

Published on Al-Islam.org (https://www.al-islam.org)

<u>Home</u> > <u>Islamic Political Theory (Legislation): Volume 2</u> > <u>Session 36: Need for Decisiveness in Implementing Islamic Ordinances</u> > Warning people against conspirators and mercenaries

# Session 36: Need for Decisiveness in Implementing Islamic Ordinances

The intellect or conscience of man presents a set of do's and don'ts, and issues orders and commandments which impose limitations on him. But since these limitations emanate from an inner force within one's self, they do not deprive him of freedom. No one has ever claimed that dictates and admonitions of the conscience deprive man of liberties. Similar to these inner admonitions and commandments of the intellect or conscience (for those who believe in God and His religion) are the commandments and orders coming from external sources, i.e. what God or the Apostle (s) have issued. Just as the intellect or conscience wants us to do a certain thing, God has assigned certain duties to us which are based on real interests.

Because of His infinite knowledge, God is fully aware of them but the same are beyond our understanding and comprehension. In this regard, it is as if apart from the conscience or inner "attached" intellect, God, like the totally infinite "detached" intellect of man, is cognizant of the interests, benefit and harm, on the basis of which He wants us *to do* a certain thing because *it is beneficial* to us, and *not to do* another thing because *it is harmful* to us.

This kind of limitation on the freedom of man stems from his personal or private relationship with God and His religion and is not related to the subjects of political and legal philosophy. Politically, all those who believe, acknowledge that they have to do certain things and refrain from doing other things, and that this obligation is not related to society. It rather originates from man's personal relationship with God just like the relationship with his intellect or conscience.

### Social impact of human action and the necessity of government

The dispute revolves around the fact that certain actions are not only related to the concerned person and his life in this world and the hereafter, but also affect others. This is why most thinkers in the world believe that there must be an institution that prevents any action which is harmful to society and

punishes the guilty. So, the philosophy and exigency of the government apparatus emanates from this. On this basis, with the exception of the anarchists, all people particularly the political and legal experts consider the existence of government as necessary. But morals, or the good and bad discerned by the intellect or conscience of man in relation to his personal life have nothing to do with the domain of politics and government.

Another point raised in this connection is that apart from the personal or private spiritual issues, the intellect limits man's liberty. Can the government apparatus limit liberty? The reply is that in connection with social life, the government is meant to limit liberty. The government enacts laws and ordinances, permits certain actions, prohibits others, and fines, imprisons or penalizes a violator. In some government systems including the Islamic system, even physical punishments including execution have been considered.

So, we have to accept the presumption that government is basically meant to limit social actions, and social liberty. Taking into account what we have said, it is clear that the notion that "Freedom is above the government and law" is a fallacy. The government must restrict liberty. To say that no institution can limit the sociopolitical liberty of people is like saying that government is not necessary, and the existing government is futile, illegitimate, illegal, and an imposition.

# The legitimate source of government and the enigmas of democracy

After we accept that society must have a legal or legitimate government that limits sociopolitical liberty, we face two fundamental questions: (1) From whom has the government acquired legitimacy and on the basis of which right does the government restrict liberty? (2) To what extent can the government restrict liberty?

According to our belief, except under the aegis of the Islamic political theory, the legitimacy of a democratic government does not have a lucid, acceptable and convincing justification. If we say that through the government the people limit their own liberty, apart from the fact that whenever a person wants he can limit his liberty and control his actions without any need for a government to do so for him, this view is paradoxical and self–contradictory because anyone who wants to be free might not limit his action and movement.

The latest and best theory advanced in the world today on the legitimacy of government and accepted by the majority of people is that the people delegate a part of their rights to the government. That is, man who is the master over his destiny and can make laws and ordinances for his actions and limit his liberty, grants the right to the government to enact and execute laws and ordinances for the administration of his social life. This delegating of right to rule to a government is known as democracy.

There are many objections to the theory of democracy in its modern sense. We shall point out only three

of them.

#### 1. First objection

Does man have the right to exercise authority, set limits and exert pressure over himself? Does he have the right to punish himself? Indisputably, all governments prevalent in the world have set different forms of punishments for violators of law. Now, does man have the right to commit suicide or can he delegate to another the right to kill him? If man really has the right to commit suicide, it follows that he may allow others to enact a law on the basis of which they can sentence him to death if he commits certain crimes.

But we have no doubt that no one has the right to commit suicide because he has no such authority over his life that he can put an end to it whenever he wants. The life of man belongs to God and no one else has the right to bring any harm to it. According to our religious or juristic outlook, man has no right even to harm or injure his body. No one is supposed to injure his body; for example, to amputate his hand or finger. It is because the body of man belongs to God, and man has no authority and discretion over it. As such, how can man grant the right to a government to enact and approve judicial and penal laws and authorize it to penalize violators and criminals, amputate the hand of a thief and execute others?

#### 2. Second objection

Let us assume that we accept the notion that man has the right to exercise authority over his life and body and can harm or injure his body and put an end to his life. He grants this right to the government. In reality, those who have voted for the government have set the legislative body as their agent or proxy to ratify laws and ordinances including civil and criminal laws in connection with their social lives. Similarly, they have chosen the executive body as their deputy to implement laws. In this regard, however, man can only grant the government the right to exercise authority over himself. He has no right to grant power to the government to exercise authority over others and deprive them of certain rights and liberty.

The current term for democracy is that people authorize the government to act as their representative to enact and implement laws. As practiced in democratic systems in the world, if a government is formed by majority vote, i.e. fifty percent plus one or more, it can enact and implement laws and ordinances for the administration of society including those who have not voted in favor of the government. In reality, once more than half of the people—not all of them—vote for the government, the said government and its ordinances shall become official and legal, and all members of society will have to abide by the ordinances.

The serious question is that less than half of the people have not voted for the government and recognized it as their proxy to decide on their behalf. How can the government have any right to enact laws and ordinances in relation to the domain of their social lives, and what right has it to rule over them and punish any violator among them? Thus, there is no rationally acceptable reason for the government

to rule by force over those who oppose it and have not voted for it, and compel them to obey.

#### 3. Third objection

The client has the right to remove his agent or dismiss and nullify his decision and choice. So, if a person elected his representative in the parliament and thereafter revoked his decision to elect him, he is supposed to have the right to remove his representative from his office. Moreover, the representative has the right to choose only what his client wants and desires. He has no right to have a choice contrary to the opinion of his client. Now, when all people or half of them are against the ratification of a law, what right does the government have to implement it?

Hence, there is no convincing criterion for the legitimacy of a democratic system. The only thing theoreticians of the democratic system assert is that democracy or the rule of the elected representatives of the majority of people is the best method and way that can be chosen for the administration of a country or society. If the government is formed in accordance with the vote of a minority and their demands are implemented, the right of the majority will be violated. As a result, they will rise up against the few, and undoubtedly, it will be hard to undermine their uprising. As such, as per necessity, the government must be formed according to the vote of the majority and it must function based on their will. It is not that the government has a convincing basis of legitimacy.

## The government's legitimacy in Islam

From the Islamic point of view, the same intellect that tells man that an action is good and another is bad and that his parents, teacher and the people have rights over him and he must give them their rights, tells him that the rights of God, who created the world, him and all human beings, are greater and more profound than that of others, and that he must admit that. Now, if God—who is our Master and has created us, and by whose will everything comes into being and will cease to exist if He wills—designates a person to implement His laws and decrees, his position is legitimate regardless of the acceptance or non–acceptance of people.

When God who has the greatest rights over human beings—nay, all rights belong to Him—grants the right to rule or guardianship [wilayah] over the people to the Apostle (s), an infallible Imam or the deputy of an infallible Imam, he has the right to implement the divine laws in society because he has been designated by the One to whom belongs all creation.

Therefore, the Islamic political theory on the basis of which the Islamic ruler has the right on behalf of God to implement divine laws and decrees and punish violators and criminals does not have inconsistency of any sort, and this theory is harmonious with rational principles. Of course, it is acceptable to those who believe in God. Those who do not believe in God will certainly not accept this theory. At the outset, we will have to prove to them the existence of God and the essence of monotheism [tawhid].

Should they accept God and embrace Islam, then we should sit together and discuss Islamic political theory. Thus, for those who believe in God, the Apostle (*s*) and the religion of Islam, the most rational legitimacy of government that could ever be conceived is that the Lord of the universe delegates the right to rule over people to one of His servants and designates him as ruler.

By knowing Islam and understanding its political theory, we will find out that above the rights that human beings have over one another, there is another right and that is the right of God over people.

Accordingly, if God commands His servant to do something—even if it is harmful to him—he must do so because he is a subject of God and belongs to Him, and being the Master, God can exercise authority over any of His servants. Of course, out of His infinite grace, benevolence and mercy, God does not bid or forbid anything detrimental to His creatures. He does not desire to harm anyone. His commandments and prohibitions are for the benefit, welfare and interests of human beings both in this world and the hereafter. In case they suffer by acting upon His commandments—for example, they are deprived of certain material enjoyments and blessings for a couple of days—God shall compensate them in the hereafter and recompense them a thousand times or more.

### The prophets and their way of guiding people

God sends His apostles ('a) to invite the people towards what is good and blissful in this world and the hereafter. At the beginning, the apostle or prophet of God guides and invites them to the truth and reads to them passages from a revealed scripture. By informing them and elevating the level of their understanding and knowledge, he paves the ground for their acceptance of the truth and divine duties. In reality, at this stage the apostle plays the role of "detached or external intellect" ['aql-e munfasil']. Without exerting pressure and compelling the people and depriving them of liberty, he enhances their level of understanding in order to guide them towards their free choice and decision to willingly accept Islam and its lofty decrees.

An apostle is commissioned by God to inform the people of truth and falsehood and let them freely choose one of the two ways—truth or falsehood. For this reason, he cannot invite the people to his call by force and impart his teachings to them by pressure as this is against divine will. God wants people to choose whichever they like after knowing the truth and falsehood. So, at the beginning of his mission, the messenger of God has to establish contact with people, interact and talk with them, convey to them his message by means of rational proof and divine signs and miracles, and inform them of the truth.

In inviting the people to God and His signs and establishing divine order, the apostles of God do not employ any sort of compulsion or imposition on the people. As a policy, they pay special attention to human freedom and their conscious choice. In fact, they respect the liberty of people more than what is observed in other ideological systems. They make sure that in dealing with the invitation and system offered, the people have an absolutely free choice. It is because the purpose of God in creating man is for him to be a free and choosing creature, to accept truth freely and be guided by it. The use of

compulsion and force by the apostles of God in the establishment of divine order is repugnant to divine purpose.

If man is supposed to choose a way by compulsion and force, chances are he would not know the truthfulness of the way and he may even possibly think that the way is not the correct one. In order to discern the correctness and truthfulness of the way, man must be informed and made aware at the outset, and the way must be paved for his free choice.

Again, since divine purpose is to allow man to freely, consciously and knowingly accept the path of truth and divine signs, God does not impose the path of truth on people by showing miracles. He does not desire to deprive the people of a conscious choice even by means of showing miracles and interfering in their free choice so that they accept the truth involuntarily and not resist it. As such, God said:

"You might kill yourself [out of distress] that they will not have faith. If We wish We will send down to them a sign from the sky before which their heads will remain bowed in humility."1

### The need to remove obstacles along the way of guidance

God wished to guide the people by means of His messengers and separate the path of truth from that of falsehood for them to choose the correct path with knowledge, understanding and free choice. The arrogant profiteers, who had accumulated excessive wealth by exploiting the ignorance of people considered the invitation of the apostles ('a) as a great obstacle along their satanic objectives and interests. They rose up against the Messenger of Allah (s) and did not allow him to talk to the people and recite verses of truth to guide them.

By employing excessive torture, persecution, harassment and unbearable problems, they hindered the guidance of people. In the Holy Qur'an, God called this group "the leaders of unfaith" [a'immat al-kufr] and the chiefs of corruption and vice, and ordered the Apostle (s) and his companions to fight them and get rid of them because their presence and satanic activities hindered the realization of the divine purpose. God wants all human beings to be guided and be able to distinguish the path of truth from falsehood, but they obstruct His divine purpose:

"Then fight the leaders of unfaith—indeed they have no [commitment to] pledges—maybe they will relinquish."2

If a person driving along a road is obstructed by a rock or big stone, he has no option but to remove it to continue driving. As such, he will try his best and do everything in order to get rid of the said obstruction. Basically, every rational person removes any hindrance along his way. Similarly, for the realization of His purpose, He commands the Apostle (s), his companions, and all Muslims throughout history to fight and eliminate the obstructions to guidance, i.e. the oppressors in the world, monarchs, tyrants, moneyworshippers, and all satanic powers that hinder the path of guidance.

God does not enjoin you to smile at them and cheerfully request them to allow the people to be guided! If they were listening to requests and had desisted from their wicked acts, they would not have been arrogant. They are essentially arrogant, wicked and corrupt. They want others to become their servants and subjects and exploit them to the fullest and not allow their own interests to be threatened.

As such, they do not allow people to be guided to the path of truth and become followers of the Messenger of Allah (s). Certainly, for the faithful and people of guidance there is no other way but to confront them violently. For this reason, in the Qur'an God commands the Holy Apostle (s) to fight them and deal with them violently, severely and sternly—the same Apostle (s) who is described by God in the Qur'an in this manner:

"It is by Allah's mercy that you are gentle to them; and had you been harsh and hardhearted, surely they would have scattered from around you..."3

Elsewhere in the Qur'an, God commands him to fight and be severe with the faithless:

"O Prophet! Wage jihad against the faithless and the hypocrites, and be severe with them. Their refuge shall be hell, and it is an evil destination."4

In yet another verse of the Qur'an, God orders the Apostle (s) to retaliate in kind against those who have threatened the lives and properties of Muslims and fight them with utmost severity:

"Fight in the way of Allah those who fight you... And kill them wherever you confront them and expel them from where they expelled you..."5

# The necessity of preserving divine values and negating Western values

It is the duty of every Muslim to struggle and wage *jihad* against the enemies of God. Courage, religious zeal and fervor, commitment, self–sacrifice, and devotion are some of the greatest and loftiest Islamic values that help maintain its identity, vitality, independence and freedom. By introducing a set of futile, self–coined and self–desired values like absolute negation of violence, the arrogant Western culture attempts to rob us of those Islamic values. For this reason, they always say that violence is totally condemnable and reproachable when used by Muslims, not them!

How can they expect us just to sit idly and smile at them while they uproot our religious values and attack religious sanctities which are dearer to us than our lives and for whom we are willing to sacrifice everything? For what purpose has He endowed us with anger and wrath? Are we not supposed to confront a bunch of violent traitors and mercenaries with violence? Should we not react violently when they threaten our religion? Should we remain seated and smile?! What does this verse command, "And kill them wherever you confront them"? Why does He say:

"Muhammad, the Apostle of Allah, and those who are with him are hard against the faithless and merciful among themselves"?6

They say that Islam is against violence. You have to ask them, "Islam is against which kind of violence?" They present a set of ambiguous concepts as absolute values in order to conceal the truth, rob people of the spirit of martyrdom, sacrifice and bravery, religious zeal and national ardor, and instill insensitivity, indulgence and negligence in its place. They consistently talk about indulgence and negligence. Should we also practice indulgence and negligence with respect to someone who wants to rob us of our religion which is dearer to us than our lives and honor?

Therefore, while establishing an Islamic government one must engage in enlightening and guiding the people and showing the way to them. At this stage one should not use violence or brute force. At this stage, deception, false promises and exploiting any factor that hinders the true guidance of people are wrong. At this stage, one must talk rationally or logically to the people with utmost composure, forbearance, patience, fortitude, clarity, and sincerity so as to show them the truth and save them from the quagmire of negligence and ignorance.

Of course, obstacles must be removed along the way and those who hinder the guidance of people must be confronted so as to pave the ground for the people's inclination to truth. When a group of people embrace the truth, the cultural activities of guiding and enlightening the people must be pursued as

before with utmost patience and tolerance in order to numerically strengthen the followers of truth and extend Islamic society. In the Qur'an, God calls on the Apostle (s) to show patience and tolerance while conveying His message, observe fortitude and forbearance in facing difficulties, verbal abuses, insults, harsh treatment, and persecution so that people be guided to the truth:

"So be patient just as the resolute among the apostles were patient."7

# Decisiveness in implementing laws and struggling against enemies of the system

Once an Islamic government is established according to Divine will, Islamic laws and ordinances must be implemented in society. As in other governments, brute force must be employed sometimes. The government must have the necessary means to deal with opponents. Prisons, fines and penalties must be contemplated for criminals and violators. It must employ military and disciplinary forces to confront external enemies and suppress internal disturbances. The government cannot rely only on moral admonitions. A ruler who has no instrument of brute force and relies only on admonitions and reminders is not a ruler but an ethicist!

So, as the Islamic government is established with the general acceptance and allegiance of the people and is engaged in implementing Islamic laws and ordinances and attending to affairs of the country and people, those who revolt and create disturbance must be dealt with. As stated in Islamic jurisprudence, it is obligatory [wajib] to wage jihad against sedition–mongers who are technically "people of sedition" [ahl al-baghy]. For example, Imam 'Ali ('a) campaigned against and dealt with sedition–mongers.

After the passing away of the Apostle (*s*) when the government fell into the hands of others, Imam 'Ali (*'a*) was engaged in enlightening and guiding people. For the period of 25 years he discharged this responsibility and kept his distance from the government. But when a mammoth assembly of people from different Muslim lands like Egypt and Iraq as well as Medina urged him to rule as their Imam and leader, the Imam (*'a*) clearly witnessed the proof [*hujjah*] and accepted the responsibility of ruling the people.

Given the existence of such a huge assembly of people and their allegiance which was unprecedented in the history of Islam, there was no more reason to keep away from the government. He was forced to take control of government although he had no personal interest in ruling over the people. Only the sense of responsibility in view of the people's allegiance prompted him to accept the headship of government. As Imam 'Ali ('a) said,

أَمَا وَالَّذِي فَلَقَ الْحَبَّةَ، وَبَرَأً النَّسَمَةَ، لَوْلاَ حُضُورُ الْحَاضِرِ، وَقِيَامُ الْحُجَّةِ بِوُجُودِ النَّاصِرِ، وَمَا أَخَذَ اللهُ عَلَى العُلَمَاءِ أَنْ لَا يُقَارُوا عَلَى كِظَّةِ ظَالِمٍ، وَلا سَغَبِ مَظْلُومٍ، لاَلقَيْتُ حَبْلَهَا عَلَى غَارِبِهَا، وَلَسَقَيْتُ آخِرَهَا بِكَأْسِ أَوَّلِها، وَلاَلفَيْتُمْ دُنْيَاكُمْ هذهِ أَزْهَدَ عِنْدي مِنْ عَفْطَة عَنْز

Behold, by Him who split the grain (to grow) and created living beings, if people had not come to me, and supporters had not exhausted the argument, and if there had been no pledge of Allah with the learned to the effect that they should not acquiesce in the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rope of Caliphate on its own shoulders, and would have given the last one the same treatment as the first one. Then you would have seen that in my view this world of yours is no better than the sneezing of a goat!8

After a few days of Imam 'Ali's ('a) rule, those who worshipped Ma'mun; those who advocated discrimination and injustice and considered themselves superior to others could not bear the justice of 'Ali ('a); those whose satanic desires and usurped or illegitimate rule were in danger during the rule of 'Ali ('a); and, those who were apparently ascetic and devoted worshippers yet devoid of correct insight and clear understanding of the teachings of Islam, whose superficial understanding and intransigence prevented them from grasping the sound logic of 'Ali ('a), revolted and created disturbances one after the other, and imposed the Battles of Jamal, Siffin and Nahrawan on the Imam ('a).

At that point, what was the duty of the Imam ('a) as the Islamic ruler who perceived that the divine government and laws were in danger? Was the Imam ('a) supposed to relax and watch the unfolding of events and not stand in the way of the seditionists on the excuse that violence is condemnable and reproachable?

To preserve the Islamic government and Muslim lands, the Imam ('a) brandished his sword and fought with the rebels and mutineers. During the Battle of Jamal, some companions of the Apostle (s) including allhah and Zubayr who fought on the side of the Apostle (s) for many years were killed. Although Zubayr was a cousin of the Imam ('a) and inspite of his sacrifices and acts of bravery along with the Apostle (s), the Imam ('a) did not spare him. Imam 'Ali ('a) did not say: "O Zubayr, you are my cousin. Come and let us be friends. I will compromise with you and grant your demands."

Instead, the Imam ('a) firmly believed that his government was righteous and those who revolted and staged an uprising against it would have to be suppressed. Thus, when they started revolting and staging a mutiny, he admonished and advised them. When they refused to submit, he dealt with them with the sword and killed some of them. The reason was that the Imam ('a) considered the right of God and the Muslims as more important than the personal desires of individuals. In order to preserve the Islamic system, he believed that the use of violence and severity of action was obligatory.

#### Warning people against conspirators and mercenaries

Before the Islamic Revolution, Imam Khomeini (*q*) also delivered speeches and issued statements for the enlightenment and guidance of people and kept on advising the regime. But when the people paid allegiance to the Imam and expressed their readiness to sacrifice themselves for the sake of Islam, sever the hands of the enemies of God and establish Islamic rule in this land, the Imam accepted the political responsibility, saying: "By virtue of the responsibility and guardianship [*wilayah*] God has vested in me and relying on your assistance and help, I shall render a blow to this regime and install a government."

That is, as the *wali al-faqih*, the Imam had the right of governance and his *wilayah* had divine legitimacy, but when the people had not yet come to the scene and paid allegiance to him, this *wilayah* had no actual manifestation. With the allegiance of the people and their remarkable presence in the scenes of Revolution, the expression of readiness to sacrifice or offer their lives for the sake of Islam and their leader, the said *wilayah* had acquired actual manifestation and the Islamic government was established.

Indisputably, this Islamic government, which was established by the blood of hundreds of thousands of martyrs and has survived by the glorious presence of forces loyal and devoted to the Revolution who defend the borders of the country and safeguard the lofty values of the Revolution. These devoted people will not allow a bunch of mercenaries and paid agents to put in danger the interests of Islam and the properties, lives and honor of the people.

When a gang of rioters, mercenaries and foreign agents poured into the streets, staged riots, burned and looted public property, harassed people, and even set mosques on fire [in the days of disturbances in Tehran after July 9, 1999 (Tir 18, 1378 AHS)], those saying that rioters should not be dealt with violently as Islam does not allow resorting to violence have either not understood Islam, or they want to undo Islam and the Muslims!

One cannot stop rioters with a smile. One must deal with them using brute force. We must not allow these bitter events to happen again in our country. Our people will not be deceived by these words nor listen to those who say that violence is absolutely forbidden at all times. If they have observed sobriety and forbearance, it is on account of their obedience to the order of the Supreme Leader. Whenever our devoted people feel that the Supreme Leader is truly pleased with something, they will offer their lives in order to realize it.

When the Supreme Leader called for silence and calm, they observed sobriety and fortitude, and did not pour into the street and stage a demonstration without his order. But at the time when they had to express their devotion to the Revolution and show the enemies that they were always ready to defend Islam and the Revolution, they staged magnificent demonstrations throughout the country that astonished the enemies and the people of the world.

- 1. Surah ash-Shu'ara' 26:3-4.
- 2. Surah at-Tawbah (or, Bara'ah) 9:12.
- 3. Surah Al 'Imran 3:159.
- 4. Surah at-Tawbah (or, Bara'ah) 9:73.
- 5. Surah al-Baqarah 2:190-191.
- 6. Surah al-Fath 48:29.
- 7. Surah al-Ahqaf 46:35.
- 8. Nahj al-Balaghah, Sermon 3.

#### **Source URL:**

https://www.al-islam.org/islamic-political-theory-legislation-volume-2-muhammad-taqi-misbah-yazdi/session-36-need#comment-0