

Session 32: The Exigency of Elucidating the Ideological Position of the Islamic System

Different levels of understanding the Islamic government

In previous discussions we described the structure of the Islamic system and described the Islamic government as a pyramid having at its top a person who is directly or indirectly designated and appointed by God. This idea is advanced in political philosophy as a theory, but to prove that this idea is indeed the theory of Islam and the best one that can be presented about governance and the macrocosmic management of Islamic society, requires meticulous academic study and examination. There are relevant questions which the experts and *fuqaha* must answer after conducting extensive academic research. These questions can be answered on three levels.

1. General understanding

Sometimes, in order to know their responsibilities and duties people refer to an expert or specialist who can answer their questions and specify their responsibilities according to his knowledge. For example, laities refer to *maraji'at-taqlid* [sources of emulation], asking them questions and requesting them to determine their practical responsibilities in religion. It is also like the referral to the experts of every field. For example, patients consult their physicians and ask for medicine that will cure them. People refer to a civil engineer for their house design and plans. In these cases, general and practical answers are given and there will be no mention of the intellectual basis of an answer. Actually, the product and extract of extensive scientific efforts, *ijtihad* and assiduous investigations are presented to people.

Evidently, our society already has a general knowledge of the Islamic government because of the establishment of the Islamic system in our country. Perhaps, prior to the victory of the Islamic Revolution, there might have been people here and there who were unaware of the Islamic government or the theory of *wilayah al-faqih* and who needed to be informed. But now no one asks about the realization and establishment of the Islamic government. Of course, it does not mean that the notion of

Islamic government does not need any elaborate, comprehensive and complete explanation. Rather, the point is that the theory of *wilayah al-faqih* and the Islamic government has already been settled and clarified to our society so much so that even opponents and foreigners are aware of it although they sternly oppose Islam and the Islamic Revolution.

Our people who have discerned the truthfulness of our system faithfully defend the great achievements of the Islamic Revolution, i.e. the Islamic government or the *wilayah al-faqih* system, and will continue to do so in future. While facing the enemies of the Islamic Revolution and system, these people chant the slogan “Death to the anti-*wilayah al-faqih*” [*marg bar dhidd-e wilayat-e faqih*] as a political symbol and emblem of opposition to the opponents of *wilayah al-faqih*. They even chant it as a supplication and form of worship in political and religious gatherings as well as in mosques.

Apart from a general reply to the question on the Islamic government and *wilayah al-faqih*, there are two other levels of examining it. One is the high level of academic and jurisprudential examination of the theory of *wilayah al-faqih* for the experts and authorities. The other is an average level for the students and researchers.

2. Specialized and technical understanding

An accurate, scientific, intensive or academic study of the subject of Islamic government and *wilayah al-faqih* shall be done by those who occupy a high academic standing, by utilizing their utmost knowledge, talent, means and time. For example, the doctoral student who wants to write his dissertation on the Islamic government or one of its branches must have a comprehensive and intensive knowledge of the subject. He must take into account all its aspects, spend many years studying and examining it, refer to authentic and reliable authorities, consult professors specialized in the field and entertain their suggestions in order to present his arguments, so that his dissertation is approved.

An endeavor similar to this extensive academic research, is also being conducted in our religious seminaries. Those taking advanced studies [*bahth al-kharij*] to obtain the license to exercise *ijtihad* sometimes conduct a thorough study and examination of a specific and seemingly simple subject, reading tens of books and consulting and discussing with *fuqaha* and scholars, so that they can finally express their expert opinion. In all theoretical discussions on beliefs, ethics, secondary laws, social, political and international issues, meticulous, comprehensive and intensive studies are conducted by authorities in order to preserve the richness, loftiness and dynamism of the Islamic culture. It must be noted, however, that this level of examination of the Islamic government or *wilayah al-faqih* is neither necessary nor useful for the public.

3. Average understanding

While dealing with the average level of understanding we will neither present a general answer on the Islamic government as a rector [*mufti*] or *marja' at-taqlid* answers a question [*istifta'*] and explains an

issue in his treatise on the practical laws of Islam [*risalah al-‘amaliyyah*], nor approach the issue in an academic and elaborate manner which requires many years of research, studies and reading of many reference books. Our aim is to give the different strata of society an average awareness and understanding so that they can counter the objections raised by enemies and opponents and confront conspiracies and threats.

Culturally, the present state of affairs in our society is like that of a society facing a contagious disease like plague, and are on the verge of being afflicted with an epidemic. In combating this disease or plague it is not enough to give only a single piece of advice or only an expert’s opinion in the newspapers or other media. Through constant reminders as well as necessary and sufficient admonitions, the level of awareness of the masses should be elevated to attain a healthy cultural condition to combat a social plague. Besides admonition, holding seminars, roundtable conferences, sufficient explanations and information drives must be held so that the people are fully informed of the ever looming threats.

Now, I would like to present the average understanding with information about the Islamic government and *wilayah al-faqih* because I feel that our new generation does not have sufficient information about the issues of the Islamic Revolution including the issue of *wilayah al-faqih* which is the main pillar of this system, and wicked whisperers have led them to the verge of deviation and misguidance.

Our future inheritors of this revolution need to become aware of these issues and not be afflicted with cultural plagues and satanic mischief. I am offering average level discussions to pave the necessary social and cultural ground to improve their insight and certainty on the theory of *wilayah al-faqih* to enable them to struggle and resist deviant eclectic ideas prevalent in society today. Also, if someone asks them about their acceptance of the Islamic government and the exigency of *wilayah al-faqih*, they can answer and defend their beliefs. If they are asked questions that require a thorough study and more profound knowledge, they must refer them to the concerned authorities. With this aim in mind, I have divided this series of discussion into two parts, viz. (1) legislation and (2) statecraft.

A review of the characteristics of law and its necessity

The first part of the discussions came to the following conclusions:

(1) Man in his social life is in need of law because life devoid of law means chaos, disorder and savagery, and leads to the collapse of human values—something which cannot be denied by any intelligent person.

(2) According to Islam, any law considered for the social life of man must ensure his material and spiritual interests. Some philosophers have asserted that no law can cover both worldly and otherworldly issues. A political system must be either world-oriented whose only pursuit is to ensure worldly and material interests, or otherworld-oriented that should not interfere in worldly interests and material needs. This criticism is the most ignominious of all those ever expressed against the Islamic political

system. Unfortunately, some of those who hold government posts misguide others by employing a grandiloquent style while criticizing our political system.

The bedrock of Islamic thought is that life in this world is a prelude to life in the hereafter and what we do in this world can be a source of our eternal felicity or endless perdition in the hereafter. Religion is essentially meant to lay down a set of programs and plans for this worldly life which ensure comfort and prosperity in this world besides guaranteeing eternal bliss in the otherworld.

By following the set of programs received by the prophets (‘a) from God for the guidance of mankind, man’s success in both worlds is guaranteed. In view of the clarity and self-evident nature of these points, it is surprising that those who have enough knowledge of the Qur’anic verses and traditions and cannot be regarded as ignorant, spitefully close their eyes to the truth and introduce in their talks issues and matters related to the world as separate from those related to the hereafter.

They say, Religious affairs and otherworldly interests are dealt with only in the temples, churches and mosques. Also, social and worldly problems can only be solved by the human mind and experience, and religion cannot and should not play any role in them! This satanic assertion of Muslims who say they know the fundamentals of religion is against the essential principles of all revealed religions, Islam in particular.

(3) The third preliminary point is that it is incumbent upon human beings to secure their material interests through acquired experience, use of intellect, skills and various sciences, but they can not secure their spiritual and otherworldly interests¹ because they do not have any spontaneous knowledge of their spiritual and otherworldly interests. Man does not know what is useful for his eternal felicity in the other world simply because he has no experience of life in the hereafter. Neither can he benefit from the experience of others as no one has any experience of the hereafter. As such, he cannot find the way to a blissful life in the hereafter on his own.

Keeping in view what has been said, it is clear that worldly and otherworldly interests can only be identified by God and those who are endowed with divine knowledge, and the law that emanates from God the Exalted, must be implemented in society to secure worldly, otherworldly and spiritual interests.

Another review of the qualities of the implementers of Islamic laws

During the “legislation” part of the discussion, we enumerated three main qualities that a person with divine connections must possess, if his main duty is implementation of the law which guarantees worldly and otherworldly interests.

First condition or qualification: The implementer of law and any Islamic ruler, in general, must know the law. Of course, there are different degrees and levels of knowledge and learning, the ideal one being

impeccable knowledge of divine laws. He who possesses this quality and attains this station is an infallible person who does not err in his gnosis, perception and discernment and knows the law revealed by God perfectly. Naturally, in the presence of such a person, i.e. an Infallible, his sovereignty over society becomes indispensable and exigent. But in the absence of the Infallibles, the government and the implementation of laws shall be delegated to the person who knows the laws better than anyone.

Second condition or qualification: The implementer of law should not be influenced by personal or factional interests, whims and caprice. In other words, he must have moral integrity. Like intellectual competence, moral integrity also has different degrees and the ideal degree can be found in an infallible person who is never influenced by ungodly motives, threats and temptations. He will never sacrifice collective interests before the altar of personal, familial or factional interests. Of course, in the absence of the Infallibles, the person who is morally nearest to them has the right to rule and implement law.

Third condition or qualification: The possession of managerial skill and talent to apply general laws to specific cases. He is supposed to know their various applications and how to implement them so that the spirit of law and purpose of legislation are preserved. Of course, to reach this degree of managerial skill requires specific experiences and wisdom that a person acquires throughout his life of management. The highest level of this quality is also possessed by the Infallibles. They are immune from any error in knowledge and understanding of divine laws, not influenced by carnal desires, and possess special divine blessings. They do not deviate or err in discerning what is good for society while applying general laws to particular cases.

Theoretical connection of Islamic government with ideological principles and foundations

It will be easier for a person to believe in the truthfulness of the Islamic political system who acknowledges that human society must have law that ensures both material and spiritual interests of human beings, and is convinced of the qualifications of Islamic rulers and administrators. Of course, the acceptance of these preliminaries is itself based upon certain presumptions. First and foremost, man has to accept that there is God and that a prophet has been commissioned by God to expound divine laws.

He has to equally accept that beyond this life man has an eternal life in the hereafter, and life in this world and the other have a causal relationship. These presumptions are the essence of the subject of our discussions. Their proofs are included in theology, scholasticism and philosophy. One cannot deal with each of them in a social, legal and political discourse as it would take many years before one arrives at a conclusion.

Our addressees are Muslims who believe in God, religion, revelation, the Day of Resurrection, apostleship, and the infallibility of the Prophet (s), and who want to know whether Islam has a distinct political system or not. They are not those who deny God, or say that man can demonstrate and chant a

slogan against God! They do not reject the religion and laws of Islam or say that even the Prophet might have committed an error in understanding the revelation.

Similarly, others who oppose us in principle are not the focus of our present discourse. If they are open to dialogue and willing to listen, we must discuss our ideological principles by means of rational and philosophical proofs, and persuade them to believe that there is God and the Day of Judgment; that God has revealed ordinances for the felicity and prosperity of mankind in this world and the hereafter; obliged His Apostle (s) to convey them to His servants; also, the Apostle (s) is immune from committing error in understanding the revelation; otherwise, he could not have been a prophet.

Can any intelligent person accept another person on top of the hierarchy of power notwithstanding the presence of a person who is infallible in knowledge and action and the best one to identify what is good for society? Everybody knows that preferring the inferior to the superior in optional affairs is shameful and indecent, and no intelligent person accepts it. Our talk is not meant for those who claim to be Muslims but deny the existence of a *ma'sum*, believing that neither the Apostle nor the Imams have been infallible. We have no business with them. My assumption is that we all accept the thematic principles of the discussion and acknowledge that the Apostle (s) is *ma'sum* and according to Shi'ah beliefs the Imams (‘a) are also infallible.

Now, assuming that a *ma'sum* is present in society, should the government and the implementation of law be entrusted to a fallible person? Delegation of the affairs to a non-*ma'sum* is tantamount to allowing error in understanding law. Permitting what is not supposed to be permitted [*tajwiz*] means that one prefers his interests to that of society, sacrificing the latter before the altar of the former. *Tajwiz* means that one who has no competence in managing society becomes the ruler! All of these forms of *tajwiz* are condemnable and rejected by reason.

Therefore, in the presence of a *ma'sum* no intelligent person will ever deny that it is expedient for the *ma'sum* to rule, and to choose another person instead of him is an irrational and foolish act. No one has any qualms in accepting this proposition. Reason dictates it and we do not need to cite Qur'anic verses and traditions to prove it, indicating that it is obligatory to obey the Apostle (s) and the Imams (‘a), such as these:

﴿...يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ﴾

“O you who have faith! Obey Allah and obey the Apostle and those vested with authority among you...”² and

﴿...مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ﴾

Logical and rational basis of Islamic government’s linear degrees

In connection with the exigency of the rule of a *ma’sum* when he is present and accessible, our argument is rationally acceptable. But our main concern is to present the Islamic viewpoint for the period of occultation of Imam al-Mahdi (‘a) when the people are deprived of his presence and have no access to him to benefit from his government. We are also concerned with the period when a *ma’sum* was present but the oppressive powers deprived him of ruling over the Muslims, or the social circumstances were not conducive for him to assume political power.

For any post or position, certain conditions and qualifications are laid down. The one who possesses all the qualifications is chosen. If such a person cannot be found, the one who possesses most of these qualifications is chosen. Let us cite another example. If you know a doctor who has thirty years of medical experience, but you consult a young doctor who has recently opened a clinic, and he aggravates your condition instead of curing you, will you not be condemned by both reason and the reasonable?

They will ask you why you left the proficient and consulted the inefficient. You could be excused if the proficient doctor was demanding a huge amount as medical fee, or you had to travel abroad in order to be treated by a specialized doctor and could not afford it. But our assumption is that you had access to a proficient and specialized doctor and the medical fee he was demanding was less than the rest, or the same. In this case, if you consulted a neophyte doctor and your health condition got worse, you will not be excused by the reasonable. Everybody will reproach and criticize you.

The above rational rule is applicable in all social affairs and acceptable to all reasonable people, Muslims and non-Muslims. Its support is the dictate of reason and needless of religious proof. According to this rule, if the ideal form of Islamic government which is rationally also the best form of government is not possible and we have no access to an infallible person with the most knowledge, piety and skill, what will be the dictate and verdict of reason? Will our reason give us freedom to do whatever we like and choose anyone we like as the ruler?

Or, will our reason demand that in case of the unavailability of an infallible person who is the ideal one to rule, we have to choose the most competent person who is the most proximate to the station of the Infallibles? If the perfect grade is not available, we have to choose the grade of 99, 98, 97, so on and so forth. Once the perfect grade is unobtainable, all other grades should not be treated identically and count 99 as equal to 1 on the pretext that our target being the ideal was not available, so it made no difference whom we chose! Undoubtedly, reason will not accept it.

We have to look for the person who is competent to rule over the Muslims and who is nearest to the

Infallibles in knowledge, piety and managerial skill. This rational proposition can easily be grasped and understood by every intelligent person and there is no need to substantiate it with intricate juristic and theological proofs.

Presenting some questions regarding Islamic government

There are other questions regarding Islamic government which must also be addressed. Has Islam, only laid down the conditions and qualifications of the person who heads the government and not specified the form of government? That is, does Islam only recommend who must head the government and leave other things including the form of government to the whims of people and change according to the changes in social circumstances?

A more technical question which is comprehensible and understandable to those who are acquainted with juristic and legal discourses is this: Is the government a foundational [*ta'sisi*] or conventional [*imdhari*] matter? A set of Islamic laws or juristic rulings is foundational. Before their actual forms are shown to the people, the sacred religion mentions these laws as well as describes their actual manifestations. For example, the ritual prayer [*salah*] is a foundational form of worship.

The religion of Islam has mentioned it and the manner of performing it has also been demonstrated to the people by God through the Prophet (s). Besides, before this obligatory act and the manner of its performance were conveyed to the people, no one had been aware of it. In general, the forms and manners of all ritual acts of worship are foundational as the people learned them from the Prophet (s).

For example, obligatory acts like fasting, *Hajj* pilgrimage and other devotional laws are all foundational.

In contrast to these foundational laws of Islam, there is a set of Islamic laws which in the parlance of jurisprudence [*fiqh*] is called 'conventional'. That is, in their social interactions and intercourses, people have formulated a series of rules, regulations, contracts, and agreements, some of which are unwritten but people are bound to them; for example, trade and barter.

At the beginning the sacred religion had not ordered the people to engage in trade or barter whenever they needed a commodity. The people of wisdom knew of the necessity of this affair and they formulated the ways and manners of engaging in them. Then, religion approved this wise practice and gave it a religious credence, stating, for example:

﴿...وَأَحَلَّ اللَّهُ الْبَيْعَ﴾

“Allah has allowed trade.”^{[4](#)}

God allowed and made permissible [*halal*] the same trading and transactions practiced by people. This

approval and permission of trade is a conventional [*imdha'i*] and not a foundational [*ta'sisi*] religious ruling. It is like the acceptance of a system formulated by people of wisdom on how to conduct their mutual transactions.

Now, this question is raised concerning government: Before God ordered people through the prophets ('a) to abide by the divine government, had the people themselves founded a particular form of government which was later endorsed by religion? Or, did people also acquire knowledge of the form of government from God, and that if the prophets ('a) had not ruled over people by God's leave and permission and people were not obliged to follow and obey them, they would not have known the form of government?

In sum, once we say that the Islamic government is a well defined system with a religious legal standing and God has made it incumbent upon people to submit to it, the question asked is whether this government has been ordained and founded by God? Or, did the people themselves choose this form of government and found it on the basis of a social contract and God only endorsed and approved it, and therefore, this government has been considered Islamic as it has been endorsed, approved and sanctioned by God?

1. Of course, worldly interests can be secured only by securing the otherworldly interests. Without benefiting from the divine ordinances and revelation, man could not be able to secure his material interests.

2. Surah an-Nisa' 4:59.

3. Surah an-Nisa' 4:80.

4. Surah al-Baqarah 2:275. [Trans.]

Source URL:

<https://www.al-islam.org/islamic-political-theory-legislation-volume-2-muhammad-taqi-misbah-yazdi/session-32-exigency#comment-0>