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Chapter 15: The Mutual Relationship between the People and the Government (Part 6)

A Review of the Discussion in the Previous Session

The subject of discussion during these many sessions was the relationship between the people and the government in the Islamic system. The discussion reached the point where we said that all the human systems can be divided into two groups: (1) statist (government–oriented) and (2) populist (people–oriented).

The group of systems which regards the government as the sovereign and master of the people holds that the government has the right to reign over the people while the people are duty-bound to unconditionally accept the orders of the government. In arguing for this theory, some reason out that since the human nature is a fox-like nature (the same famous statement of Hobbes that "Man is the fox of another man"), there must be a strong and powerful body to prevent rebellion and these foxes' cutting one another's throat. The argument of some others is that the order and security of the society cannot be established without such a power. So, the government has to impose order upon the people through naked force and other means. The people, in turn, have to obey such a power. Other arguments to prove this theory have also been advanced.

Others (whose theory is the same currently well–known one), contrary to the view of the first group, believe that the people are the sovereigns while the government is the servant. In their opinion, the government must be totally at the disposal of the people and obey whatever their order; the government has to implement every law they approve; and whomever the people elect to implement the law has the right to implement the law. This is the same system which is called "populism" or "democracy."

As in the past, some try to say that there is no other way than these two: either statism or populism. They add that statism is a reactionary affair related to the period of slavery, and as we live in the modern period, we cannot accept such a thing. Therefore, there is no other way but to accept populism.

Populism means that people choose whatever law they like without any condition or inhibition. If there is any necessary condition in enacting the law, people have to enact it. As such, all the state power must be ascribed in a sense to the people and be chosen by them.

The View of Islam on the People and the Government

During the previous session, we stated that it is not correct to confine government into these two types and that in this regard there is another way on the basis of which the Islamic theory lies. The third theory is that neither the people have inherent dominance over the government nor the government has inherent dominance over the people. No dominance of any individual over another individual or a group over another group is correct and credible except with the permission of God. From the Islamic viewpoint, in essence the officials of the government are a group of the same people.

So, there is no distinction between the people and the government. It is not the case that the people have the right to enact the law while the government has no corresponding role, or vice versa. It is God the Exalted Who enacts the law because He is the Master of all people and He knows best what is good for them. God the Exalted knows best, compared to others including the people themselves, their welfare in this world and the Hereafter, material and spiritual prosperity, and individual and social interests.

Thus, since God the Exalted is the Lord of mankind, the Master and Authority over them, and His knowledge is boundless and there is no error along its way, only He has the right of legislation, and the people, both the government officials and the rest of people, are all equal before His law.

Now, the point is that this law requires an agent and in some cases, it needs an interpreter. Similarly, in some cases, the law needs to determine the branches and organize the executive rules. Naturally, these affairs must be delegated to certain individuals. As such, these affairs need a government to enact law and exercise mastership and dominance over others. There must be someone who is at the service of the decree of God, justice, the welfare human beings, and human values.

Along this line, there must be some people who take charge of this function and they must be the most deserving, compared to others, to assume it. Within a group of people under a commercial, economic or educational establishment, or any other name, the responsibilities of individuals are divided among themselves according to their respective talents and merits. This is the way of the wise. In a factory, the one to be the manager is the most expert in management. In an educational institution, the one to be the director is the most expert in that work.

In a class session wherein a teacher conducts a lecture, it implies that his merit to teach is more than that of the students. So, the teacher has to give lessons while the students have to listen. Here, there is no dispute that the teacher is the master of the students, or the students are the masters of the teacher, as the case may be. Once the realization of an objective lies in the struggle and coordination of the

members of a group, it is natural that the tasks must be divided among individuals. In this division of labor, in every section those who are supposed to be assigned are the most deserving of the work. The expression "meritocracy" which is sometimes used in discussions is a very elegant expression for our subject.

Given this viewpoint, we can consider, alongside the two forms, the third form of relationship between the people and the government. In this viewpoint, the issue of merit is not a deal in principle. Here, the issue is that those who are designated by God the Exalted to implement the decrees He has promulgated have the permission to offer this service for the society. Of course, it is natural that this task requires that an order given should be followed by others; otherwise, no progress can be made and the existence of government will be rendered useless.

Similarly, if the principal of a school gives an order, the teachers have to comply with it; otherwise, no progress can be made and in this case the existence of the principal is senseless. Does the teachers' mandatory compliance with the orders of the principal mean that the principal is the master and they are servants and slaves?! In materializing administrative objectives, the most deserving individuals have to assume the posts, too. In the Islamic government, these individuals are those who are authorized by God the Exalted. The permission of God the Exalted is necessary because He is our Master. As such, the affairs of people should be managed according to His approval.

Therefore, in the Islamic government, God gives authority to rule to the deserving individuals and on the basis of this permission they manage the society and implement the divine decrees. This is the spirit of the theory of *wilayah al–faqih* [guardianship of the jurist].

Based on this, the authority of the jurist-guardian over the Islamic society is grounded on the fact that he is the most meritorious person who can apply the law of God to the society. According to the conditions taken into account for the jurist-guardian, he has the greater and better understanding of the divine law. In addition, he must have the highest level of piety, moral excellences, management skills and qualification to administer the society. It is by means of the aggregate of these three qualifications that the jurist-guardian is identified.

The person whose knowledge of the law of Islam, whose piety in practicing Islam and implementing the divine laws, and whose acumen in managing the affairs of society are more than the rest has the guardianship and right to rule in the Islamic society. By taking into consideration these three elements, the person who should take charge of the government and management of the society and has the permission from God to implement the divine laws in the society can be identified.

For that reason, in the Islamic government and the theory of *wilayah al-faqih*, the relationship between the people and the government is at least like the relations of individuals belonging to an office, or that of an academic staff with the head of that staff. The jurist-guardian is designated to manage the society only because his merit in understanding and discerning the divine laws and the manner of implementing

them is greater than that of others. Neither he enacts rules by himself nor do the people do the same by themselves. Instead, the laws and rules have been enacted by the Supreme Authority Who has conveyed them to the ruler and the people for implementation.

Ensuring the Spiritual Welfare as the Duty of Government and the Right of People in the Islamic Government

Concerning the people–government relationship, its spirit is traceable to the implementation of the Islamic laws, and this affair guarantees the material and spiritual welfare of the society. In this connection, attention to the spiritual welfare and providing for it constitute a significant part of the duties of the Islamic ruler, and one of the important functions of the government is to ensure the spiritual welfare of human beings. According to the Islamic perspective (which has provable solid proofs), the humanness of man does not mean merely engagement in mundane affairs. In fact, its main part is related to the spiritual values and affairs. On this basis, the government has to supervise the spiritual affairs which are related to the society so that the activities are done properly and the society's spiritual interests are ensured.

The Duties of the Ruler and the People from the Viewpoint of the Commander of the Faithful

In a letter, the Commander of the Faithful ('a) wrote to Malik al–Ashtar, he has mentioned the responsibilities at the very beginning of the epistle. In the said charter, he describes the duties of the Islamic ruler in this manner: "...to collect zakat there, to combat the enemies of Islam and Egypt, to work for the welfare of its people, and to look after its prosperity." That is, as the governor of Egypt, you have four responsibilities.

Firstly, you have to properly collect the *kharaj* and taxes and closely attend to the public wealth so that it can properly be spent. Secondly, if an enemy attacks and puts to danger the country of Egypt, you are obliged to fight him and maintain the society's security. Your third responsibility is this: You are obliged to strive for the people's welfare. This is a responsibility, which is mentioned in the Islamic government but not so in other political systems. In the rest of the political systems, what is the duty of the government and to which it has to utilize all facilities and talents for its realization is only order and security, 1 but as to whether the people are meritorious or not, it is their own responsibility, and it has nothing to do with the government, while in the Islamic government one of the very significant issues is that the Islamic government has to strive and mobilize the facilities of the Islamic country to reform the people. That is, it has to engage seriously in proper training and education in society according to the Islamic values.

Fourth: "to look after its prosperity." Another duty of the workers of the Islamic government is to develop

the cities. While addressing Malik al-Ashtar the governor of Egypt, Imam 'Ali ('a) says: "I sent you to Egypt so as to develop that place."

Things similar to these subjects are mentioned elsewhere in *Nahj al-Balaghah*. These are rights the people have toward the ruler and can claim from him. In sum, the government is responsible to strive hard in ensuring the material and spiritual welfare of the people. Meanwhile, the right of the ruler over the people is that the people have to assist him in implementing the laws. There are two types of assistance: One is where the ruler issues definite orders based on his discretions. Here the duty of the people is to obey. In correctly implementing the divine laws and decrees and providing for the material and spiritual welfare of the people, they have to render assistance to the government; otherwise, a person or a small group cannot duly do this function.2

The other type of the people's assistance to the government is an intellectual one. If, for example, the governmental official commits an error, the people must remind or criticize them, or present their suggestion if they have any. This is the meaning of "the mild admonition of the Muslims" mentioned in the traditions.

Elsewhere in *Nahj al-Balaghah*, Imam 'Ali ('a) expresses the reciprocal duties and rights of the people and the leader in this manner:

O people! I have a right over you and you have a right over me. As for your right over me, it is to counsel you, to pay you your dues fully, to teach you that you may not remain ignorant, and to instruct you in behaviorism that you may act upon. As for my right over you, it is fulfillment of (the obligation of) allegiance, well-wishing in presence or in absence, response when I call you, and obedience when I order you.3

So, all the rights of the ruler over the subjects and the rights of the subjects over the ruler can be traced back to the provision of the material and spiritual welfare of man and whatever is really needed by the society. The materialization of this objective depends on cooperation between the people and the government, and thus, some of the burdens can be shouldered by the ruler while some others by the people. As we believe, providing for the material and spiritual welfare of man is not possible except under the blessings of the Islamic laws. Hence, there should be cooperation between the people and the government in the implementation of the Islamic laws.

Questions and Answers

Question: Can the Islamic ruler act against the executive laws of the country? In essence, what is the station of the law?

Answer: What is meant here by "ruler" is sometimes a person while an executive body at another time. What is meant by "executive body" in turn is sometimes only the executive branch while at another time,

all the three branches of the government. So, what is meant by "ruler" must be clarified. Probably, the questioner refers to the *wilayah al-faqih* here, because on top of the hierarchy of power in the Islamic system is the jurist-guardian who is the supreme ruler. Then, it will be asked: Can he act against the current laws of the country or not?

In reply, it must be asked: Which law is referred to as current laws of the country? If it means that Islamic laws mentioned in the Islamic text or the laws which have been enacted with the confirmation of the jurist–guardian, for the Islamic ruler to oppose them has no meaning. Opposition to the Islamic laws negates the credibility of the Guardianship [wilayah] and tarnishes the legitimacy of his rule because in this case, he deviates from justice, for opposition to the Islamic laws means opposition to Islam itself, which perversion is graver than this?

But if the current law of the country is against the law of Islam and what is stated in the Qur'an and the *Sunnah* or against an order given by the jurist–guardian in accordance with his discretions, such a law has no credibility. It is stipulated in Article 4 of the Constitution that any bill enacted in whatever stage of legislation has no credibility at all if it is contrary to the Islamic laws.

So, if what is meant by the current laws are laws that are ratified, for example, by the former regime in the country or some individuals without the approval, or even against or with the disapproval, of the jurist–guardian, and are treated as laws, the Constitution stipulated that such things have no credibility as they are against the law of Islam. As such, the ruler's opposition to them is not an opposition to the credible law, but an opposition to a thing which is branded as *law*, for the legitimate, credible and authentic law is harmonious with Islam. This condition and qualification is stipulated in our Constitution, and if ever it is not stipulated, the Constitution has no credibility in principle. If it is not stated in our Constitution that whatever is contrary to the law of Islam is not credible, in that case we do not regard this constitution as credible. The credibility of the Constitution owes to its Article 4 which states that whatever is against Islam is not credible.

In sum, if the law of the country is credible, which means that it is consistent with the laws of Islam, neither the ruler nor anybody else has the right to oppose it, and if he does so, on the ground of perversion [fisq], he deviates from justice and his Guardianship has no credibility and legitimacy. However, if the law in question is against Islam, that law is not credible for the jurist–guardian to act in accordance with it.

Question: The discussion on the theory of the Islamic government is correct, but in action the question of efficiency of the Islamic government, which is certainly based on evaluation and decisions is raised. How can this question (of efficiency) be solved so as for the government to be responsive to the Islamic society?

Answer: Perhaps, what is meant by this question is that we have a general theory that in the Islamic government the Islamic laws should be observed and at the head of which is the jurist–guardian, and we

accept it. But the question is: Keeping in view the methods of execution which require different times and places, how are these laws put into practice?

During the past twenty years, the manner of putting into practice the Islamic laws in the Islamic government has been clear. At the suggestion of the late Imam (may Allah be pleased with him), the Assembly of Experts [majlis-e khobregan] and by ratifying and implementing rules and regulations, the system of the Islamic Republic of Iran was established and reflected in the Constitution. The way of realizing the Islamic government and implementing the Islamic laws is what has been stated in our Constitution. All things stated in the Constitution are not in the text of the Qur'an and the Sunnah, but their credibility is with the credibility of the jurist-guardian's signature. Since the eminent Imam (r) and then the Supreme Leader have a favorable opinion about his law, it follows that this law is credible for us and the law has defined the manner of its implementation. Here, there is a need for more specific rules. The manner of implementation of these general laws is determined by the law; that is, the laws that the Islamic Consultative Assembly enacts and must naturally pass through the channel of the Council of Experts so as to ensure their conformity with the Islamic ordinances.

In a nutshell, the ways of implementation are changeable according to the demands of time and space, but these ways must (directly or indirectly) be approved by the jurist–guardian so as to be credible and for the people to be religiously obliged to regard these ratified laws as credible and act upon them. In one of the discussions earlier, we have mentioned that such a guarantee does not exist anywhere else in the world that the people (at least on the basis of their own belief) are bound to implement the administrative laws. Yet, the laws of the Islamic state are religiously obligatory.

As a result, once it is ratified in the Islamic Consultative Assembly, for example, that a certain group or class has to pay a certain amount of taxes inheritance tax, income tax, or any other payment of such taxes, as in the case of *khums* and *zakat*, is incumbent upon them. This is the use of the approval of the jurist–guardian because any law approved by him is a decree of God.

The Imam (*r*) says many times that to abide with the rules of the Islamic Republic, as in the case of other religious laws, is religiously obligatory. Such a guarantee exists only in an Islamic system and this is a great service that the Islamic Revolution has offered to our society. Of course, culturally speaking, this issue has not yet settled well and many people do not pay attention to it since, for many years, the people had been living in a despotic system and they had always tried to circumvent the public laws because they regarded them as a kind of compulsion and tyranny against them. In view of this mental background, our people are not yet accustomed to faithfully abide by the state orders. However, for those who are bound to this affair, this issue will be a very strong executive guarantee.

Regarding what is related to my personal life in social issues, so long as it is credible law and religious proof, I regard myself bound to faithfully act upon it, though it might be against my material interests or personal opinion. Once the Islamic government ratifies this law and it is approved by the Supreme Leader, I consider it obligatory for me to observe it and many people are the same.

Question: Based on the previous discussions, there are three types of relationship between the people and the government: (1) statism, (2) populism, and (3) meritocracy (with leniency). As you have said, in the Islamic government, the only righteous position for legislation is the Divine Sacred Essence. Yet, we know that God does not come to rule over the people. He instead sends the Prophet (S) and the Imams ('a). Up to the time of the Infallibles, we do not encounter any problem. But after the Infallibles, considering the openness of the gate of *ijtihad* among the Shi'ah and the multiplicity of the views of prominent jurists, we are facing multiplicity of views and diversity of understandings.

Now, the first question is this: Which understanding should rule? Or, which understanding is now ruling? On the other hand, if the gate of *ijtihad* is open as it is and since the Constitution has been codified based on certain juristic understandings, in case of difference in the juristic foundations and understandings of a jurist–guardian with the former jurist–guardian, what should be done regarding the amendment of the Constitution? Secondly, it seems that Islam expresses the principles and foundations, and not the method, of implementation. Method of implementation is a rational affair. Based on the rational understandings of the people and experts of the society, methods anchored in the same Islamic principles and foundations can be selected. Why should we insist that the method of implementation, which is totally time–based, be also deduced by the religious text and then its outcome is for the inefficiencies to be attributed to the religion?

Answer: This is an elaborate question. If we examine all its details sentence to sentence, it will take time. Nevertheless, the gist of this question consists of two points: One is that since the head of the government is not infallible, mistakes will be committed. What is the guarantee that once a person who is not an infallible heads the government will not commit any error?

The reply is this: Are the experts who are responsible based on prevailing foundations in the world to enact the law and determine the methods infallible or do they have differences among themselves? Does the difference among parties existing throughout the world, each suggesting a particular method of implementing the government programs with the aim of providing for the welfare of the people, lead to the negation of the essence of existence of the parties and the government? Their reply is that different parties present to the people their considered views and policies, and whichever garners the highest votes must be acted upon. Is it other than this?

The jurists [fuqaha] have their own differences in religious edicts [fatawa], but in practice, the edict of the one who is superior to all and whose superiority is proved, shall be observed. Is not there any dispute in other issues?! Are not the physicians' prescriptions different from each other? If you consult two doctors and they give you two different prescriptions, which prescription will you follow? Undoubtedly, it is the prescription of the one who is more proficient. Thus, the existence of differences of opinion among people about many cases is undeniable, and in the end they prefer the view of the majority or the most learned, and act upon it. Therefore, this affair is not a problem pertaining only to the Islamic system because there is difference of opinion everywhere. You will notice in the most advanced countries in the

world that there are different parties, and the foundation of the multiplicity of parties is the diversity of viewpoints and difference of opinions. In spite of all this, a party will finally rule through alliance or as the majority and act upon its own view. Once the jurist–guardian is determined, his view is credible vis–à-vis that of others.

The other issue is: Has Islam mentioned the foundations but not the methods, or mentioned some methods but not the others? This discussion has three possibilities. One is that Islam has mentioned the foundations but not the methods at all. The second is that it has mentioned all the methods and left no stone unturned for man. The third is that it has mentioned some methods and delegated the other methods to others (to mention).

At the outset, it must be clarified what is meant by "foundations" and "methods." By saying that Islam has mentioned the foundations, does it mean that Islam has only ordained that there should be security and that is all?! Or, has it only said that justice must be established? If that is so, it does not bring any excellence for Islam because all people have said so and Islam has not mentioned anything special. No wise person on earth says that justice must not be established in the society. Every wise person dictates that there must be justice. No one claims that security is something bad. All the wise in the world say that security is something good. Therefore, Islam having mentioned the foundations means that it has only mentioned these things and then ordained that the human beings have to maintain security and establish justice through whatever way they can and know.

If this understanding of Islam is correct, it follows that the people have no more need for Islam because they know that security is something good. We are not in need of Islam to teach us the way of maintaining security. God the Exalted explicitly says in the Holy Qur'an, "As for the thief, man and woman, cut off their hands as a requital for what they have earned. (5:38)" This means that one of the ways of maintaining the society's security is for the hands of the male and female thieves to be amputated.

Of course, those who intend to annihilate religion or confine it to the personal affairs say that these are part of the methods, and methods change—one time it is like this and like that at another time. They sometimes say that 1,400 years ago Islam ordained that the hand of the thief should be cut off. Now, this method is not appropriate and has no use. They say that this kind of ordinances of Islam is like medicine whose expiration date has already passed, and thus, it must be thrown away! This statement implies that "As for the thief, man and woman..." must be removed from the Qur'an because this order belongs to the time 1,400 years ago and now its expiration date has passed! Does it mean anything except denial of Islam? Does denial of Islam have another specific form than this?!

It must not remain unsaid that there is a set of methods of implementation upon which the circumstances of time and space have effect and it is for this reason that Islam has placed them at the disposal of the ruler. In the words of some authorities such as the eminent martyr, the late Ayatullah Sayyid Muhammad Baqir as–Sadr, they are part of the *mantiqatu'l–faragh* of the Islamic laws which serve as administrative

laws. In cases where Islam has no specific order as to which method of implementation is to be used, the jurist–guardian through consultation and based on the Islamic standards chooses the method which is not against the laws of Islam.

Thus, there are three assumptions here. One is that Islam has mentioned the foundations only, but the other ordinances including the penal laws are the methods of realization of those foundations. The methods have nothing to do with Islam, and even if they are mentioned in the Qur'an, they belong to the time 1,400 years ago and can be of no use today. In our opinion, this assumption is totally inaccurate because this statement means the denial of Islam and setting aside and burying the Qur'an like the burying of medicines whose expiration date has passed.

The other view is that whatever we need is stated in the Qur'an and the *Sunnah*, and there is no more room for legislation and decision–making. With only a bit of reflection, it can be realized that this statement is definitely false.

The correct view is that in some cases Islam has not promulgated a specific law and has delegated this affair to the infallible Imam or the jurist–guardian as the Islamic ruler such as the traffic and driving rules which are not mentioned in the sources of the Islamic legislation; namely, the Holy Qur'an and the *Sunnah*, and yet their existence is necessary for the social order. Therefore, some methods which are not mentioned in the Qur'an and the *Sunnah* and are needed by the society are to be worth followed by the order of the jurist–guardian.

Question: In Islam, what are the preventive measures to ensure that the jurist–guardian does not commit an offense? And in case the jurist–guardian intentionally or unintentionally commits an offence, what measure is undertaken in the Islamic government to supervise and control these cases so as to assure the people?

Answer: One of these measures is that the designation of the jurist–guardian is not done through direct vote of the people. If the election of the jurist–guardian (like the elections of the president and Majlis representatives) is directly delegated to the people, the way for error and mistake will be opened from the very beginning. As you know, in such kinds of elections, even in our country, there is space for cheatings. For example, sometimes a candidate has thousands–and–so votes in a ballot box but it is said that so–and–so has a zero vote! Now, if the jurist–guardian is supposed to be elected in this way, what credibility does it have? To what extent do the people trust such a jurist–guardian?

As such, in designating the jurist–guardian, a precaution is made that the elite or experts trusted by the people designate him to this office so that possibility of committing error reduces, especially given the fact that membership in the circle of the experts has no material and worldly rights and advantages for a person to aspire for it. In accordance with their religious duty, the people make their own investigation and among the righteous *'ulama'* they choose the more meritorious for the Assembly of Experts. Then, these experts conduct discussions in their meetings so as to see who among them or outside their circle

is worthy to be designated. Thereafter, according to the law, the same Assembly of Experts continuously supervises the Leader and his performance so that, God forbid, no error or deviation is ever made.

Therefore, measures and arrangements for this purpose are anticipated, but since the jurist–guardian is not infallible after all, this preventive measure does not mean that there is no probability of the committing of error at all. However, does the jurist–guardian's fallibility make us say that he has no right to rule and he should not be obeyed? Let us assume that we live during the time of an infallible Imam, the Commander of the Faithful ('a) for example, and he dispatched a person like Malik al–Ashtar to Iran for an administrative post. Malik al–Ashtar is a person about whom the Imam ('a) said, "You are to me as I was to the Prophet." So, the best person to govern a country has been chosen. Yet, Malik al–Ashtar is not infallible and he may commit error.

Does this probability prompt us to say that Malik al–Ashtar and his likes should not be given a responsibility? In this case, is it possible for the Commander of the Faithful ('a) to directly govern such a vast Islamic land?! Of course, the Imam ('a) used to give orders to his officials which if properly observed, the territories under his jurisdiction would be duly administered to the extent possible. An illustrious example of these admonitions has been stated in the famous epistle to Malik al–Ashtar. All these are preventive measures so that mistakes and errors are minimized. But not to commit a mistake at all is an impossible thing in the social life of a non–infallible person. Man, except the one under the special divine grace and possessing the quality of infallibility, is always prone to commit error and mistake. Therefore, the best system is the one that takes a measure to minimize mistakes and errors therein. This is anticipated in the political system of Islam and if properly acted upon, we will see that this system is the best one in terms of the realization of objectives.

Question: Whatever is stated in the Islamic government theory (in this discussion or in the previous ones) is all correct and factual. In practice, however, we can observe that the best way of governance which leads to the progress of countries is the same democratic way. It has been made clear that real democracy does not exist anywhere, but the same existing form of government in the West has these effects and benefits in those Western societies. What is your opinion regarding this?

Answer: Before anything else, one has to reflect on the judgment of this respected questioner. What does he mean by saying that the best existing form of government is democracy? Does it mean democracy even where the laws are anti–Islamic? Democratic government which is based on the will of the people may enact any law even if it is against the text of the Qur'an and the Islamic standards. In the opinion of the respected questioner, is such a government the best form of government? Or, by democracy and populism, does he mean democracy within the framework of the Islamic laws and values which is called "religious populism"?

The falsity of the first notion is clear and definitely this is not what the respected questioner means. But if he means democracy within the framework of the Islamic values, this is the same thing which exists in our Constitution and is supposed to be faithfully acted upon as it is. Of course, as to whether it is

observed in a corner of the country or there is violation of it in some cases, these words are raised throughout the world. As we have stated earlier, the fact is that real democracy is nowhere to be found in the world. Not too long ago, it was published in the newspapers that a writer in Egypt has written that real democracy in the world exists only in one country and that is Iran.

Anyway, democracy within the framework of the Islamic values exists in our Constitution as well as in the way of governance of the eminent Imam ('a). The people have the right to elect their representatives for the Islamic Consultative Assembly, the Assembly of Experts and other cases, and to choose a person for the presidential post. But if by democracy it means the second notion in which the people may even abrogate the laws of Islam and as in the words of that gentleman, demonstrate against God if they want, this notion is not consistent with Islam. Who has said that such a government is better than the government of the Islamic Republic of Iran?

Is that government in which annually thirty thousand people are killed as the result of crimes committed therein better than the government of the Islamic Republic of Iran? This statistic has been given by the American government itself that every year more than thirty thousand are killed as the result of crimes. Moral corruptions and social misconducts as the outcome of libertarianism of the Western democracy have afflicted the entire world and the American people in particular. Their own voice scholars, reformers, congressmen, and senators is loud, and corruption, family breakdown, parentless children abandoned in the streets and thousands of other adversities have made their groaning louder. Is this system better than the system of the Islamic Republic of Iran?

Question: God the Compassionate said that if the Holy Prophet (S) acted beyond His order, He would deal with him severely and "*We will cut off his aorta of life*. (69:44–46)" This legal threat shows in reality the lofty station of the government of God the Exalted. Now, since the Islamic government is the government of truth, why is it that whenever some of its officials act against the law, they are not dealt with severely so that another person, group, or official, in whatever position he is, will not do wrong? In fact, the same inopportune carelessness and indulgences lead to the spread of numerous problems in the Islamic society.

Answer: There are two issues at hand. One issue pertains to the time when an Islamic government can implement properly the Islamic laws. In a short discussion in which it was pointed out, we said that an Islamic government can properly discharge its duty if the people extend help. If the people do not cooperate, the Islamic ruler cannot singly implement the Islamic laws. This incapability is not a fault of the government but that of the people who have left the government and the just ruler alone.

Meanwhile, the other issue pertains to this: During this time, where should there be severity of action and where should there be leniency? This question is a religious decree. Who should determine this religious decree? Based on some of our defective comparisons and pieces of information, we say, for example, that the Prophet (S) did so and the Commander of the Faithful ('a) also did. Thus, we have to do it. Yet, we have to bear in mind that there are numerous cases where the Imams ('a) or the Holy

Prophet (S) acted differently.

They used to show leniency. Given this, as to where leniency should be shown and where severity of action should be shown is an issue which must be decided upon by the jurist [faqih]. We say that it is obligatory to obey the wali al-faqih. Here is one of the cases where such obedience is necessary. If the wali al-faqih is the most informed of people, the most pious of all and knows best what is for the interest of society, it is he who should decide where severity of action should be demonstrated and where leniency should be displayed.

Yes, there are cases where we imagine that more severity of action is supposed to be shown and maybe we are indeed correct, but the reason for not executing it is that through our own performance we have made the social circumstances in such a manner that the ground for the Leader's measures is not ready. During the period of rule of the Commander of the Faithful ('a), did this problem not happen to him many times? During the Battle of Siffin, he wanted to get rid of Mu'awiyah but the behavior of his people did not enable him to do what he wanted. At the present time, if we had only properly responded to the call of the Leader, the ground for implementation of the Islamic laws would have been paved better. It is better for us to consider our actions and behavior and to see if the behavior we have and the duties we are supposed to do are properly discharged or not.

- 1. This is the same thing which is described as the "minimal government". That is, the government has the least right to interfere in the affairs of people and what the government has to strive to materialize is the maintenance of order and security of society. This outlook is a liberalist one which is founded on the absolute freedom of individuals and except in case of necessity, this freedom should not be limited. According to this outlook, the case of necessity is the same public order and the absence of encroachment on the freedom of others. See 1948 UN Universal Declaration of Human Rights, Article 29, Section 2.
- 2. As Imam 'Ali ('a) says in Nahj al-Balaghah,
- "And it is an obligatory right of Allah over the people that they should... cooperate with each other for the establishment of truth among them. No person, however great his position in the matter of truth, and however advanced his distinction in religion may be, is above cooperation in connection with the obligations placed on him by Allah." Nahj al-Balaghah (Faydh al-Islam), Sermon 207.
- 3. Nahj al-Balaghah (Faydh al-Islam), Sermon 34.
- 4. For more information about the salient features and station of Malik al-Ashtar with respect to Imam 'Ali ('a), see Nahj al-Balaghah (Faydh al-Islam), Letter 38 and Saying 435.

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