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Session 25: Grand Strategies in the Realm of Governance and Implementation (Part 2)

Government as perpetually needed by human society

In order to theoretically explain the need for government to our people and keep them away from committing certain fallacies, it must be noted that the said theory is based on the reality of human societies. A person who closes his eyes to reality and human nature, and engages in analysis and concludes that humans are angelic, have a pure disposition and are only in pursuit of goodness and virtue, is sadly mistaken.

According to him, if correct education and training is provided to people their moral motive will bind them to abide by the law and never violate it, and, if true laws, individual and social interests, and harms of violating laws are clearly explained to people and they are given the freedom to choose, no one will engage in corruption anymore and everybody will act according to law. It will be as simple as a person who knows that a given food is poisonous refrains from eating it. Similarly, people will accept what is good for them and avoid what is harmful. In this case, there will be no need to impose laws on people by means of brute force and pressure!

Such a notion is both illusive and idle. Those who know the reality of human life and society, are familiar with the history of mankind and can never imagine that in the near future, a time will come when as a result of the spread and promotion of moral values among people, all will spontaneously perform good deeds and not resort to evil—nobody will lie, commit treason, encroach upon the property and honor of people, violate others' rights and no country invade its neighboring lands.

Need for government according to Islam and the Qur'an

Islam also regards it absurd and unrealistic to say that society is needless of government and brute force

even when it possesses sound training, knowledge of law and what is beneficial and harmful. In the verses about the creation of Hadhrat Adam (‘a), the creation of man has been explained in such a manner that his weakness and possibility of going astray is clearly indicated:

﴿وإذ قال ربك للملائكة إني جاعلٌ في الأرض خليفةً قالوا أتعجلُ فيها من يُفسدُ فيها ويسفكُ الدماءَ ونحنُ نسبحُ﴾
﴿بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إني أَعْلَمُ مَا لَا تَعْلَمُونَ﴾

“When your Lord said to the angels, ‘Indeed I am going to set a viceroy on the earth,’ they said, ‘Will you set in it someone who will cause corruption in it, and shed blood, while we celebrate Your praise and proclaim Your sanctity?’ He said, ‘Indeed I know what you do not know’.”¹

When the angels recount the social corruption and bloodshed of human beings, God does not deny it. Instead, He highlights the wisdom beyond the creation of man which is unknown to the angels.

Similarly, in some other verses God mentions some moral weaknesses of man, as in the following verses:

﴿إِنَّ الْإِنْسَانَ خُلِقَ هَلُوعًا * إِذَا مَسَّهُ الشَّرُّ جَزُوعًا * وَإِذَا مَسَّهُ الْخَيْرُ مَنُوعًا﴾

“Indeed man has been created covetous: anxious when an ill befalls him and grudging when good comes his way.”²

﴿إِنَّ الْإِنْسَانَ لَظَلُومٌ كَفَّارٌ﴾

“Indeed man is most unfair and ungrateful!”³

It is interesting to note that in the latter verse God describes man as “*zalum*” which is the superlative degree [Sighah al-Mubalighah] and means “most unfair”. This description indicates that inequity, insolence and ungratefulness in human beings is such that it cannot be neglected, and human societies will always be replete with injustice and ingratitude. The notion is unacceptable that through education, training, enlightenment, admonition and counsel, people can build a society whose members are all well-mannered and refined and no one violates laws and moral values, and where there would be no need anymore for government and the police force.

The Qur’an also opposes this notion and indicates that in human societies with different motives there will always be violation. Of course, social scientists are discovering and identifying the factors behind individuals’ violation and commission of crime, and have identified some as ignorance, illiteracy, genetic and environmental factors. This is not our concern at present as we only intend to state that violation of law and commission of crime and sin always existed, and will be the same in future.

Of course, we believe that by the grace and blessing of God, a time will come when through Hadhrat Wali al-‘Asr (may Allah expedite his glorious advent) the ideal Islamic and divine society will be established. It must be noted, however, that even that society will not be totally free from violation of law, in addition to the fact that it will also not persist forever. It is even mentioned in some traditions that some will revolt against the Imam of the Time (may Allah expedite his glorious advent) and cause his martyrdom.

It cannot even be expected therefore that during the rule of Hadhrat Mahdi (‘a) society will become totally ideal and desirable and completely devoid of sin and transgression. Of course, the structure of that government and his exercise of authority will be such that no oppression and corruption will continue unanswered, the implementation of justice will be all-encompassing, and violations in social and public life will diminish, but they will not be uprooted in total. This is because man will not acquire an angelic nature. As in the past, there will always be room for insolence, sin, violation, and transgression in him.

Thus, paying attention to reality prompts us to acknowledge the exigency of state and government. One must mingle with people and observe their conduct and behavior—see how even good and meritorious individuals commit sins and offences sometimes. Naturally, in order to deal with and prevent violations, sound and necessary laws must be implemented (and I dealt with the necessity of codifying and enacting them), for if laws for implementation and execution in society are codified, they must have implementers and executive guarantors. The fundamental reason for having a government is to guarantee the implementation of laws at all levels of society. This is the point we are presently concerned with. God willing, we shall deal with the duties and prerogatives of government, its organizational structure and other related issues in future discussions.

The exigency and source of power

A government possessing brute force and sufficient power must be established so as to manage affairs, implement laws, defend beliefs and values, maintain internal and external security, prevent violations, thwart conspiracy, and hamper external aggression to Islamic society. For this reason, in political philosophy the concept of power is pivotal. In fact, some have even described “politics” as “the science of power”. Admitting the necessity of a government or executive power possessing power and authority, the question arises: What is power and on what basis do certain people acquire power and authority to implement laws and deal with violations?

Some members of human society always tend to commit crimes due to various reasons such as weakness of intellect, lunacy, bad upbringing, and the like. They set a place on fire, open fire on innocent people, or commit crimes which, thank God, are rarely committed in our Islamic society. But statistics show that that same usually happens in the most advanced Western or European countries. As stated in reliable sources, in the capital of one of those countries, a certain number of murders are committed every minute.

These statistical records are reflected in the official papers of those countries. But if a murder or another crime is committed in a certain part of our country of 60 million people,⁴ we will be surprised why such a crime is committed in the Islamic republic! In a bid to confront and deal with these crimes, there must be an institution possessing physical and material force to guarantee the implementation of laws.

Thus, the first condition in guaranteeing implementation of laws and dealing with violators is the possession of material, physical, and even bodily force and power. With the advancement in science and technology, sophisticated arms, instruments, tools and electronic devices are at the disposal of law-enforcers to penalize criminals. Keeping in view this necessity, each government—big and small, advanced or not—has a disciplinary force for dealing with crimes and maintenance of internal security.

The quantity and quality as well as the arms and equipment at the disposal of the disciplinary force are concordant with the type and structure of the government employing it. That is, the smaller and not-so-advanced governments tend to have meager forces and simpler military equipment while the more advanced, extensive and complex governments tend to have larger forces and more sophisticated and powerful arms, equipment and arsenal.

Without possession of brute force, implementation of laws cannot materialize. There must be brute force to call criminals to account, punish them and act as a deterrent.

Similarly, in order to protect and defend the frontiers against external enemies, the exigency of a potent deterrent force with sufficient equipment and facilities can be well understood. In the structure of states, the burden of this responsibility is shouldered by the army and disciplinary forces so as to defend the country's frontiers.

Administrators must be God-wary and morally sound

However, mere possession of bodily power and physical ability is not enough for assuming an executive post and guaranteeing law. Anyone who wants to achieve this objective must also be God-wary and morally sound; for, if he is impious, he does not deserve the power at his disposal nor will he benefit society but will cause problems and exploit that power and position.

During the period of struggle of the Iranian nation against the regime of the *taghut* prior to the victory of the Islamic Revolution, the Imam (*q*) said that arms must be placed at the disposal of righteous and meritorious individuals so that aside from struggling against the regime of the *taghut* they can pursue the rights of people and the sovereignty of Islam, and not only think of acquiring power. Once arms are at the disposal of undeserving individuals, power is actually at the disposal of powerful devils who bring nothing to society except corruption and destruction.

Of course, the implementer of law must have enough knowledge of law and its different dimensions and aspects. As law enforcer, each of the executive officials, in whatever political echelon, must have

enough knowledge of law; otherwise, even if the person does not want to act according to his own desire and is determined to act upon the law, he will commit errors in practice and not apply the law correctly. Although such a person has no bad intentions and is morally sound, his lack of knowledge of law and incorrect interpretation will lead to misguidance and deviation, and in practice, trample upon the interests of society.

Therefore, the one who is in charge of implementing law must have knowledge of it, enjoy executive power and be pious and morally sound. In the religious texts, these three qualifications are described as: expertise in jurisprudence [fiqahah], God-worship [taqwa] and executive and administrative acumen. Of course, each of these three general qualifications has its own secondary parts and aspects which are not part of our present concern. Presently, we will focus more on the general rather than the particular.

[An examination of the legitimacy of government in political philosophy](#)

This is one of the profound topics in political philosophy which has been examined in various forms based on different schools of thought and is expressed diversely. One of these expressions is “social power” which government officials must possess. The question now is: From where does a government acquire “social power” legitimacy, the right to take charge of government and implement law? On what basis does a person acquire the right to occupy the highest post in government? In a country of 60-million population with many experts, highly educated and meritorious figures, why is it that only one person occupies that highest post? Who grants him this power? Basically, what is the criterion of legitimacy of government and government officials?

The different political and legal schools have given diverse answers to the abovementioned questions, but the answer which is shared by the world today is that power is granted by people to the ruling body and chief executive. This power is granted to a person only through the general will and approval of people, and other ways of transferring power are illegitimate. It is not possible for a person to inherit such power from his father. In monarchical systems the notion is that power or sovereignty is hereditary. When a monarch dies, power is transferred to his son as an inheritance. This hereditary power is transferred from father to son, and people have no role in it.

This form of government still exists in some countries but the dominant culture in the world today and world public opinion does not accept this system and theory. Assuming that a person deserves to rule the people, it does not follow that after him his son is definitely the most competent person to take charge of government. People do not consider it as the most appropriate option. Besides, they clearly witness that there are others far more competent than the person who inherits political power.

It is on account of the unpopularity of the monarchical system that monarchy has become ceremonial in nature and its power delegated to a person elected by the people, for example, the prime minister. In

reality, in those countries only the royal title remains for the monarch and actual power lies with the elected representative.

In the dominant democratic system of today, the person who is competent to take charge of government and executive power is the one who is elected by the people, and it is only through their will that the government acquires legitimacy. Of course, there are different forms of elections and the people's will is manifested in different countries in different ways. In some countries, the chief executive is elected through the direct vote of the majority of people while in other countries the chief executive is chosen by parties and deputies elected by the people. In reality, the parties and members of parliament serve as the medium between the people and the chief executive. In any case, once a person is directly or indirectly elected by the majority of people, the power to rule is granted to him and thereby, as the chief executive he assumes the function of leading and guiding society.

According to this contract, during a temporary period of two years, four years, eight years or even a lifetime, the people are subject to the command and order of the elected ruler in accordance with the law accepted in various systems and countries.

Under this assumption, the power of the law enforcer or his government is derived from the people. He will not succeed, if the people do not approve of him. This idea or theory has various dimensions; philosophical, anthropological, conventional and empirical. Having experienced and observed the various forms of government, a given form of government has been identified as the best and most efficient form.

Once the legitimate government is formed, the people are bound to accept its laws and agree on following and obeying it. The Islamic system tackled and accepted this matter prior to its discussion in other schools and societies. The participation of people, their election of government officials and public consensus on it has long been theoretically discussed in Islamic society. Besides, it has also been put into practice. Imposing authority on others on the basis of inheritance or by the use of force is not only doomed to failure but also condemned by Islam. Thus, though Islam acknowledges the necessity of public consensus the question is: Is public consensus and people's acceptance enough for the legitimacy of government according to Islam, or legally speaking, does the Islamic government only do what is approved by the people?

In some newspapers, articles and books, it is written that in the world today acceptability [*maqbuliyyah*] and legitimacy [*mashru'iyyah*] go hand in hand. The basis and proof of a government's legitimacy and right to rule is that the majority of people vote for it. In other words, legitimacy emanates from acceptability. Once the people accept a person and vote for him, his rule shall be legitimate and legal. This is the democratic viewpoint generally accepted by the world today. Our question is: Does Islam accept this view?

Difference between Islamic and liberal perspectives on legitimacy

In reply, it must be stated that what is discussed in the *wilayah al-faqih* theory and preferred above all forms of democratic governments is that the basis of a government's legitimacy and legality in Islam is not the people's vote. However, the people's vote is like the body while the soul of legitimacy is the permission of God. A Muslim regards the universe as God's dominion and believes that all people are His servants, and for this reason, there is no difference among individuals as they are all equal in servitude to God. As the Holy Prophet (s) says,

الْمُؤْمِنُونَ كَأَسْنَانِ الْمَشْطِ يَتَسَاوُونَ فِي الْحُقُوقِ بَيْنَهُمْ

“The believers are like the teeth of a comb; they are all equal in rights.”⁵

So, as servants of God, all are equal and as such there is no difference and distinction between them. All humans are equal in humanity and none is superior to others. Man and woman, white and black are all equally and essentially human. How, it can be asked, and on what basis does a person acquire power through which he exercises sovereignty over others? We accept that the law enforcer must possess brute force which he can employ in times of need. We stated that executive power without brute force cannot perform its duties and the *raison d'être* of executive power is nothing but brute force through which it compels people to obey the law.

Now, if brute force is not at work and the government can call on the people to obey the law by means of mere counsel and admonition, the presence of the '*ulama*' and moral teachers would suffice. The philosophy behind the existence of brute force is that it can be employed in times of need to deter any violation of law, so that anyone who infringes upon the property and honor of another can be apprehended, imprisoned or punished.

The execution of punishments prevalent in the world today and also determined by Islam for violators—one of which and the most known is imprisonment—deprives man of some liberties. A person forcibly confined to an enclosed space has been deprived of his most fundamental freedom. The question is this: On the basis of which right can a person deprive a violator of his freedom? Law enforcers' power to deprive a violator of law of his liberty and rights must be legitimate and rightful.

It is true that the offender must be punished, but why is this punishment exercised by a certain person and not just anyone? Selection of a given person for implementation of law and bestowing of legitimacy to his action must have some basis, because his action is an exercise of authority over human beings. He who imprisons the criminal actually exercises authority over his being—depriving him of freedom and rights, confining him to a limited space and not allowing him to go wherever he likes. He is like a king

who is punishing his own slave.

Since dealing with criminals and violators means deprivation of their freedom and rights and is an exercise of authority over human beings, in the Islamic perspective, the basis of legitimacy of executive power is something more than majority vote. The basis of legitimacy is the permission of God because human beings are all servants of God and He has to grant permission to others to exercise authority over His criminal servants. All people—including criminals—have freedom and this freedom is a divine grace bestowed on all human beings and no one has the right to deprive others of this freedom. The one who has the right to deprive others of freedom is the Master of them all and that Master is none but God.

As such, in the Islamic perspective and approach, in addition to that which is regarded in all humane and rational systems as necessary for the formation of executive power and in essence government, another basis or criterion is also necessary which is rooted in Islamic beliefs and tenets. According to our beliefs, God is the Lord and Master of the universe and mankind. Such belief demands that exercise of authority over His creatures must definitely be done by His leave. On the other hand, laws that define crooked actions and consequently restrain liberties cannot be implemented by the citizens themselves as it requires an institution to pursue their implementation. Consequently, a government or executive power possessing brute force must be formed.

Undoubtedly, a government or executive power cannot function without exercising authority over God's creatures and restricting the liberties of individuals. We have stated that exercise of authority over creatures, though only in the form of restriction of freedom of the criminals and offenders, is justifiable for the One who has such a prerogative, and this prerogative or merit is delegated to others by God only because He is the Master and Lord of mankind and He may authorize the government to exercise authority over His creatures.

The advantage of the theory of wilayah al-faqih over other theories about government introduced in political philosophy is that it is rooted in Islamic doctrines and monotheism [tawhid]. Under this theory, the government and the exercise of authority over people must be sanctioned by God. On the contrary, to believe that to exercise legal authority on the action and liberties of others does not require the permission of God is a sort of polytheism [shirk] in the Divine Lordship [rububiyah].

That is, if the law enforcer believes that he has the right to exercise authority over the servants of God without His permission, he actually claims that just as God has the right to exercise authority over His servants, he also has the same right over them, and this is a form of shirk. Of course, it is a form of shirk which does not render a person as apostate [murtadd]; rather, it is a lower form of shirk which is equivalent to transgression and disobedience, which is a not a minor sin. How can a person consider himself equal to God and claim that just as God exercises authority over His servants, he also has the right to exercise authority over them by relying on their vote? Do the people have any authority that they can delegate to others? The people are all servants of God and the authority over them is in the hands of God.

If we correctly analyze the Islamic perspective and approach on governance, we will arrive at the conclusion that in addition to that which is acceptable *to* all rational people in the political systems in the world, there is another thing that must be taken into account, and that is the government's need for the permission of God to exercise authority over His servants. According to this theory, the legitimacy of government is derived from God while the acceptance and vote of the people is the condition for the formation of government.

- [1.](#) Surah al-Baqarah 2:30.
- [2.](#) Surah al-Ma'arij 70:19-21.
- [3.](#) Surah Ibrahim 14:34.
- [4.](#) Based on the 6th Population and Housing Census conducted in October–November 2006, Iran has a population of approximately 70 million. [Trans.]
- [5.](#) Bihar al-Anwar, vol. 9, p. 49.

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