there.) Within such a short period, all stores in the street were pillaged. The examples of measures that have been conceived in the Western societies for the protection of women bespeak of the state of insecurity of women there.

Sometime ago, some of these cases had been reflected in our newspapers and those who are informed know that such cases are more than these. In Germany, for women who want to drive alone during the first hours of the night, they have conceived a measure in which a male manikin that is made for that specific purpose is seated on the front seat beside the lady driver. The function of this manikin which is so similar to a human being is that people who look outside will think that the woman is not alone in the car.

They rather think that her husband is also in the car. This manikin has been registered as an invention. This invention bespeaks of the truth that in the West a woman who wants to drive a car in the early hours of the night has no security. That is, not only can she not take a walk, but she is also in danger even inside her car and she cannot take a ride alone. This is the sign of order and discipline which are dominant in the Western world! As such, some foreigners who had recently come to Iran were surprised to see that at the first hours or in the middle of the night some women walked alone in the streets. For them it was unbelievable that at 10 pm a woman can walk alone in the street and yet she was secure.

In any case, a society without government cannot attain its goal. It is a definite principle that one of the reasons behind the existence of government for society is to guarantee security.

The Right and Duty of Government in Relation to Providing Security and the Like

By establishing this *raison d'être* of government, one duty will also be proved for it in that the government is obliged to ensure social security. In return for this duty, the government acquires a right over the people and a duty will be laid on the shoulder of the people. Now, as the government is obliged to provide and maintain security of people, people have to provide the ground for this task so that the government can perform its duty. If the duty of the government is to ensure the security of people, to do this task through the necessary means and prerogatives should be put at its disposal.

For example, it is the duty of people to put the necessary financial means at the disposal of the government for this task. Maintenance of security requires a budget, and the government has to receive this budget from the people through means such as levying taxes to such an extent that it can provide

the security of society. It may be said that countries have a public treasury, mineral reserves and natural resources. So, why do people have to pay taxes? The answer is that the government's budget can be provided through various ways including public treasury, taxes, etc. which must all be discussed and examined in their respective places for example, to what extent does the government have the right to utilize each of these income sources? At any rate, so as to be able to provide the security of society, it has the right over the people to provide the necessary means. They have to allow the government to spend from the public treasury, to pay taxes, or provide the means to the government through other means.

Therefore, as we have stated, there is a type of interrelatedness between right and duty. Once a right is established, a duty for that person will also be established. Or, wherever there is a duty, a right will also be proved. Once the government is duty-bound to provide security for the society, it has the right to receive the means from people. This is one of the fundamental obligations of all governments, and it definitely proves the philosophy behind the existence of government.

Of course, it must be borne in mind that this security is not only domestic; rather, its other dimension is the issue of defense vis-à-vis the foreign enemies. People cannot provide their own security against foreign enemies. Defense against the foreign enemies requires studies, knowledge, experience, various skills, and most important of all, coordination. In war, that which is needed more than anything else is the coordination of combatants.

In doing so, a single overall commander must be specified. That commander, regardless of whatever name and title he has, is a person representing one of the elements of the government his title may be Leader, President, Prime Minister, or Minister of Defense. The one in whose hand is the command to launch an attack is also in-charge of the coordination of the armed forces. In return for this duty, he has also a right over the people. The people who have placed on his shoulder the duty of ensuring the security of their country's frontiers are obliged to provide human resources and equipments needed for this task. Opposite to that duty of the government, the people have this duty.

In principle, one of the fundamental duties of every government is to assume functions which cannot be done by the people alone. The people alone cannot ensure the internal and external security of their country. If this affair is placed on the shoulder of people themselves, for various reasons such as difference of opinions, difference of tastes, etc. this task will always be suspended and postponed. For example, differences of opinions and tastes assume the following forms: Why does the defense expenditure have such an amount and why is it entrusted to such individuals; why should those individuals be dispatched to the warfront; in what way should they defend; etc. As such, there should be a dominant power to give order and be followed by everybody. That dominant power is the government (to be more precise, one of the government's functions).

Different works can never be done by individuals and are beyond their capability; namely, works that are within the realm of the government's functions. For instance, one of these works is to maintain public

health. Personal and individual hygiene can be observed by people themselves, but to prevent the outbreak of contagious diseases is beyond the people's capability. If there is the possibility of the spread of a disease from one country to another, people alone cannot prevent it. This work requires a strong and extended power that controls the borders, undertakes quarantine, provides vaccination, dispatches a group of experts, etc. This work also needs equipments that must be at the disposal of the government.

In any case, by considering the *raison d'être* of government, the duties of the government will be established. It creates these legal duties for the people. In return and commensurate to them, certain rights must be taken into account for the government. This is one type of interrelatedness of right and duty which we mentioned at the beginning of the discussion. The consequence of this correlation in such a case appears when we say that the government must assume this function and we have to set this as its duty. In return, it must have also a right because there can be no duty without a right. Once we say that people have such a right over other people, in return they have to accept a duty and responsibility. The rights that will be established for the two opposite groups must be balanced. An important right cannot be considered for one party while the other party does not have such a right. Without the balance and proportionality of right and duty, work cannot be done.

It has become clear so far that one of the reasons behind the existence of government is the functions which cannot be assumed by the people themselves. On the basis of this philosophy, we said that one of the duties of the government is to undertake these tasks.

Another Philosophy Means another Set of Duties

The second fundamental duty of the government is the functions which can be assumed by people but usually there is insufficient spirit of voluntarism to do so. For example, by building different hospitals, medical laboratories, pharmacies, clinics, and medical centers, people themselves can provide for the needs of society. However, we can see that the number of hospitals that people build or the clinics, pharmacies and laboratories that they establish are not enough to meet the needs of the society. Or, some individuals take advantage of that which is entrusted to the people. For instance, they determine the prices, fees and rates which the masses, especially the deprived and vulnerable classes, cannot afford to pay.

If the cost of a service which some of the specialists offer is supposed to be determined by them, there may be competition initially and the prices are relatively fixed justly, but later on, through different ways such as the founding of cartels, trusts, syndicates, guilds, or cooperatives, in determining the price rate of services and the ways of offering them, they may agree to increase exorbitantly the price rate. In such a situation, again the masses will experience oppressions.

In such cases, there must be an institution above them which in and of itself has no interest whatsoever in the affair so as to observe justice and equity. Of course, at this point schools of political philosophy

differ with each other. The liberalist school which is based on individualism regards only the interests of individuals as its duty. The liberalists are of the opinion that the market must be free and in perfect competition, and the state has no right to interfere in such affairs. They also cite proofs to substantiate this claim. For example, they argue that if the market is free and competitive, automatically the supply and demand will be arranged, but if there is interference in this affair, the economy will not grow.

In any way, one approach in economics is that in presenting services and production of goods, the hands of the people must be open, and the state must in no way interfere. People have the right to produce whatever they want in whatever form and to sell the same at whatever price they want. It is the right of people to offer any service they want in whatever manner and to receive the payment they want for it.

On the contrary, those who have a socialist tendency are more inclined toward the society than the individual; they regard the protection of the society's interests as their duty. The socialists are of the opinion that in the conflicts or contradictions of the interests of society and that of individual, the society's interest takes precedence even if it ends up to the detriment of an individual. Of course, such is their slogan, but in practice, as to what extent they adhere to it is another issue.

On the basis of these two foundations, the duty of the state as well as the rights of the state and people differ. If we turn to the liberalist inclination, we believe that the state has neither duty to determine the prices of goods and services nor the right to determine the duty of others. One of the things that the state can do to create competition is not to fix the price but to be a competitor of the capitalists or the producers. That is, it has to enter the scene as a producer with its own capital and lower the price so that others will be forced to bring down the price. Similarly, the state can control the prices through different methods.

The liberalists say that the state has no right to resort to any of these methods. The people have to be free to such an extent that every person can acquire as much wealth as possible. At most, the individuals pay taxes commensurate to the benefits they enjoy from public services and for the maintenance of security of society, and the state has no right to exact any tax from people. In a nutshell, the state must have the least interference in the affairs of people.⁶

On the contrary, state-centrism upholds that the state has to do whatever it views as consistent with the welfare of society, and to check the abuses of individuals or groups. The motto of these states is the establishment of justice. The liberalists are not after justice. Even if they feign to be so, it is only meant to deceive others, for they do not believe in such a principle. Meanwhile, in most cases the slogan of the socialists is that in addition to security, justice must also be established in the society, and this is another duty of the state.

The Impact of the Fundamental Difference in Determining the Rights and Duties of the People and the Government

The difference of the foundations in political philosophy makes the rights and duties of people and government differ with each other. Without taking into account this foundational difference, it cannot be discussed what right the government has over people and, on the contrary, what duty is placed on its shoulder in such a manner that this answer is correct according to the view of the liberalists and the socialists. The foundational difference leads to the difference of viewpoint on this issue.

One says that with the exception of providing security and eliminating chaos, the government has the right to interfere in the affairs of society. Meanwhile, the other believes that not only the government can, but it is also obliged to interfere in many affairs. Naturally, once the musts and duties change, rights will change. It is at this juncture that we have to specify our view. Are we collectivists, individualists, or something in between? In any case, we have to clarify our foundation, because on the basis of that foundation we can give answers as to how the relationship between the government and the people should be arranged.

More important than these differences is the difference between Islam and the religious schools, and the secularist schools. In the religious perspective, the government is not only for the maintenance of security and even higher than this, the provision of material welfare of people; rather, it has a more important duty; that is, to provide for the spiritual welfare of the society. This duty is important because of its connection with the truth about a human being which is his very soul. The outcome of providing for the spiritual welfare is everlasting felicity. As such, its value is boundless. However, the value of material welfare is limited because it is related to this transient life in this world.

So, religion says that in addition to providing security, justice and material welfare, spiritual welfare must also be provided, and it is not only a duty alongside other duties. It is in fact the main duty of the government. Providing for the spiritual welfare occupies the highest degree of importance while the rest of duties are of secondary importance. The other duties have a preliminary role. We want security, health, training, and education for the spiritual growth of man. According to this viewpoint, the most important duty of the state is to pave the ground for man's proximity to God because the purpose of creation demands that man should grow and the truth of man is the same humanness, and the growth of humanness depends on nearness to God the Exalted. The realization of this affair is only possible under the auspices of religion. As such, the government is duty-bound to pay necessary attention to this aspect.

However, some people never believe in such a duty for the government. In our society, some uphold this belief and thus express that religion is good but not related to the state. In the end, to provide for this welfare and draw the people's attention to religion is the duty of the clergy, but has nothing to do whatsoever with the government, which must be concerned with providing for the material welfare. If

there is conflict and contradiction between material and spiritual welfares, it is none of the government's business. The government should behave in such a manner that the majority of people are satisfied. But it is the government's concern of whether or not their spiritual welfare is endangered.

Ensuring the Spiritual Welfare as the most Fundamental Duty of the Government

We have to bear in mind that religious and Islamic teachings are contrary to the stated viewpoint. From the perspective of religion, the government is duty-bound, nay its most fundamental duty is to ensure the spiritual welfare of man. Along this line, there is also a duty laid on the shoulders of the people and that is, people have to obey the government in obeying God and reviving the religion and religious mottos as well as in campaigning against moral and religious corruptions. The government is obliged to strive to preserve the religious values and spiritual interests while people, in turn, are obliged to observe the pertinent rules and laws of the state so that this goal will be realized.

The best modus operandi that the pristine religion of Islam has presented along this line is the collective and individual duty of people to enjoin what is good and forbid what is wrong. If only the government is supposed to ensure the spiritual welfare of people, this affair requires the employment of enormous forces and energy. Just imagine how much resources and facilities the government has to mobilize for every individual so as for him not to commit indecencies, not to become a drug addict, not to engage in trading narcotics, not to indulge in illicit relationships with others, not to commit aggression against the properties and chastity of people, not to corrupt their minds and beliefs... etc.

If we are very optimistic, we have to say that in fulfilling such a duty the government has to employ at least half of the population of the country! Now, the issue is raised that for example, in a country with 60-million population the government is supposed to have 30 million employees, who can guarantee that they faithfully fulfill their duties? So, a government within the government, an intelligence agency within the intelligence agency, and an investigation bureau within the investigation bureau have to be established so as to prevent treachery within those institutions! If they only consist of a small group, they can only control those things to some extent provided that they shun bribery and moral vices, and they themselves are not sellers of narcotics, smugglers... etc. but if the government is supposed to mobilize an enormous force for the prevention of overcharging, drug addiction and drug trafficking, or for the deterrence of indecencies and evils, when will this venture come to an end?!

This is why Islam ordains that in this context, people must participate in and assist the government. One way is that they must shoulder the responsibility of enjoining what is good and forbidding what is evil; otherwise, the job of the government will always be in abeyance. Yet, unfortunately, as influenced by liberalist thinking, some do not have a positive view on bidding what is good and forbidding what is bad. Recently, with utmost regret, in the Islamic Republic system, the situation reached a point where every day we witness harassments of the agents bidding what is good and forbidding what is wrong though

they are unpaid agents of the government, and they do not ask anything from the government.

These faithful souls invest their time, energy, property, and dignity in many cases just to ensure the welfare of the society. Many of the duties which the government has to perform by spending money and using facilities, such as preventing theft, drug addiction, smuggling, and other corruptions, have been done by them. If smuggling and overcharging are to become rampant, which force can put a stop to them? The economic, medical and moral systems will lose their order and discipline. It is here that Islam has set duties for the people vis-à-vis this issue, stating, “Apart from preserving your religion, you have to observe the rules and regulations of the Islamic government in relation to yourselves. Be watchful of others so as for them to observe these rules and regulations.” That is, there should be public responsibility and attachment to others. Based on this noble verse, **“The faithful, men and women, are guardians of one another, (9:71)”** a type of guardianship will be established for every faithful over the others the guardianship of enjoining good.

Every faithful is the guardian of another and he has to give order to him, thus: “Don’t do this; fulfill your duties.” In his lessons as well as treatise on the practical laws, the eminent Imam (r) has said that to enjoin good and forbid evil is not only persuasion; something must be said imperatively; that is, one has to give orders. Unfortunately, in the culture of our country, it has become such that enjoining good is considered to mean interference in others’ affairs. Instead of a logical answer to this command, it is said to the agents who enjoin good and forbid evil, “I want it; it has nothing to do with you.”

You ask those agents during hundreds of cases where the conditions of enjoining good and forbidding evil are observed, in how many cases do they encounter logical answers? Usually, they encounter disappointing answers such as follows: “So, what? There is freedom; this is a society of multiple voices; it is a civil society; it’s none of your business;” and similar answers. In some other cases, they receive more than this; they are even physically harassed and at times, being killed. These are factors contributing to the degeneration of correct relationship between the government and the people. As the result of imitating the Western culture and passion for the Western tendencies in our society, this state of affairs becomes rampant, and it has rung the bell of danger for us. Unfortunately, even some of the ears that hardly hear could hear these rings lately.

Questions and answers

Question: As you have stated and in consonance with the religious duty, at the times we witness indecency and engage in properly dealing with it, we encounter strong and insulting verbal and at times physical reaction, what should be done?

Answer: In reality, these issues are actual manifestations of what I have said and part of the immaturities of the cultural condition of our country. Sometimes, legally speaking there may be a shortcoming, but nowadays the extent that the legislators have set for bidding good and forbidding evil cannot be implemented and put into practice. Meanwhile, those who, while sincerely enduring all

hardships, have decided to fulfill their religious obligation are subjected to these acts of callousness on the part of the ignorant individuals. Few of them are possibly enemies but they are mostly ignorant ones who have inappropriate pride, imagining that whenever someone tells them, “Don’t do so-and-so,” or “Do so-and-so” their personality is belittled. At any rate, these can be traced back to the cultural weaknesses of society.

Before anything else, we have to say that a part of these cultural weaknesses is related to us. Being familiar with religion and proponents of Islamic culture, we have obligations to fulfill and those who are like me have more or less shortcomings in fulfilling their obligations. I initially mentioned this so that you could not say, “The problems are traceable to you.” We do confess that the likes of us are blamable in this context. We did not fulfill our obligations in the best possible way. Some acts of circumspectness have hindered the conveyance of the Islamic truths to the people in a lucid and emphatic manner.

What is more important and grievous is related to the other cultural institutions existing in the country and their duty has been to pave the ground for the advancement of the Islamic culture in the society for the past twenty years. Regrettably, the performance of these institutions is becoming poorer day by day, and the cultural authorities of the country have regarded the promotion of national culture (as they claim, but in reality, the culture of disbelief and atheism) as their duty instead of promoting Islamic culture.

If the performance of our cultural establishments is properly examined with supporting statistics and documents, it will be proved that this performance has always been a descending trend. Different modes such as promotion of the Western culture, open encouragement to unrestrained and even anti-revolutionary and anti-Islamic individuals, giving of awards, hidden encouragements which have their own mechanisms, and the like lead to further promotion day by day of the Western culture in the country. You can see that a millions-worth loan is granted for the publication of a periodical to a publisher.

Then, his books with the price which he freely indicates on the cover are also purchased in advance! On one hand, he has been given a loan, and on the other hand, his product is bought at the price he desires and then it is freely distributed as a service to the culture of the country! Nowadays, we witness that the books of the convicted apostate, Ahmad Kosravi are again being published. The current official, the head of this ministry has written an article against the author of those books.

Now, they themselves give money; give award to the same person; render assistance; publish his books; and distribute his books free of charge. And then, they even hold our nation under obligation, saying, “We spent millions of dollars for gratuitous cultural services and sent so many singers and musicians abroad!” When a group travels free of charge abroad to hold an orchestra play, just imagine what a heavy expense is shouldered by the government. At the time when some people are badly in need of their bread at night, from the budget of these people there are those who go to Britain or Thailand for a whole month to hold a so-called cultural program.

They invite such women there, and under the account of the public treasury of the Islamic country, they exchange pleasantries, feasting together, and they call it “service to culture!” Observe which books they permit to be published. The worst novels ever written in Iran are published with the permission of the Ministry of Islamic Guidance. Hackneyed tapes are produced with the blessings of the same Ministry. Whenever there is protest against these acts, they say, “These are diffusion of culture, and we have published such-and-such number of periodicals.” Mere publication of a periodical is not an art. Your publication of periodicals can also be done in other countries. If you have published a useful periodical, it is an art. It is an art if you are able to encourage people to publish periodicals by their own capitals and not from their public treasury, and worse still, if they are hackneyed and destructive periodicals. This is nothing to be proud of.

This is a shame and ignominy. Unfortunately, those who are supposed to listen are not willing to listen to these words. We are here sitting together and expressing our complaint so that these shouts (of protest) will be voiced, nay to reach some of those who are not willing to listen. Of course, these are not without effect, but we are still lagging behind. This descending trend had also been mentioned in the communiqué of the Assembly of Experts “If this state of affairs persists, till when is it tolerable?” We have to call this ministry the Ministry for the Promotion of Disbelief. They themselves suggested that the label “Islamic Guidance” be omitted. In that case, its “Guidance” becomes “Misguidance” because when “Islamic Guidance” is no more, is there any outcome other than misguidance?! This is the condition of our country. Of course, it is not only confined to this ministry. In other offices, similar situations can be observed.

One of the duties of the people is to play an effective role in facing the misbehaviors of the government and some officials. One has to stage protest legal protest. There are legal ways to stage a protest. There is no need to create chaos in the streets, but we do not make use of these legal ways either. The fact is that one cannot do it alone. The people have also failings playing their role which is to admonish and guide the public servants in the country. God willing, these conversations make us more sensitive in fulfilling our duties. We have to criticize ourselves first and better perform our duties so that we can offer rational criticism against others.

Question: If in the process of the evolution of society, the demands of people happened to be different from the demands of the government, what should the duty of the government be? If the government accepts the people in legal circumstances and restrains them in other circumstances, what shall be the duty of the people?

Answer: The question is, if people in their broad scope which has three forms (minority, half, and majority) are not amenable with the policies and programs of the government, what shall be the duty of the government? Our reply is that these demands are of two types: One assumption is that people oppose the government on issues with Islamic dimensions and which, from our viewpoint, are part of the obligations of the Islamic government. That is, they want to suspend Islam; they want not to implement

the laws of Islam. In this case, the government has to resist to the utmost because its primary duty is to preserve the Islamic laws and mottos except in a situation God forbid that it has insufficient force for the implementation of the Islamic laws as what happened during the time of the Commander of the Faithful (‘a), twenty-five years after the passing away of the Messenger of Allah (S).

May God not bring that day! Yet, if it so happened that the government does not have such supporters to implement the laws of Islam even through the use of naked force, it has no more duty. But so long as it can, it has to resist as far as the implementation of the Islamic laws and realization of the Islamic mottos are concerned, and to put Islam into practice, for in principle it has come into being to achieve this purpose. The democratic and liberal governments, which do not regard as their duty to preserve ideals and have no goal other than meeting the demands of the people, are the proxies of the people, and their sole duty is to concord with the demands of the people; that is, to do whatever people want. But the Islamic government is not like that. In fact, before anything else, it has to perform whatever God desires.

Sometimes, the demands of the people pertain to some issues which have no religious aspect and are related to the modes of implementation. In other words, they are pertaining to the affairs about which everybody accepts that a certain Islamic law has to be implemented the way God mentioned it. There are different ways of implementing it and it can be executed in a certain way at a particular time and in another way at another time. In such cases, the people can express their opinions through legal means; through the representatives they elected for the legislature as well as through the institutions that exist for the examination of those issues.

Anyway, in such cases the people can have legal, peaceful and logical protests, and to place their ideas and views at the disposal of the government, proving them through logical arguments. But so long as a law or legal order of the Islamic government is not “*bayn al-ghayy*”, that is, it is not sure that it is a mistake and detrimental to the Islamic society, the people have to obey; otherwise, no progress can be made.

Thus, the domain of the people’s demands belongs to the modes of implementation and not to the essence of an Islamic decree. If anything, whether it is a demand of the people or an ordinance of the Islamic government, is against the Islamic law, it has no legality at all. It is stipulated in the Constitution itself that if the executive bills, legislative bills and even an article of the Constitution are in conflict with the Qur’anic verses, Prophetic traditions and religious proofs, they have no credibility and they are not laws at all. But if a bill is not contradictory to God’s decree and only a difference of opinion on the modes of implementation (like the differences on the economic programs in the country), they are natural, and so long as the government is the legitimate Islamic government, it is obligatory to obey, even though we believe that it has been a mistake.

So long as we do not have incontrovertible proof of the mistake of the legitimate Islamic law, it is obligatory to obey it. For example, let us assume that the commander in the warfront commanded a soldier to move along a certain direction. The plan of attack has been made and the soldiers have to

move along a specific direction. The said soldier knows that the decision is a mistake and the commanders have been mistaken. In spite of this, he has no right to oppose. He can express his protest, argue and try to draw their attention, but if his opinion is not accepted, he has to obey the order. Otherwise, no progress can be made.

What kind of an army and system will it be whose soldiers have the right to behave the way they like? So, the government is for what? What for is the commandship? It is because of this that as indicated in the written directive of the Imam (r), to obey the ordinances of the Islamic government is obligatory though our opinion is contrary to these. If it is a law of the Islamic government and has no contradiction with the degree of God, to obey it is incumbent upon everybody though there are different ways of implementing it and in our opinion the policy of the government in choosing the way of implementing it is incorrect.

For example, as to whether the foreign exchange rate is fixed or fluctuating, we do not have a religious decree saying that it must definitely be fixed or fluctuating, as the case may be. If the concerned authorities have decided that today the foreign exchange rate should be fixed and that smuggling of foreign currencies is not allowed and that buying and selling of foreign currencies should be based on the set rate, one should comply with them. If the opinion of the concerned authorities changes tomorrow, saying, “We were mistaken and the foreign exchange rate should be fluctuating, the foreign exchange market should be free, and any one may sell foreign currencies at whatever rate he likes,” this is again permissible. To obey and comply with the ordinances of the government is obligatory, provided that it is not “*bayn al-ghayy*” and repugnant to the degree of God, because the order and welfare of the society lies on this affair. Of course, if a law or decision is contrary to the decree of God, it is no longer obligatory to comply.

1. Nahj al-Balaghah (Faydh al-Islam), Sermon 207.

2. “Of course, He the Glorified has created His right over creatures that they should worship Him, and has laid upon Himself (the obligation of) their reward equal to several times the recompense as a mark of His bounty and the generosity that He is capable of.” Ibid.

3. Nahj al-Balaghah (Faydh al-Islam), Sermon 207.

4. “If there is any right which is only in favor of a person with no (corresponding) right accruing against him it is solely for Allah, the Glorified, and not for His creatures by virtue of His might over His creatures and by virtue of the justice permeating all His decrees.” Ibid.

5. For example, Sūrah al-A‘raf 7:156–157: “And My mercy embraces all things. Soon I shall appoint it for those who are God-wary and give zakat and those who believe in Our signs—those who follow the Apostle, the uninstructed prophet.”

6. On the basis of this perspective, since the state has the least duty, it has the least right. Accordingly, the only duty of states is the maintenance of security and the only right of such states over people is to levy taxes as much as necessary for the maintenance of the society’s security.

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