

Session 27: A Perspective on the Distinctive Structure of the Islamic State

[Fundamental difference between government in Islamic and secular systems](#)

The special function and duty of government is to meet the needs of society and implement laws.

On legislation, we said that in terms of function and extent, laws in Islamic society are different from secular societies. In secular societies laws are ratified and implemented with the purpose of meeting only the material and worldly needs of people. It is even stipulated in some political systems that the government must not support any religion and no sign of advocacy and profession of religion be seen in government institutions or public activities.

In the Islamic system, however, law is meant to ensure not only material interests but spiritual interests—nay, it gives priority to spiritual interests. This point is also raised in relation to executive power. In the Islamic system, the government must ensure implementation of laws which are related to people's lives as well as to their spiritual and otherworldly affairs.

For this reason, in the discussion about legislation we said that it is necessary for Islamic laws to ensure spiritual interests; rather, to give priority to them. It is the duty of the Islamic state to also engage in implementing laws related to spiritual interests, divine rights and Islamic rites, and prevent violations and affront to Islamic sanctities. This issue is among the most important duties of the Islamic state.

[Presentation of a secular state model by those enamored by Western culture](#)

It is often observed in some periodicals and speeches that apart from meeting the material needs of

people, maintaining the country's security and preventing chaos and disorder, the state has no other duty, and addressing spiritual interests and religious affairs is within the realm of responsibilities of the 'ulama' and Islamic seminaries! This outlook is a reflection of the influence of Western culture and secular thought. As stated earlier, among the prominent manifestations of Western culture is secularism, which separates religion from politics.

In laic and non-religious governments worldly activities and affairs are related to politics and statesmen, and spiritual affairs intentionally not related to the state. If certain people want to engage in spiritual and religious affairs, they have to spend their own personal time and facilities for that purpose, and government facilities can not be used because the state has no obligation with respect to the religious needs of people. On the contrary, in Islamic culture the most important duty of the Islamic state is to protect Islam, promote Islamic rites in society, avoid their being forgotten, and prevent insolence and affront, God forbid, to Islamic sanctities and rites.

Advancing the notion that "The state should not interfere in religious affairs" by those who do not accept Islamic culture and follow Western culture is not unexpected. Our difference with them is a fundamental one, the bone of contention being whether Islam is the truth or not. This statement is not that of a Muslim who believes in Islamic fundamentals, but someone who does not understand Islamic culture properly.

State's mission to preserve and promote Islamic mottos

In addition to responsibilities commonly assumed by secular and religious states, the Islamic state is duty-bound to implement Islamic rites. Of course, people can voluntarily engage in some Islamic rites such as observance of congregational prayers, holding of celebrations and mourning ceremonies, administering religious schools, and building national religious centers in charge of holding Islamic rites. Among these centers the Islamic seminaries, as among the most important religious institutions, engage in the preservation, protection and promotion of Islamic rites and culture by spending religious funds paid by the people and without receiving any budget from the state.

But people's involvement does not mean robbing the state of its obligation, and it is not true that the state does not have any responsibility in these matters. In fact, if the voluntary acts of people are not enough, the state must take necessary steps. For example, *Hajj* /pilgrimage is a devotional act and must be performed as an obligation by any physically, mentally and financially capable Muslim [*mustati*].

The *fuqaha*, by citing traditions [*ahadith*], in their books on jurisprudence, have written that if the situation is such that in a Muslim society and country *Hajj* does not become obligatory on anyone because no one can afford the traveling expenses; or those who are physically, mentally and financially capable, on whom *Hajj* is obligatory, do not voluntarily go to perform it and the House of Allah is devoid of any pilgrim, it becomes obligatory upon the Muslim states to dispatch a group of pilgrims by spending from the public treasury, so that the performance of Islamic rites which preserve the interests of all Muslims should not be suspended.

Thus, it is true that *Hajj* is a devotional affair and cannot be directly considered a political and mundane affair and people are obliged to perform it and spend their personal money on it, but if people refuse to perform it or cannot afford to do so, the Islamic state is obliged to provide facilities and grounds for the performance of this divine obligation with the aim of preserving Islamic rites and ensuring implementation of laws.

Therefore, the fundamental and basic difference between the Islamic and secular states is that the Islamic state, before anything else, must be concerned with the performance of religious rites and implementation of social laws and ordinances, and give priority to them. Of course, in practice there is usually no contradiction between spiritual and material affairs, but should there be any contradiction, spiritual affairs must be given priority.

Thus, the Islamic state's foremost obligations are the performance of Islamic rites, preservation of Islamic laws and culture, prevention of any action that weakens Islamic culture and propagates atheistic rites in society.

Methods employed by the state to fulfill its responsibilities

As said earlier, the state must take charge of meeting the needs of society related to war and defense. The burden of planning, policymaking and implementation of such matters is shouldered by the state. But in addition to duties which must be performed only by the state, the Islamic state has to play a role also in meeting some needs of society, and this is done in two ways:

(1) the state takes charge of *only* planning, policymaking and supervision of implementation, and does not intervene in the implementation directly

(2) in addition to planning, policymaking and supervision, it *also* engages in implementation.

To elaborate further, let me say that in order to implement and materialize a social project, first of all, the purpose of the project must be explained and thus general policies and basic courses of action be drawn accordingly. Then, for implementation of those policies detailed and minute planning must be done. A project must have a specific timetable, its beginning and completion must be specified and its budget provided. Next, the group that is supposed to implement the project must be organized. It must be specified how a given project is to be completed, the hierarchy of implementers and workers provided and their statuses and functions determined.

Consider for example the Imam Khomeini (*r*) International Airport Project. Initially, there was a debate about the necessity or otherwise of implementing the said project, related to the overall planning and development in the country. After accepting the necessity of the project, its implementation was planned and its scope, facilities, amenities, plan and design was specified. Then, the qualifications of the contractor and implementer of the project, its timetable and budget was determined, and finally, tenders

were called for so that it could be awarded to the lowest bidding contractor.

In such cases, the government, after policymaking and planning, also takes charge of implementing the project and commissions a government ministry to implement it and allocates a budget, utilizes facilities, manpower and government services; or after expressing commitment to implement the project it allocates a budget for it and employs a company to implement it. In both cases, the government has committed to implement the project. Yet, it is possible that after policymaking and planning, the government will only supervise the implementation of the project. That is, the government will send inspectors to supervise the process so as to prevent violation of laws and rules, improper implementation of design and misappropriation of public funds to ensure that the project is implemented according to the original policy and within the framework of national interests.

Model of totalitarian and liberal states

With respect to social issues, duties and needs such as those pertaining to war, training and education, health, medical treatment, hygiene and cleanliness of the environment, which in principle are duties of the government, a question is raised: Is policymaking and maximum supervision the only duty of the government? Or, apart from policymaking and supervision, must the government also take charge of implementation? Which one is correct according to the Islamic perspective? Should administration and budget allocation of elementary and secondary schools and universities be delegated to the government?

Or, is it that some of them should be delegated to the government and others to the people? For example, in many countries including ours, elementary education is compulsory and the expenses for it are shouldered by the government, but the tertiary level of education is not shouldered by the government and it is not duty-bound to admit a student without receiving a fee. As such, in some countries higher education services are not offered in gratis to the people.

In some political regimes and administrative systems, social activities are undertaken by the state to prevent the oppressive actions of capitalists and those who endanger the interests of society to advance individual interests and personal goals. The emergence of this collectivist thought and the formation of socialist and communist countries was a reaction to the cruelty committed in capitalist countries against the masses.

In Western countries the capitalists committed oppression and tyranny against the deprived and downtrodden to such an extent that this extremist tendency emerged, propounding that all activities must be entrusted to the state which would distribute public benefits and earnings equally among people so that all of them could equally enjoy them. Eradication of oppression of people was the bedrock of socialist thought in the realm of social, political and economic issues which considerably flourished in past decades. In powerful countries like the former Soviet Union, China and their satellite states. Since then, they have been recognized as the archrivals of the capitalist bloc.

This reaction and its slogans gained currency in our country as well and supporters rallied behind it. As a result, in past decades socialist and communist parties were formed in our country but collapsed with the rise of the Islamic Revolution. Historical experience showed that the state's absolute takeover in economic, political and social domains was an incorrect and ineffective way and led to the disintegration and collapse of the communist countries, especially our great northern neighbor (the former Soviet Union). We all witnessed how communist thought destroyed the economic, social and political foundations of a powerful country like the ex-Soviet Union and led to the dismemberment and downfall of that great empire.

At the opposite end of the communist-socialist thought is liberal-capitalist thought which maintains that all affairs are delegated to the people and they are free to do whatever they like. The state interferes in the realms of social life only to the extent necessary and that is to prevent chaos and maintain security. Naturally, in the liberal system in which individuals enjoy much freedom in social, political and economic spheres, those who have more resources, means and capabilities acquire more capital and gain in all spheres.

In the economic sphere in particular, they are ahead of others in the so-called competitive market. As a result, with the expansion of profitable economic activities, they gain enormous capital. The deprived and weak members of society become poorer and more deprived day by day. This wide economic-class gap, taking possession of national and public capital by a small class in society and the spread of poverty and deprivation in other strata of society, led to mounting public protests, revolt and insurrection against politicians, their expulsion from the political scene and the formation of the communist system—a scenario which seemed to have more advantages for the deprived class. In order to avoid and prevent revolution and public uprising in liberal countries, amenities were provided to the poor and low-income earners.

In many European countries which are adopting the liberal system, socialist parties are active and even some governments are controlled by socialist or social democratic parties. For example, the Labor Party which sometimes succeeds in garnering the majority vote in forming the cabinet in Britain has socialist inclinations. This inclination, preference and provision of facilities for the deprived classes of society are meant to dissuade them from rising up against politicians, because once there is relative welfare for all strata of society, the deprived classes have no more reason to revolt. Among the amenities considered for the general public are insurance for the unemployed and retired, health insurance and construction of many small houses of low rental value intended for the deprived classes by the city mayor's office.

Thus, in political philosophy there are two dominant and diametrically opposed theories about state. The first theory is socialism which pays more attention to society and gives preference to collective interests over individual interests. By putting this theory into practice, the state's interference and control increases in the realms of social life to prevent misappropriation of public funds and oppression against the deprived and downtrodden. Opposing socialism is liberalism. Based on their reasons, the proponents

of this theory believe that the state should have minimum interference in the affairs of society. The maximum or minimal extent of interference by the state related to the abovementioned theories can be observed in speeches, articles, newspapers, and books.

Western and European governments are liberal governments. They have delegated government institutions to private companies. For example, the Post and Telegraph Department is not government controlled but rather privately undertaken by companies who control the selling, transport and transfer of telephone lines, and provide different services in various cities. The role of the state is confined to planning and supervising private companies. Similarly, providing water and electricity and other public needs of citizens has been entrusted to the private sector. In our country most of the above are undertaken by the government.

Islam's idealistic and realistic perspective on state

The question that one may ask is: Which of the two ways is considered more appropriate in the Islamic system? Which is better, to maximize the state's interference and assumption of control, or to minimize the state's interference and delegate affairs to the people? As we have said in the previous session, in reality the promotion of massive public participation in various arenas is one of the meanings of civil society according to which social activities must be delegated as much as possible to the people.

Islam has a moderate perspective on the state which is an amalgamation of idealism and realism. Many of the theories and views presented in class sessions, both at the university and seminary are fascinating, but in spite of being ideal and desirable cannot be translated into action in the practical world. For example, one supposition is that if the moral growth of people reaches a level where all of them observe laws there would be no need for controlling and deterring agents. It is a very attractive supposition but that level will never be reached.

On the other hand, because there will always be transgression in society, it is not justifiable to say that maximum harshness is desirable so that no one dares to violate laws. In Marxist and fascist countries under martial law, government orders are strictly implemented and the police and disciplinary agents are so harsh in dealing with violators that no one dares to violate laws. An example of those countries was our western neighbor (Iraq under the Ba'athist regime) which imposed an unsolicited war on us for eight years. A powerful police force which deals harshly with any violation and protest is ruling. A person who commits a minor violation is gunned down or executed without any trial or investigation.

When the deprived and poor members of society see that bribery and overcharging are rampant and subject them to unendurable pressure and difficulty, they wish that these profiteers are dealt with severely and some of them executed so that no one would dare to practice bribery and overcharging anymore! In socialist countries, more or less, such wishes are realized, but it must be seen what Islam says about severity to violators and criminals.

Based on what we can infer from the Qur'anic verses and traditions, Islam has considered a moderate and balanced approach for the Islamic state.

In the penal laws of Islam, severe punishments have been considered for some crimes, violations and licentious acts. On the other hand, however, it has also set certain conditions and limitations for proving and establishing these crimes so that in practice only a few cases can be proved. Consequently, those laws and heavy punishments can be implemented only in very rare cases—for example, one or two cases every year. For instance, the Qur'an thus says regarding the punishment for theft:

﴿...وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا﴾

“As for the thief, man and woman, cut off their hands as a requital for what they have earned.”¹

And regarding the punishments for those who committed licentious acts, it says:

﴿الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِئَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ﴾

“As for the fornicatress and the fornicator, strike each of them a hundred lashes, and let not pity for them overcome you in Allah's law, if you believe in Allah and the Last Day, and let their punishment be witnessed by a group of the faithful.”²

Yet, on the other hand, Islam has set very difficult conditions to prove and establish the crime of fornication [*zina*], stipulating that such a decree shall be executed provided that four just witnesses who personally witnessed the act of fornication give testimony in a court of law. In case less than four witnesses be present in court, not only will the crime not be proved but the complainant will be lashed for calumny.

Islam neither obliges the state to meet all needs of society including unnecessary luxuries nor totally forbids it from interfering in social activities. Instead, the magnitude of the state's interference is in accordance with the changing circumstances which necessitate interference by the state.

Sometimes the situation is such that civil society must be formed based upon the first Muslim community established by the Prophet (s) in Medina in which the guiding principle was that whatever can be done or assumed by the people must be delegated to them. They must assume the responsibility of meeting the primary needs such as training and education, electricity, water and the sewage system, and not allow certain profiteers and opportunists to take advantage and encroach upon the rights of the underprivileged and deprive them of their basic needs. In such a case, the state must enter the realm of social activities to counter the devious plans of profiteering capitalists. For example, if a private telecommunications company offers expensive services to people, the state has to offer cheaper

services or delegate to itself all telecommunications services.

Defects of a state's centralized system

A state's centralized system or delegation of the main social activities to the state is improper and inefficient for many reasons. For example, if a state wants to meet all the needs of society, it must create government organizations having a considerable percentage of its employees—say, 20 percent—coming from the people. This approach has three fundamental defects. The first defect is that the expansion of the government sector will entail a huge budget which will cause further problems for society.

The second and more serious defect is that once an organization of such magnitude is created, irregularities within it are greater and ample grounds for violation and abuse within it are provided. For instance, if the state wants to prevent fleecing, it has to assign elite inspectors to report fleecing *cases* by conducting surprised inspection of shops. Now, if the government assigns an inspector for every shop, you can imagine how large a work force will be required.

Besides, some of these inspectors will violate the law by getting bribes from some shopkeepers so as not to report their fleecing. As a result, a separate department to investigate the performance of inspectors will have to be created. For whatever reason, experience has shown that such schemes are not practically successful as they do not bring any good result. In fact, they cause further violations and bribes.

The third defect of a centralized system which is notably serious according to Islam is, compelling human beings to mold themselves and do good deeds not through coercion and pressure. Man's action is valuable only if it stems from his own free choice and will, but once compulsion and force prompt man to act, the spiritual and sublime effect considered by Islam ceases to penetrate the soul of man and the ultimate goal is lost.

1. Surah al-Ma'idah 5:38.

2. Surah an-Nur 24:2.

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