

# Session 29: The Political Hierarchy in the Islamic State

## Specific duties of an Islamic government

It would be convenient for our reader to take a quick look at the specific duties of an Islamic government before glancing at its political hierarchy.

1. *To guarantee the implementation of laws which directly concern citizens.*
2. *To implement penal and criminal laws which directly pertain to the state.* That is, if certain persons do not act upon or violate basic laws, the state is obliged to punish or penalize them on the basis of law.
3. *To meet the needs of society which only the state can meet and are beyond the capability of individuals and groups.* An illustrious example of these needs is the issue of defense against foreign enemies.
4. *To meet those needs which initially did not pertain to the state as common citizens used to meet them, but which cannot be performed by them anymore.*
5. *One of the important and crucial responsibilities of the state is the exploitation of national wealth and resources which in the Islamic culture is called “anfāl”; for example, forests, seas, mines, oil and gas, gold mines, and other public wealth which have no specific owners and no one has the right to personally exploit them. There is a need for the “state” to properly exploit these resources in favor of society.*
6. Last and most important, *the distinctive feature of the Islamic state is that apart from meeting the material needs and discharging the duties which all states have, the spiritual needs of society must also be addressed. Along this line, preservation of Islamic rites, offering public religious education, providing opportunities for the propagation of Islam, and the realization of Islamic objectives are among the*

*exclusive duties of the Islamic state.*

## **Qualifications of Islamic state officials**

In view of the crucial duties of the Islamic state, the qualifications of officials and workers of the Islamic state in all echelons become clear because the qualifications of officials is commensurate with their duties. Undoubtedly, the heavier and more sensitive the responsibilities, the more qualified the officials must be. The responsibilities of the state in the Islamic political system being heavier compared to other states, the officials of the Islamic state also need to better their qualifications. In every system laws must be implemented but compared to the secular systems, the legal code is broader in the Islamic state.

The objective of law in non-religious systems is to meet material needs of society, maintain social security and prevent chaos and disorder. Such an objective can be realized under easier conditions. Once we add to this objective the protection of spiritual interests and religious values, as stipulated in the [Iranian] Constitution and its implementation entrusted to the Islamic state, the qualifications required for officials in the Islamic political system are more difficult than those of other political systems.

With this introduction, it is now time to state that every implementer of law in all political systems must possess three general qualifications. In addition to religious textual proof for the officials of the Islamic government, the triple qualifications and principles also have a solid rational basis.

### **1. Knowledge of law**

He who wants to implement law must have a thorough knowledge of it and be familiar with the conditions and manner of implementing it. One who is ignorant of the law tends to transgress and fail to implement it, and go beyond the limits of his assumed responsibility. Moreover, in view of the fact that laws of the Islamic system are compatible with the fundamentals of Islam, every employee, official or head must be familiar with the religious laws and statutory laws related to his occupation and responsibility because he is duty-bound to act within the framework of these laws.

For one who assumes a responsibility, acquiring correct knowledge, information and insight of his responsibility is of utmost importance. This knowledge of the type and scope of the responsibility a person assumes is not identical. Sometimes, a person has a small responsibility in a limited and specific unit whose pertinent rules and regulations are not many. In this case, the required knowledge to accept that responsibility is very limited. At times, the scope of responsibility of a person is broader; for example, to be the mayor of a city. In this case, the concerned person must know properly all laws related to administering different sections of the city and the manner of implementing and supervising their implementation.

Similarly, there are more conditions for assuming more responsibilities, such as ministerial posts and above them the presidential post which is the highest executive position. The person occupying the

presidential post must have outstanding knowledge and familiarity with law, and the ideal and best person assuming such a responsibility will be the one with the utmost knowledge of law.

## **2. Moral excellence**

In addition to knowledge of law, the implementer as well as all officials and administrators must also possess distinctive moral excellence so that they do not misuse the posts and facilities at their disposal, with personal and factional motives prompting them to transgress the bounds of their responsibilities. A person may be well-versed in law but once its implementation is inconsistent with his interests, he might be ready to violate it just for the sake of protecting his interests.

There are many examples of such violations by executives and politicians of different countries. It is often read in newspapers around the world that the president of a given country is condemned to some years of imprisonment for financial corruption, or a certain minister or head is convicted by court. The reason is that they do not have enough piety and moral excellence to prefer public interests to their own. Hence, they violate the law.

So, the second qualification of the implementer of law is possession of moral excellence, which is likewise known as a level of God-wariness [*taqwa*], so that he can resist caprice, desire and personal or factional interests and steadfastly support the truth.

## **3. Managerial skill and experience**

A person may be well-versed in law, pious and of good morality, but not have sufficient skill and the necessary acumen to implement the law, and in practice does not know the actual application of law and manner of implementing it. For this reason, those who are in charge of affairs are religiously forbidden to entrust responsibilities to those who do not have the required skill, experience and efficiency in discharging their duty. So, for an administrator to give a satisfactory and desirable performance, this qualification must be considered in selecting him.

In Islam, as in all political systems these three qualifications are emphasized while choosing administrators and executives, but the second qualification, i.e. God-wariness and moral excellence is particularly emphasized. In other political systems in the world the stress is more on the other two conditions and less on the administrators' piety and sense of justice. Yes, sometimes this condition is expressed in the form of an absence of criminal records of those who occupy government positions.

## **Necessity of determining origin of statesmen's qualifications**

A point worth pondering and given attention to in various schools of philosophy is that each of these qualifications has different levels which in turn have different values. For example, God-wariness has various levels and degrees. One of its levels, which is actually the lowest, is the performance of what is

obligatory and avoidance of any sin. Another level is that which is possessed by the holy saints [*awliya*] and great leaders of religion like Imam Khomeini (*r*) and those whose stations are near those of the Infallibles. By having this lofty station, they keep their mind or thinking away from insincerities and ungodly thoughts.

Now, which level should be considered as the source and basis of qualifications of those occupying administrative posts? If we consider the highest level of *taqwa* as the basis, we will face a problem because such people (who have very high level of *taqwa*) are very few and perhaps only enough to fill in the highest posts in the country but none for low-rank positions. If we regard the lowest level of *taqwa* as sufficient, we usually find such people violating laws and defeating the purpose of their posts.

This problem has posed as a challenge to those who present practical methods in different realms and domains of human behavior. Concerning the possession of different levels of moral merits, some believe in the principle of “either all or none”. That is, either a person should have the highest level of moral excellence or the necessity of having moral merit should be neglected. In the different fields of social sciences including moral philosophy, there is a particular group which holds such an idea.

## [Rejecting the value-laden approach of Kant in the realm of behavior](#)

Those who are familiar with the epistemological aspect of moral philosophy know that one of the most popular schools of moral philosophy is that of the famous German philosopher, Emmanuel Kant.<sup>1</sup> He believed that any action has a moral value once it is done in the best form without any emotional or social secondary intention or motive. That is, if a person wants to do something good and meritorious, he must do so solely because it is good and meritorious, and not for the sake of its perceived beneficial outcome or for emotional satisfaction.

Therefore, Kant does not give any value to the action of a mother who wakes up at midnight by hearing the cry of her baby and feeds it although according to common people she has done something valuable. According to him, she feeds her baby due to the instinctive emotional relationship between the two. If she does not feed her baby, she will be annoyed, and in reality, by feeding her baby, she satisfies her emotional and psychological needs.

Similarly, if a person does something beneficial for society or tells the truth to gain the confidence of people in social life, his action is devoid of any moral value. Telling the truth has moral value only if a person tells the truth because telling the truth is good. Kant has very high standards of morality. An actual manifestation of his moral philosophy can hardly be found. With the exception of the actions of only a very few individuals, the good deeds of people have no moral value because they are done for emotional contentment, gaining personal, social, and most importantly, spiritual and otherworldly rewards.

So, an action is morally good that possesses all the required conditions and if it lacks even one of the conditions, it has no moral value at all. In other fields including discussions on politics and government, it is also said that a government is rightful when all its officials satisfactorily possess the required qualifications. This reminds us about the establishment of the much awaited government of truth.

Prior to the victory of the Islamic Revolution, some religious yet intransigent and crooked-minded Muslims in our society also had the same notion of government, saying: “We have to think of establishing an Islamic government only when many people like Salman al-Farsi exist in our society so that each of them can be assigned the duties of the mayor of every city or town. So long as righteous and meritorious individuals like Salman are not yet trained, one should not get involved in any revolution or movement.”

This group of narrow-minded individuals believed that prior to the advent of Hadhrat Wali al-‘Asr (may Allah expedite his glorious advent), the right conditions and grounds for an Islamic revolution or movement were not available, so one should not stage a revolution. Accordingly, one should wait for the revolution of the Last Imam (‘a) with the assistance of his 113 distinguished and outstanding supporters to establish the government of justice and equity. They believe that as long as this number of outstanding personalities in terms of morality and piety does not exist, any political movement or step is uncalled for.

Pious and sincere personalities must be available so that all strategic posts and occupations can be assigned to them and no shortcoming or loophole of any kind can take place in administering society. The least objection and criticism that can be raised against this view is that it can never happen in reality. Besides, if, one does not take any step to topple the government in power and establish an Islamic government as long as the number of righteous, outstanding and distinguished personalities with the highest degree of piety and morality is not reached, then corruption and wickedness in society will increase and prevent positive sociopolitical developments.

## **Islam’s non-judgmental approach in value-giving and assigning duties**

In contrast to the above single level and one-dimensional value system, in some systems concerning personal and individual actions as well as sociopolitical changes, various levels and diverse schemes have been functioning. In the first place, an ideal scheme is presented and then other schemes with lesser degrees, advantages and conditions, and finally, emergency schemes. In various cases and situations, there is also the “case-to-case basis” permission in Islam.

For example, in Islam it is incumbent upon any person who reaches the age of puberty to perform prayer with utmost concentration and sincerity including all other conditions. But this ruling is not fixed but alterable in emergency and exceptional situations. It is applicable only to the situation when a person is

capable of performing prayer with all its conditions and parts, whereas in exceptional and emergency situations some of its conditions and parts are no longer required. In a situation when the person praying must take a bath [*ghusl*] but there is no water available, or water is harmful for him; or he must perform ablution [*wudhu*] but cold water (which is the only available) is harmful for him; or he cannot perform ablution, Islam does not accept the notion of “either all or none”.

Islam does not say that one should pray only when all conditions can be fulfilled and do so with utmost concentration and sincerity or not pray. In such cases, instead, Islam has offered man alternatives commensurate with the exceptional and emergent situation he may be in. In the abovementioned example, it has ordained that if a person is incapable of taking a bath or performing ablution, as the case may be, he still has to pray after performing dry ablution [*tayammum*]; if he cannot stand and pray, he should sit and pray; if he cannot pray while sitting, he should pray lying down. Even in a situation when a person is still conscious but cannot move his body including his tongue, Islam has not exempted him from prayer. Even in such a critical and bad situation he has to pray, but it is commensurate to his condition or situation.

This shows that in the Islamic value system different qualitative and quantitative degrees have been taken into account for sociopolitical and religious obligations, each of which has a value commensurate to its nature. In the first place, the lofty and ideal degree is considered and below it are the second and third degrees until the lowest degree which is related to an emergency or an exceptional situation. The obligation of man in the latter situation is the least that can be expected from him.

## Worship has different degrees of value

Another example that can show the fundamental distinction and difference between the Kantian theory and the Islamic viewpoint is the value of worship [*ibadah*] and its different degrees. The highest form of worship is that which is done solely because of love and reverence for God—the same worship the Commander of the Faithful (‘a) described in one of his litanies [*munajat*]:

إِلَهِي مَا عَبَدْتُكَ خَوْفًا مِنْ عِقَابِكَ وَ لَا طَمَعًا فِي ثَوَابِكَ وَلَكِنْ وَجَدْتُكَ أَهْلًا لِلْعِبَادَةِ فَعَبَدْتُكَ.

“My Lord, I have not worshipped You out of fear of Your chastisement or out of greed for Your reward, but I found You worthy of worship so I worshipped You.”<sup>2</sup>

In another place, Imam ‘Ali (‘a) divides the worshippers into three groups:

إِنَّ قَوْمًا عَبَدُوا اللَّهَ رَغْبَةً فَتِلْكَ عِبَادَةُ التُّجَّارِ، وَإِنَّ قَوْمًا عَبَدُوا اللَّهَ رَهْبَةً فَتِلْكَ عِبَادَةُ الْعَبِيدِ، وَإِنَّ قَوْمًا عَبَدُوا اللَّهَ شُكْرًا فَتِلْكَ عِبَادَةُ الْأَحْرَارِ.

“A group of people worship Allah out of desire for reward; this is the worship of traders. Another group worship out of fear; this is the worship of slaves. Yet another group worship Allah out of gratefulness. This is the worship of free men.”<sup>3</sup>

In his statement, Imam ‘Ali (‘a) regards the worship done solely out of gratitude and reverence to God as the highest and most superior, and Islam wants that all believers perform that kind of worship. However, it is clear that not all have the station, capacity and dedication to perform such worship. Such worship can only be done by the sincere *awliya*’ of Allah whose station is so sublime that they have been annihilated in the Beauty of the Beloved, and even if they are thrown into hellfire, they will not desist from worshipping and calling unto Him. Or, even if they are not admitted to paradise, they will not stop worshipping Him. No doubt, such individuals can hardly be found in millions.

Now, once we accept Kant’s notion of “all or none” and believe that an act is morally good only when it fulfils all necessary conditions and capabilities without even an iota lacking in it, it means that the only acceptable worship is that of the highest degree which is done solely because of gratitude and reverence to God; only the worship of the sincere *awliya*’ of Allah is accepted, and not the worship of those who desire paradise or are afraid of divine chastisement. Islam does not accept this myopic and bigoted view.

In order to facilitate the servants of God and remove any hardship or difficulty along their way, Islam has considered varying degrees as far as worship and other obligatory acts are concerned—degrees which begin with the least required capabilities and conditions, i.e. possession of the minimum valuable quantities, up to the highest degree or level which has all the required capabilities and conditions and to reach it means attainment of the highest spiritual station of man.

It is like the worship of personages such as the Commander of the Faithful (‘a) and the students of his school [*maktab*] who have attained the most exalted station and gnosis and reached the highest degree of servitude to God. But the worship of those who are below them and have reached lower stations and worship God out of desire for spiritual rewards and recompense is also acceptable. So is the worship of those who are even lower than them and worship God out of fear of His punishment. Their worship also has some value.

## **Categorized models of Islamic government**

The basis of values in Islam is not “all or none” or of a single level. Values have varying degrees which begin with the lowest degree up to the highest. The same is true of the Islamic political system. Islam presents an ideal form of government which can materialize under particular circumstances by those who have exceptional qualifications, capabilities and merits that cannot be found in others. In reality, that form of Islamic government can be run only by those who possess infallibility [*‘ismah*] and do not have the least defect and blemish in their thinking, speech or action.

This is the highest form of Islamic government that can be described so far—the government headed by the one who not only refrains from thinking of sin but also does not unconsciously make a mistake. He has no blemish of any sort and completely abides with what is good; he perfectly knows the code of Islamic laws and implements them exactly. This is exactly the ideal form of government which was implemented by the prophets including the Prophet of Islam (s) and during the short reign of the Commander of the Faithful (‘a).

Of course, more ideal than this can also be imagined but it is impossible to implement, and that is the form of government whose chief executive as well as commanders, governors and mayors are all infallible [*ma‘sum*].

As we have said, this form of government will never be realized because in no period of time will the number of infallible personages be such that all government posts can be occupied by them. The only ideal form which can materialize is that a *ma‘sum* heads the government hierarchy. Besides, this ideal form will only materialize at the time of the presence of a *ma‘sum* after removal of all impediments to his rule.

Therefore, in the Islamic political system various stages and degrees have been considered for the government. After failing to establish the highest form of Islamic government headed by a *ma‘sum*, (during this period of occultation [*ghaybah*]) we should not give up trying to establish an Islamic government.

In the case of inaccessibility of an infallible Imam we have to entrust the government to one who in terms of knowledge, God-woriness and management—whose highest degree can be found in a *ma‘sum* as he has infallibility in knowledge, motive and action—is nearest to an infallible Imam. In the absence of such a person, the government must be entrusted to the one who is lower to him in station, one after the other, until it reaches the turn of the one who has the least qualification to run the government. With a degree lower than that, the government objectives will never materialize. Under no circumstances should this form of government be chosen.

## **Rational proof of the wilayah al-faqih system**

The ideal and highest form of Islamic government which is the sought-after according to Islam is the rule of a *ma‘sum*. When its ideal form cannot be established due to the absence of a *ma‘sum*, the one chosen to rule should be one who is nearest to the *infallibles* in both knowledge and action. He can be no other than a duly competent jurist [*faqih*] who, on account of merits, capabilities and proximity to the *infallibles* in terms of knowledge, behavior and managerial skill, is regarded as the successor to the infallible Imam.

So, the justification of the *wilayah al-faqih* system is that when there is no direct access to the infallible Imam, the duly competent *faqih* who is superior to the rest in the knowledge of laws, in piety, even in

sociopolitical matters, in the observance of social justice and enforcement of laws, in possessing political acumen to manage society and practical skill in ways of implementing laws, in struggling against evil and carnal desires and preferring the interests of Islam to personal and factional interests, has to take charge of government affairs.

In this regard, one may possibly say: Since we do not have direct access to a *ma'sum*, the qualifications required for the Islamic ruler are no longer necessary nor credible—neither the expertise in Islamic jurisprudence, God-wariness nor managerial skill. Anyone may file his candidacy to rule over the Muslims, and once the majority of people accept him, his authority should be credible and binding. In reality, this hypothesis is anchored in the principle of “all or none”.

That is, if the highest form of qualifications which only a *ma'sum* possesses is unavailable, those qualifications in their lower forms are no longer credible. Once the piety of a *ma'sum* is not possessed by anyone, piety is not necessary at all for a ruler. A corrupt person who commits a cardinal sin can also occupy the highest post in an Islamic government. One who does not have a rudimentary knowledge of jurisprudence can also occupy the highest post in an Islamic government. According to the Islamic political system, this notion has no justification at all and is rejected. It can only be justified in the Western democratic theory.

In Muslim countries, some intellectuals who have a superficial and scanty knowledge of Islam have mixed their understandings of Islam with the tenets of Western culture and succumbed to eclecticism. In supporting the democratic model, they show in practice that they have accepted the notion of “all or none”. These narrow-minded Muslims believe that in the presence of an infallible Imam, he must rule over the Islamic society. In his absence the criterion should be the opinion of the majority, and no condition other than popular acceptability be binding. Such a view is in no way compatible and concordant with the Islamic perspective and the dominant spirit of Islamic laws.

Islam has laid down different levels for its laws. In its value system, it has also considered different degrees of values. With respect to social issues, we can equally observe that it has taken into account special or particular conditions for some social matters. In case of failure to meet all the required conditions, those conditions that can be met are acceptable. With the aim of elucidating this point, we shall deal with the issue of pious endowment [*waqf*] which is one of the social laws of Islam.

It is stated in the rulings on *waqf* that if a pious bequest [*mawqufah*] is endowed with a particular use, it must be utilized for only that particular use. Now, if that particular use is practically no more available and has no external manifestation, the pious bequest must be utilized in something which is most similar to the intended utility. For example, our predecessors had endowed many pious bequests to provide the forages of riding animals of pilgrims to the holy shrine of the Doyen of the Martyrs (‘a). The income of these endowed properties was spent on the forages of horses and camels mounted by pilgrims to the mausoleum of Imam al-Husayn (‘a) in Karbala’.

However, since that utility is no longer applicable now as no one goes to Karbala' for pilgrimage riding a horse or camel anymore and traveling is done by air, rail or road, shall we dispense with those endowed properties and not consider any utility for them on the basis of the "all or none" thesis, or as the Islamic perspective or approach demands, shall we choose the other options which are the most similar to the previous utility to provide fuel for airplanes and vehicles of pilgrims to Karbala'?

Similarly, if an endower [*waqif*] wills that after him any one of his sons who becomes a *mujtahid* will assume the custodianship of his *waqf*, yet none of his sons is a *mujtahid* though one of them has almost attained *ijtihad* or is a quasi-*mujtahid*, will the *waqf* remain without any guardian since none of the potential guardians is fully qualified? Or, shall we choose the second most qualified in the absence of the perfectly qualified guardian, i.e. choose the one who has almost attained *ijtihad* in the absence of a *mujtahid*?

In religious and sociopolitical issues there are many examples that both reason and religion regard as having an array of degrees. Similarly, in the Islamic government different degrees have been considered for the ruler. In the case of unavailability of the highest degree, i.e. an infallible Imam like in this period of occultation, the government should be entrusted to the one who is the deputy of the infallible Imam ('*a*) and the nearest to him in every respect, and that is no one other than the duly competent *faqih*.

1. Immanuel Kant (1724–1804): the German philosopher considered by many as the most influential thinker of modern times. Describing in the *Metaphysics of Ethics* (1797) his ethical system which is anchored in a notion that the reason is the final authority for morality, actions of any sort, Kant believed, must be undertaken from a sense of duty dictated by reason, and no action performed for expediency or solely in obedience to law or custom can be regarded as moral. [Trans.]

2. Bihar al-Anwar, vol. 41, p. 14.

3. Nahj al-Balaghah, Saying 237.

---

#### Source URL:

<https://www.al-islam.org/islamic-political-theory-legislation-volume-2-muhammad-taqi-misbah-yazdi/session-29-political#comment-0>