40 Questions on Islamic State

40 Questions on Islamic State

Hamid-Reza Shakerin

Translated by
Hussein Masoody

Al-Islam.org

Sub Title:

A Collection of Students' Queries – Political Thought (1)

Author(s):

Hamid-Reza Shakerin [1]

Publisher(s):

Ansariyan Publications – Qum [2]

The present work is a thorough examination of what the Islamic State should be, why it needs to exist and what differences are between opinions about the Islamic State.
The author manages to achieve his goal by providing proof through verses of the holy Quran, ahadith and historical events.

Get PDF [3] Get EPUB [4] Get MOBI [5]

Translator(s):

Hussein Masoody [6]

Topic Tags:

Islamic Government [7]

The Definition of Islamic State

Question No. 1

What does Islamic State mean? Does it mean the governance of the pious people, the implementation of Islamic precepts, or the origination of all elements of government from religion?

“Islamic State” is the government consistent with Islamic teachings and is based on religion, and at least, not inconsistent with Islamic doctrines in any way. To grasp the accurate meaning of the Islamic State, it is useful to pay attention to the following points:

First: No doubt, the rulers and the governors' piety is a necessity, but not enough without observing Islamic decrees and rules in formulation and implementation of the laws; for Islamic State means an

“Islamic-oriented” government. Therefore, commitment to the divine decrees is one of the essential and integral features of the Islamic State. The Holy Quran calls those violating this principle as infidels, stating that:

وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

“Whoso judgeth not by that which Allah hath revealed: such are disbelievers” **(*5:44*)**[1]

Second: Based on the second view, employing religious norms and not opposing them is not enough to call a government an Islamic State; the desired Islamic State is a government whose all pillars and aspects are derived from Islam and consistent with it.

Referring to Islamic texts, we find that Islam does not accept every of government. It supports a government with the following features:

1. Its rulers enjoy qualifications and characteristics determined and defined in Islamic texts.

2. They accede to power through definite ways – divine designation and popular acceptability.

3. They follow the norms and methods defined in Islamic texts in their government.

Third: Islamic State has degrees and levels. The supreme and ideal level is realized when all its affairs and principles are based on Islam and in harmony with it; but when it is not possible to establish an all-out Islamic State, the lower levels are to be established.

The lower level or the compulsive substitute of Islamic State is the government wherein divine rules and ordinances are observed, even though the whole system is not derived from Islamic teachings and not headed by the ruler appointed by God. Surely, such a state is acceptable only if the establishment of a “perfect Islamic State” is not possible.[2]

1. The Qur’an, Ma’ida (5) 44 (tr. Mohammad M. Pickthall).
2. For further information, see Muhammad-Javad Nawrouzi, Nezam-e Siyasi-e Islam; Andishey-e Hawza, 5th year, no. 1 & 2; Vizhe Namey-e Velayat-e Faqih, Razavi University of Islamic Sciences; Muhammad Taqi Mesbah Yazdi, Porseshha va Pasokhha, I, pp. 45-7.

The Necessity and the Goal of Islamic State

Question No. 2

Why is Islamic State necessary after the departure of the Holy Prophet of Islam (PBUH)?

Explaining this issue, Imam Khomeini said:[1]

1. Islamic decrees – including those pertaining to financial, political, legal, and so on – have not been abrogated and are indefeasible up to the Judgment Day and implementation of these decrees are impossible without establishment of a State government.

2. Establishing security and preserving social order are among accentuated Islamic obligations, just as disorder and insecurity in Islamic society is hated by the Holy Legislator, i.e. the Almighty God. It is obviously impossible to achieve this goal without establishing a government.

3. Protecting Muslims' frontiers against assault and invasion by transgressors is rationally and legally necessary, and this is one of the essential necessities of the Islamic society. Achieving this goal and actualizing it is impossible without having the necessary power and government.

4. Considering the above-mentioned premises, the existence of an Islamic State is a rational necessity and a religious obligation.

It is noteworthy that the mentioned "state" here refers to the Islamic State since based on what has been mentioned in number 1 above, (i.e.) the accurate implementation of Islamic decrees and rules in different aspects of social life is only realized in a state whose administrators and leaders are familiar with and aware of Islamic rules and decrees and they oblige themselves to practice them; Islamic laws are the basis for legislators and they do not enact any law contradicting them, not enacting any law contradicting those laws. The above-mentioned reasoning may be put in another way too:

1. Comprehensiveness of Islamic Laws: Islam is a comprehensive religion and its decrees encompass various domains of political and social terms.

2. Viability and perpetuity of Islamic Laws: the divine laws and decrees of Islam are not restricted to the period of the Infallible Imams' presence, but they are eternal and everlasting.

3. Implementation of the laws and the Islamic State: the enforcement of political and social rules of Islam is not possible without administrative offices and political-religious institutions. The Islamic State is, therefore, the prelude and the necessary pre-requisite of enforcing the divine laws.

1. See Imam Khomeini, Ketab al-Bay' , II, p. 461; Ali Rabbani-Golpayegani, Din va Dolat, p. 145.

Society and Islamic State

Question No. 3

Which one is important in an Islamic State: the realization of the religious society or the domination of the religious laws? Is the formation of a religious society possible only through Islamic State, or are there other ways as well?

The most comprehensive definition of the “religious society” is as follows: A religious society is one which 'believes in religion', is 'religion-oriented', 'judges based on religion', and is 'favored by religion'.[1]

Among the goals of Islamic State are protecting, preserving and elevating the Islamic society as well as enforcing the divine laws. More specifically, these two elements, i.e. “Islamic State” and “enforcing the [divine] laws”, are inseparable.

Establishing a government is not the ultimate goal and ideal; rather, it is an intermediary and instrumental factor in providing welfare, security, justice, development, felicity, and guidance for the society. The holy Quran points out that one of the agendas of the righteous government is the guidance of human beings towards God and His servitude – which is the only way for human's perfection. It states:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَلِلَّهِ عَاقِبَةُ الْأُمُورِ

“Those who, if we give them power in land, establish worship and pay the poor due and enjoin kindness and forbid iniquity; and Allah’s is the sequel of the events.” **(*22:41*)**[2]

Of course, the instrumentality of the 'government' should not result in its underestimation, because the Islamic State is a key instrument and an essential one without which many objectives of religion will vanish or fade. Therefore, religious texts do stress “the righteous' religious authority and Imamate”, giving priority to preserving the religious government over enforcing other subsidiary religious precepts. Imam Ja‘far al-Sadiq (PBUH) says:

“Nothing has been emphasized on as religious authority in Islam.”[3]

1. See Sayyid Musa Mir-Mudarres, Jame'ey-e Barin, p. 209-10.
2. The Qur’an, Hajj (22), 41.
3. Al-Majlisi (ed.), Bihar al-Anwar, II, 18.

The Arguments of Proponents and Opponents of “Islamic State and Religious Politics”

Question No. 4: The Arguments for Islamic State

What are the arguments presented by proponents of Islamic State among Muslim scholars?

Muslim scholars generally consider a “righteous Islamic State” as necessary, and there are found no considerable divergences among them in this regard. The reasons provided by them are numerous and variegated. The reasons proving the necessity of the Islamic State in the time of Imam's presence also prove its necessity in time of occultation; what has been presented for the advantages of the Islamic State also attest to its rational preference. Besides, many transmitted arguments prove the necessity of a righteous Islamic State. These are divided into the following categories:

The First Category

Some of these reasons are the definite transmitted ones such as Quranic verses asserting that authority, legislation and ruling belong to Almighty God, and rejecting any other law, government or leadership inconsistent with divine law. Some of them are the following verses:

1. Verses restricting the right to governance, legislation, judgment and leadership to God, such as the following verse:

إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ۚ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَٰكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

“… the decision rests with Allah only who has commanded you that you worship none save Him; this is the right religion but most men know not.” (***12:40***)[1]

2. Verses which assert that leadership and Imamate are divine trusts; such as the following verse:

وَإِذِ ابْتَلَىٰ إِبْرَاهِيمَ رَبُّهُ بِكَلِمَاتٍ فَأَتَمَّهُنَّ ۖ قَالَ إِنِّي جَاعِلُكَ لِلنَّاسِ إِمَامًا ۖ قَالَ وَمِنْ ذُرِّيَّتِي ۖ قَالَ لَا يَنَالُ عَهْدِي الظَّالِمِينَ

“And [***remember***] ***when his Lord tried Abraham with*** [***His***] ***commands, and he fulfilled them; He said: Lo I have appointed thee a leader for mankind.*** [***Abraham***] ***said: and of my offspring*** [***will there be leaders***]***? He said: my covenant includeth not wrong-doers.”*** (***2: 124***)[2]

3. Verses regarding the divine law and ordinance as the foremost one. Such as:

وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ

"Who is better than Allah for judgment to the people who have certainty [***in their belief***]***?"*** (***5:50***)3

4. Verses that describe any judgment not based on divine law as infidelity, vicious conduct and injustice; such as:

وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

"Whoso judgeth not by that which Allah hath revealed: such are disbelievers." (***5:44***)4

5. Verses negate seeking judgment, following and accepting the sovereignty of the following groups based on a corresponding or implied indication:

a) Illegitimate ruler:

يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ

"... they would go for judgment [***in their disputes***] ***to false deities when they have been ordered to abjure them."*** (***4:60***)5

b) Infidels:

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

"... and Allah will not give the disbelievers any way [***of success***] ***against the believers."*** (***4:141***)6

c) Evil-doers:

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا ۚ لَا يَسْتَوُونَ

"Is he who is a believer like unto him who is an evil-liver? They are not alike." (***32:18***)7

d) The oppressive:

وَلَا تَرْكَنُوا إِلَى الَّذِينَ ظَلَمُوا فَتَمَسَّكُمُ النَّارُ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ مِنْ أَوْلِيَاءَ ثُمَّ لَا تُنْصَرُونَ

“And incline not toward those who do wrong lest the [*hell*] *fire touches you, and you have not protecting friends against Allah, and afterwards you would not be helped.”* (*11:113*)[8]

e) Sinners and the ungrateful:

فَاصْبِرْ لِحُكْمِ رَبِّكَ وَلَا تُطِعْ مِنْهُمْ آثِمًا أَوْ كَفُورًا

“So submit patiently to thy Lord's command, and obey not of them any guilty one or disbeliever.” (*76:24*)[9]

f) The foolish:

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا

“Give not unto the foolish [*what is in*] *your* [*keeping of their*] *wealth which Allah hath given you to maintain* [*your life*] *…”* (*4:5*)[10]

g, h) The prodigal and the corruptors:

وَلَا تُطِيعُوا أَمْرَ الْمُسْرِفِينَ ۝ الَّذِينَ يُفْسِدُونَ فِي الْأَرْضِ وَلَا يُصْلِحُونَ

“And do not obey the command of the prodigal; [*those*] *who spread corruption in the earth and reform not.”* (*26:151–152*)[11]

i, j) The negligent and the capricious:

وَلَا تُطِعْ مَنْ أَغْفَلْنَا قَلْبَهُ عَنْ ذِكْرِنَا وَاتَّبَعَ هَوَاهُ وَكَانَ أَمْرُهُ فُرُطًا

“… and obey not him whose heart we have made heedless of our remembrance, who followeth his own lust, and whose case hath been abandoned.” (*18:28*)[12]

k) They who consider their evil deeds as good deeds:

أَفَمَنْ كَانَ عَلَىٰ بَيِّنَةٍ مِنْ رَبِّهِ كَمَنْ زُيِّنَ لَهُ سُوءُ عَمَلِهِ وَاتَّبَعُوا أَهْوَاءَهُمْ

“Is he who relieth on a clear proof from his Lord like those for whom the evil that they do is beautified while they follow their own lust?” (*47:14*)[13]

I) The ignorant:

قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ ۗ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

***"Say** [**unto them, O Muhammad!**]**: are those who know equal with those who know not? But only men of understanding will pay heed."** (**39:9**)*[14]

The Second Category

Some of the arguments consist of verses including a specific reference to the Prophet's or some other religious authorities' leadership, such as:

قُلْ أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ

***"Say obey Allah and obey the Messenger …"** (**24:54**)*[15]

The Third Category

Some arguments include verses or traditions describing the characteristics and qualifications of government agents and their duties. The duties mentioned therein are only consistent with Islamic State and ruling of the pious politicians who are knowledgeable about religious decrees and believe in their enforcement. These verses – through a corresponding or implied indication – assert the following qualifications to be necessary or useful for the leader:

1. Power and capacity. The Holy Quran asserts, regarding the reason for giving the sovereignty to Talut, that:

إِنَّ اللَّهَ اصْطَفَاهُ عَلَيْكُمْ وَزَادَهُ بَسْطَةً فِي الْعِلْمِ وَالْجِسْمِ ۖ وَاللَّهُ يُؤْتِي مُلْكَهُ مَنْ يَشَاءُ ۚ وَاللَّهُ وَاسِعٌ عَلِيمٌ

***"…Lo Allah hath chosen him above you, and hath increased him abundantly in wisdom and stature. Allah bestoweth his sovereignty on whom He will. Allah is All-embracing, All-knowing."** (**2:247**)*[16]

2. Trustiness and commitment. The prophet Joseph describes himself as knowledgeable and trustworthy when accepting the charge of the treasury – a governmental responsibility:

قَالَ اجْعَلْنِي عَلَىٰ خَزَائِنِ الْأَرْضِ ۖ إِنِّي حَفِيظٌ عَلِيمٌ

“He said: set me over the storehouses of the land; Lo, I'm a skilled custodian.” (*12:55*)[17]

3. Knowledge. The above-mentioned verses attest to this qualification as well.

4. Justice. Here, the Holy Quran uses a rhetoric question:

هَلْ يَسْتَوِي هُوَ وَمَنْ يَأْمُرُ بِالْعَدْلِ ۙ وَهُوَ عَلَىٰ صِرَاطٍ مُسْتَقِيمٍ

“... is he equal with one who enjoineth justice and followeth a straight path [*of conduct*]*?”* (*16:76*)[18]

5. Being in the right path. The previous verse attests to this qualification.

6. Insight and following divine revelation.

قُلْ هَلْ يَسْتَوِي الْأَعْمَىٰ وَالْبَصِيرُ ۚ أَفَلَا تَتَفَكَّرُونَ

“... say are the blind man and the seer equal? Will you not then take thought?” (*6:50*)[19]

7. Being guided and a guide.

أَفَمَنْ يَهْدِي إِلَى الْحَقِّ أَحَقُّ أَنْ يُتَّبَعَ أَمَّنْ لَا يَهِدِّي إِلَّا أَنْ يُهْدَىٰ ۖ فَمَا لَكُمْ كَيْفَ تَحْكُمُونَ

“... is he who leadeth to the truth more deserving that he should be followed or he who findeth not the way unless he [*himself*] *be guided? What aileth you? How do you judge?”* (*10:35*)[20]

8. Faith.

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا ۚ لَا يَسْتَوُونَ

“Is he who is a believer like unto him who is an evil-liver? They are not alike.” (*32:18*)[21]

This verse contains a rhetoric question and negates the equality of a believer with a disbeliever to prove the believer's priority in different ways, including leadership.

The Fourth Category

Another group of the reasons presented include the social decrees of Islam whose enforcement is impossible without establishment of Islamic State. This series of Islamic decrees are very extensive and heavily outnumber the individual ritual decrees.[22]

Another group of reasons include the way of life of the Impeccable in establishing Islamic State when it was possible.[23]

Finally, it is noteworthy that religious scholars have adduced the Four Proofs (the Book, practice, unanimity and reason) in this regard.

In view of what has been said, the necessity of Islamic State in Islamic society is unanimously acknowledged by all Muslims – Shiite and Sunni.

Question No. 5

If we regard religion as an individual affair and government as a social one, can we still conceive of Islamic State?

This idea belongs to John Locke's view of separating the realms of religion and politics;[24] it is one of the theoretical bases of political secularism. This idea, however, is challenged by the following objections:

First. There is no accurate, universal and proper demarcation between individual and social affairs.

Second. Restricting religion to "individual affairs" may be consistent with a religion devoid of divine laws (or Sharia); however, it is never consistent with the reality of the comprehensive religion of Islam, especially as the growth and development of Islam was concomitant with the policy and government established by the Prophet Mohammad (PBUH) since his arrival in Medina. As Hamilton A.R. Gibb writes, the early Christian society was, in principle, subject to a non-religious and traditional power when it emerged so that it suddenly found itself in a situation not prepared for... Islam, however, has grown up in a world whose political organization was established by Islam itself.[25]

Third. Even in the western world – which is the cradle of secularism, wherein the common religion lacks a comprehensive religious law – secularism and the separation of religion from politics and society is declining, with the religion's influence gradually strengthening in this sphere. This shows the impossibility of a complete separation between religion and politics.[26]

Question No. 6

How is governance consistent with spiritual goals and otherworldliness?

To answer this question, some points are referred to briefly:

1. The Holy Quran mentions both otherworldly and worldly goals for the prophets' mission, such as establishing just social relations, attempting to make human beings free from slavery and subjugation to others. The goals mentioned by the Holy Quran for prophetic mission are as follows:

1.1. reciting and mentioning the divine verses;[27]

1.2. purifying human soul;[28]

1.3. teaching the Book and wisdom;[29]

1.4. God's Unity and worshipping Him;[30]

1.5. disgusting illegitimate rulers;[31]

1.6. establishing social justice;[32]

1.7. judging and ruling among human beings based on justice;[33]

1.8. releasing human being from chains of slavery;[34]

1.9. enjoining good and forbidding evil;[35]

The martyred scholar, Murteza Mutahhari, writes: “Since the time of the prophet Noah, every prophet who came to change the existing religious order has attended to the social order as well, trying to reform it”.[36]

He then refers to the following verse:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

“We verily sent our messengers with clear proofs and revealed with them the Scripture and the Criterion to establish justice among people.” **(*57:25*)**[37]

and writes: “[this] means that disturbing an existing corrupt order and establishing a just ideal order has been the objective for all prophetic missions, but this is more distinct and definite in Islam”.[38]

Therefore, the strict stress of the religious texts on hereafter does not contradict dealing with the worldly affairs – providing that it is not inconsistent with human's felicity in the hereafter. Worldly government as a final goal has no value at all; but it is much favorite and desirable for establishing justice and dominance of the religious values. Amir al-Mumenin, Imam Ali (a.s), says:

“I swear by God! This worn-out pair of shoes is, in my view, more valuable than governing you unless I can protect the truth or eliminate falsehood.”[39]

2. According to religious texts, the world and the hereafter are closely related, and it is much rejected to engage in one of them and leave the other. So while we find that the world has been reproved in some verses, we find elsewhere that those verses refer to secularism, attachment to the world, and negligence in remembering God and the hereafter. Engaging in the necessary worldly affairs, reforming or improving them, and setting proper personal and social relations are not reproved; rather, they have been

emphasized by religion and lead to felicity in the hereafter as well. In a tradition transmitted from Imam Sajjad (a.s), it has been stated that:

"The world is of two kinds: one leads us to the hereafter, and the other is the cursed one [*preventing us from engaging in otherworldly affairs*]*"*.[40] In another tradition, Imam Ali (a.s) says: *"The hereafter is acquired through this world"*.[41]

3. Government is one of the most important necessities of human's social life, without which life would be impossible. In case there is no righteous government, the society would be tangled in an unrighteous government; as Imam Ali (a.s) says:

"There is no way out for people under a righteous or unrighteous ruler".[42]

On the other hand, the Holy Quran has emphatically prohibited following the unrighteous and non-divine rulers and governments. So there is no way to elude establishing a "righteous government"; otherwise, the society would be tangled in anarchy. Some of the verses denoting the necessity of the government of knowledgeable and competent righteous people were mentioned previously.

4. From a Quranic viewpoint, government has a religious basis. The Quranic verses explicitly declare that establishing a government, legislation, and judgment all belong exclusively to God and those who have received permission from God; any judgment and ruling not based on divine laws is infidelity, viciousness and injustice.

5. A short survey of Shiite Imams' way of life clearly shows that a great part of their life consists of political and social activities.[43] In some cases, these efforts have not culminated in establishing a government and the complete seizure of political power. The mystery generally lies in lack of necessary conditions and the lack of cooperation on the part of the society.[44] Imam Ali says, on the event after the Prophet's departure, that:

"... then I came with Fatima, and my two sons, Hassan and Hussein, to the men of Badr and the outstrippers in Islam. I put forward my arguments on my right to caliphate, calling for their assistance. None of them granted my request except four. They were Salman, Ammar, Miqdad and Abuzar".[45]

Sayings of other infallible Imams to the effect that establishing a government is their own right accorded to them by God, and no one shares this right with them, are completely expressive and explicit.[46] Regarding this issue, they have frequently referred to Qadir incident, basing their arguments on it.[47] Imam Ali (a.s) says regarding the Prophet's Household:

"They are the repository of God's mysteries and the club of His ordinances. They are the treasury of God's knowledge and the referee of His decrees. They are the shelter for God's Book and the strong mountains for His religion. Through them God straightened the hunchback of the religion, removing the shakings of its entity".[48]

Then Imam Ali referred to the oppression inflicted upon them, saying that: *"they diffused the seeds of impiety, and watered them with pride and deception, harvesting its crop which was all misery and obliteration. Verily none of them are comparable to the Prophet's progeny, and those who are feeding upon Muhammad's progeny can not be equal to them. They are the pillars of religion and faith.... The valuable features of government belong to them, and the Prophet's will and legacy exist among them. Nonetheless, when the right went to its owners, it returned to the first place once more!"*[49]

Elsewhere, Imam Ali says:

"I found that tolerance and patience is closer to wisdom, so I exercised patience, but I was like someone whose eyes are full of pickles and has a piece of bone in his throat. I was beholding that my legacy was being plundered. The first caliph died and reposed caliphate to someone else."[50]

Another point deserving attention is that Islamic State is not, in principle, inflictive and compulsory; thus, it is not realizable without support from people. Therefore, Imam Ali's assuming power after people's paying homage to him does not contradict his divine right; rather, it is closely related to the divine and popular nature of the Islamic State.[51] As for Imam Hassan's signing the peace treaty with Mu'awia, the plentiful historical evidences show that Imam had no better choice because the society did not accompany him.[52]

Imam Hussein's decision to return home in his way to Kufa after they breached their allegiance was an ultimatum for the enemy, since the conditions were no longer good for struggle and uprising there. Therefore, Imam had no other choice except changing his plans and setting out in another direction. This is, however, no sign of his submission to the unjust rulers of his time and leaving his uprising and struggle against them. He persevered up to the end of his life and sacrificed all beloved members of his family for the sacred goal of Islam, not stopping his struggle even for a moment.

Imam Sadiq rejected Abu Muslim Khorasani's request, for his rising lacked the conditions of an Islamic struggle and was not consistent with religious goals; so Imam could not endorse such a rising.[53]

Imam Reza refused to be Mamun's vicegerent for many reasons, including the following reasons: firstly, Mamun's offer – as Imam himself affirmed – was a mere pretense void of reality. Secondly, Imam's giving his assent to Mamun's offer would mean legitimizing his government and breaking down the political philosophy of Shiite and the basis of divine Imamate. Imam's rejection was thus the most intelligent way of frustrating Mamun's plot.[54]

1. The Qur'an, Yusuf (12), 40. See also An'am (6), 57, 62; Yusuf (12), 67.
2. The Qur'an, Baqara (2), 124.
3. The Qur'an, Maida (5), 50. See also Tin (95), 8; A'raf (7), 87; Yunis (10), 109; Naml (27), 78; Shura (42), 10; An'am (6), 114.
4. The Qur'an, Maida (5), 44; See also ibid., 45; ibid, 47.
5. The Qur'an, Nisa (4), 60. See also Baqara (2), 257.
6. The Qur'an, Nisa (4), 141. See also Al–e Imran (3), 100; ibid, 28; Maida (5), 51.

7. The Qur'an, Sajda (32), 18.
8. The Qur'an, Hud (11), 113.
9. The Qur'an, Insan (76), 24.
10. The Qur'an, Nisa (4), 5.
11. The Qur'an, Shu'ara (26), 151–2.
12. The Qur'an, Kahf (18), 28.
13. The Qur'an, Muhammad (47), 14.
14. The Qur'an, Zumar (39), 9.
15. The Qur'an, Nur (24), 54.
16. The Qur'an, Baqara (2), 247.
17. The Qur'an, Yusuf (12), 55.
18. The Qur'an, Nahl (16), 76.
19. The Qur'an, An'am (6), 50.
20. The Qur'an, Yunis (10), 35.
21. The Qur'an, Sajda (32), 18.
22. For further information, see Ja'far Subhani, Ma'alim al-hukumat al-Islamiya.
23. Muhammad Hassan Qadrdan Qaramaleki, Taqabul-i mashyi-e a'imma ba secularsm, Ma'rifat Magazine, no. 19.
24. See: John Locke, A Letter Concerning Toleration, ed. P. Romanell, (New York: Bobbs-Merrill, 1955); see also a review of this book by Sayyid Ali Mahmoudi, Edalat va Azadi, pp. 79–99.
25. H.A.R. Gibb, Religion, Politics and Islam, tr. Mahdi Qayeni, p. 26–7.
26. For further information, see: Peter L. Berger, The Desecularization of the World: Resurgent Religion and World Politics, tr. Afshar Amiri, p. 17–33; Jean-Paul Willaime, Sociologie des Religions, tr. Abdu-Rahim Govahi.
27. The Qur'an, Al-e Imran (3), 164.
28. Ibid.
29. Ibid.
30. The Qur'an, Nahl (16), 36.
31. Ibid.
32. The Qur'an, Hadid (57), 25.
33. The Qur'an, Baqara (2), 214; Nisa (4), 105.
34. The Qur'an, A'raf (7), 157.
35. Ibid.
36. Murteza Mutahhari, Piramun-e Inqilab-e Islami, p. 128, Qom, Sadra Publications 1369.
37. The Qur'an, Hadid (57), 25.
38. Mutahhari, op. cit.
39. Nahj al-Balagha, Sermon no. 33.
40. Muhammad Muhammadi Rey Shahri, Muntakhab-e Mizan al-kikma (tr.), I, p. 364, Qom, Dar alHadith publications, 1381.
41. Ibid.
42. Nahj al-Balagha, Sermon no. 40.
43. For further information, see Rasul Ja'fariyan, Siriy-e siyasi-e Imaman-e Shia; and also Mahdi Pishvaie, Simay-e Pishvayan.
44. Many proofs attest to this fact, including people of Medina's not responding to Imam Ali's call for allegiance after the Prophet's departure, Imam Hassan's army's refusal to fight Mu'awia, people of Kufa's breaking with Imam Hussein and killing him.
45. Bihar al-Anwar, 29, p. 419; Tabarsi, al-Ihtijaj, p.75.
46. For further information, see Usul-e Kafi, 1, Kitab al-Hujja.
47. See: Allama Amini, al-Qadir, 1, p. 159–213: al-munashida va-l-ihtijaj bi-hadith al-Qadir, Dar al-Kitab al-Arabi, Beirut 1387/ 1968.

48. Nahj al-Balagha, Sermon no. 2.
49. ibid.
50. ibid, Sermon no. 3.
51. For further information, see Question no. 30.
52. For further information, see Mahdi Pishvaie, Simay-e pishvayan dar ayiniy-e tarikh, pp. 27-38, Qom: Dar al-Ilm, 1st ed. 1375; see also idem, Siriy-e pishvayan, pp. 92-140, Qom: Tawhid Publications, 13th ed. 1381.
53. For further information, see ibid, p.109-11; and also idem, Siriy-e pishvayan, pp. 382-410.
54. For further information, see Murteza Mutahhari, seiri dar sirey-e a'immay-e athar, p. 194-216, Qom, Sadra Publications, 11th ed. 1374; see also Muhammad Hassan Qadrdan Qaramaleki, Taqabul-i mashyi-e a'imma ba secularsm, Ma'rifat Magazine, no. 39.

Phases, Varieties and Structure of the Islamic State

Question No. 7: Imamate and Caliphate

What is the difference between Imamate and caliphate? What is the relationship between them? Are they mutually exclusive?

If we consider the literary meaning of "Imamate" and "caliphate", there is no contradiction between them, and Imam is also called caliph. But if we consider the content of the two trends and the two types of leadership as two doctrines originated in Islamic society, measuring them through the criteria set in religious texts, we will clearly find out that the government approved by religion is the very "Imamate and Wilayat" system. There are plentiful evidences for this, including:

1. The Quranic evidences to the effect that Imamate is a divine covenant, belonging just to those with special qualifications:

وَإِذِ ابْتَلَىٰ إِبْرَاهِيمَ رَبُّهُ بِكَلِمَاتٍ فَأَتَمَّهُنَّ ۖ قَالَ إِنِّي جَاعِلُكَ لِلنَّاسِ إِمَامًا ۖ قَالَ وَمِنْ ذُرِّيَّتِي ۖ قَالَ لَا يَنَالُ عَهْدِي الظَّالِمِينَ

***"And** [**remember**] **when his Lord tried Abraham with** [**His**] **commands, and he fulfilled them; He said: Lo I have appointed thee a leader for mankind.** [**Abraham**] **said: and of my offspring** [**will there be leaders**]**? He said: my covenant includeth not wrong-doers** [**and only those of your scions who are infallible would deserve this position**]**."* (*2:124*)[1]

2. The traditional evidences to the effect that Imamate and leadership do exclusively belong to Infallible Imams of the Prophet's progeny. These evidences are plentiful and consecutive. Interestingly, most of

these texts are also found in Sunni collections of traditions. The following traditions are examples of this kind:

The holy Prophet said: *"this community's affairs will be set in order as long as twelve caliphs, all from Quraish, govern them"*.[2]

In another tradition, it is said: *"this community's affairs will be orderly as long as twelve men govern them"*.[3]

There are many traditions similar to these ones in both Shiite and Sunni collections. Other traditions have also been transmitted interpreting these traditions, such as the one transmitted by Imam Juwaini (Imam al-Haramayn) on the authority of Ibn Abbass from the Prophet:

"I am the leader of the prophets, and Ali bin Abi Talib is the leader of the Awsia (the trustees). Verily my trustees are twelve whose first one is Ali bin Abi Talib, and the last one is Mahdi".[4]

3. The arguments for "The Muslim scholar's Authority" (Wilayat-e Faqih) in the Occultation period, which deserve to be studied independently.

1. The Qur'an, Baqara (2), 124.
2. Muntakhab-e kanz al-ummal, 5, 321; Tarikh-e ibn-e kathir, 6, 249; Suyuti's tarikh al-khulafa,10; kanz al-ummal, 13, 26; al-sava'q al-muhriqa, 28.
3. Nadavi, sharh-e sahih-e Muslim, 12, 202; al-sava'q al-muhriqa, 18; Suyuti's tarikh al-khulafa,10.
4. Fara'd al-samtain, 1164. for furthr information, see: Allama Sayyid Murteza Askari, imaman-e in ummat davazdah (12) nafarand.

The Advantages of Islamic State

Question No. 8

What is the difference between Islamic State and non-religious or laic governments? Does Islamic State have any advantages over non-religious forms of government?

While religious and non-religious forms of government have some similarities, they are different from several aspects. Some of these differences are as follows:

1. Difference in goals

Non-religious governments – including democratic, monarchy, and oligarchy forms – are in one sense minimal governments.[1] In other words, their most basic goal is fulfilling the worldly wants or needs of the

society and the citizens and do not have any goal above it; but a religious government pursues two goals: fulfilling the worldly needs as well as the otherworldly and eternal needs.

The goals of the Islamic State: the most important philosophy and goal of establishing an Islamic government are as follows:

a) Establishing divinity and belief in God's Unity on the earth and releasing people from servitude and following all other than God:

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا الطَّاغُوتَ

"And verily We have raised in every nation a messenger, (proclaiming): Serve Allah and shun false gods ..." **(*16:36*)**[2]

b) The scientific, cultural and educational growth and upliftment of human beings, making them free from ignorance and imbecility:

هُوَ الَّذِي بَعَثَ فِي الْأُمِّيِّينَ رَسُولًا مِنْهُمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ الْكِتَابَ وَالْحِكْمَةَ وَإِنْ كَانُوا مِنْ قَبْلُ لَفِي ضَلَالٍ مُبِينٍ

"He it is Who hath sent among the unlettered ones a messenger of their own, to recite unto them His revelations and to make them grow, and to teach them the Scripture and wisdom, though heretofore they were indeed in error manifest." **(*62:2*)**[3]

c) Releasing masses of people in general and the oppressed in particular from oppressive rulers and chains of servitude:

وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ

"... and he will relieve them of their burden and the fetters that they used to wear." **(*7:157*)**[4]

d) Establishing a good society and ideal utopia by establishing Islamic justice:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

"We verily sent our messengers with clear proofs and revealed with them the Scripture and the Criterion to establish justice among people." **(*57:25*)**[5]

e) Complete enforcement of celestial laws of Islam with all its dimensions (including economic, legal,

social, political, military, ... dimensions).

2. Difference in the government's functions

The duties and functions of non-religious governments are as minimal as their goals; that is their most essential duty is providing health, education and security. With the failure of minimal government, "welfare state" was put forward and providing welfare and development came to be known as the government's duties. Besides, in equalitarian governments, establishment of social justice is also known as one of the government's functions. Anyway, none of these governments have subsumed the effort to prepare the ground for growth and perfection of human virtues and his eternal felicity within their agenda.

In contrast, the Islamic State assumes much more responsibilities; that is, in addition to providing the above-mentioned services, it must endeavor to work out appropriate plans for religious and spiritual training of the society, developing high human virtues, and promoting piety. It must lead the society towards everlasting felicity and struggle with the factors of the fall and liquidation of human's real personality and the obstacles in the way of humanity's growth and perfection.

The Holy Quran depicts the spiritual figure of the righteous government:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَلِلَّهِ عَاقِبَةُ الْأُمُورِ

"Those who, if we give them power in land, establish worship and pay the poor due and enjoin kindness and forbid iniquity; and Allah's is the sequel of the events." (***22:41***)[6]

3. Difference in methods

The difference in the goal and functions of the religious and non-Islamic States will be effective also in choosing the methods and values.

In governments with no concern for religion, planning will be void of consideration for eternal and fundamental values and principles of religion. The final authority in such governments would be the instrumental reason. Indifference towards values would cause the idea of "the goal justifies the means" to be the dominant principle, ignoring the moral ideals and principles; unless the dominant culture of the society imposes special values and does not tolerate any defiance of them.

4. Difference in the source of legislation

In non-religious governments, the origin of law is nothing other than the desires, wants, worldly interests, and transient attitudes of human beings. In contrast, the "Islamic State" is based on the principle of God's Unity. The main origin of law in this attitude is only God; He who is the creator, the owner and the

Lord of the man. Thus, from the viewpoint of the philosophy of religious rights, it is only God who has the right to decide in human affairs. Besides, He is more knowledgeable about the good and evil of the man and leads them to the best way of achieving eternal goodness and felicity. Therefore, just one law is legitimate, i.e. the law enacted by God or by those permitted by Him to do so, and this is the law completely consistent with the principles and rules accepted by the Holy Legislator. Evidently, the sources of legislation in such a system are mainly discovery and inferences of the divine law and adjusting them to the needs of the time.

5. Difference in the rulers and the agents

In laic and secular governments, no qualification other than the relative competence of social management is necessary for a leader. In Islamic government, however, the qualifications of the leader – including the specific principles as well as the common principles shared by other political views – are as follows:

A. Scientific qualification

The so-called "Fiqahat" which means the accurate recognition of the legal and jurisprudential decrees of Islam in all aspects of social and individual affairs, because it is presumed that what is set as the criterion for action and legislation is the very divine law. Having a leader capable of inferring divine decrees in major social affairs, finding religious decrees in different issues, and enforcing them seems necessary for the community. Scientific qualification discussed here is divided into two parts:

1. Necessary awareness of the ongoing situation and the needs of the society, and the ways for directing the society towards fulfilling those needs and overcoming the problems. This awareness is necessary for any leader in any government and without it the administration of the society faces serious problems.

2. A deep and sufficient awareness of Islamic doctrines and the ability to infer divine laws and apply them in major and minor matters in consonance with the requirements of the time. This characteristic is an exclusive requirement of the Islamic State, for the main goal in this kind of government is the dominance of divine values, norms and laws, and realizing this is impossible without an Islamicist insightful leader competent in inferring divine laws in all arenas of the social needs.

B. The management competence

Knowledge and awareness is a necessary – but not sufficient – condition for the macro-level and micro-level managements. In the area of management, some features are not simply attainable by acquiring specific knowledge and skills; these are: the ability to decide on time, especially in times of crisis; taking initiative for getting out of dead ends; innovation and the ability to cause growth and development; and not losing opportunities while avoiding haste. Rather, these features depend on the person's psychological qualities, intelligence, tact and policy, maturity in facing various problems and difficulties, and mental promptitude.

This kind of qualification is not restricted to the management of the Islamic society; rather, management in any society and in any organizational rank necessitates these qualifications. It has been said that "management is partly knowledge and partly technique and art".

C. Moral qualification

In Islam, the moral qualification of the leader of the Muslim community, his justice, piety, chastity, trustworthiness, braveness, non-selfishness, and his avoiding whim, ambition and other moral vices have been much emphasized. This is of importance from several aspects:

1) Since the ruler of the Islamic community must establish justice and enforce divine laws, he himself must follow them wholeheartedly and be completely committed to religious norms by heart and in practice. Imam Hussein (a.s) says:

"the leads of the affairs and rules must be in the hands of those theist scholars who are trustworthy and devoted in observing what is licit and what is illicit in divine laws".[7]

2) The leader of the Islamic community is responsible for both administrating community and religious instructing and training of its members. Therefore, he himself must enjoy moral virtues and Islamic etiquette, and avoid making mistakes and erroneous behaviors so that he can direct others to perfection and prevent them from moral impairments. Imam Ali (a.s) says: *"Someone who sets himself a leader for people should begin with instructing himself before instructing others".*[8]

3) From viewpoint of sociology and educative psychology, the rulers and the prominent figures of any society automatically function as a model for a large section of the society, their behavior and way of life seriously affect the people and their behaviors. This effect is so great that the Prophet says:

"the people follow the same religion as their rulers".[9]

Here, it must be noted that the ideal and ultimate point of these features is "Infallibility". Thus, in the first place, the Islamic society must be administered by the infallible (Prophet or Imam), and in the Occultation period, someone who is closest to the infallible Imam – as far as the above-mentioned qualities are concerned – takes on the leadership as Imam's deputy. Such a person is called "Waliy-e Faqih" ("Authoritative Muslim scholar"). Thus, it has been stated in article five of the Constitutional Law of IRI that: "In Occultation period, the authority and the leadership of the community is taken on by a just and pious Muslim scholar who is aware of the time and is a brave and tactful director".

From what we have stated up to now, several basic advantages of religious (Islamic) government over non-religious and laic governments are clarified:

1. Islamic State concerns itself about eternal felicity of human beings and thus, in addition to playing the role played by other governments, is active in preparing the ground for human's growth and sublimation as well.

2. Islamic State is a law-abiding government, relying on the purely divine laws.

3. Islamic State is administered by righteous rulers, thus enjoying a high immunity to the risks of autocracy and corruption of power.

1. This sense of "minimal" is different from its sense in political sciences. In this sense, all these regimes are considered minimal, for "being minimal" means paying attention exclusively to this world, which is the common feature of all non-Islamic States.
2. The Qur'an, Nahl (16), 36.
3. The Qur'an, Jum'a (62), 2.
4. The Qur'an, A'raf (7), 157.
5. The Qur'an, Hadid (57), 25.
6. The Qur'an, Hajj (22), 41.
7. Mustadrak al-vasa'il, 17, 315, bab 11.
8. Nahj al-Balagha, Aphorism no. 73.
9. Bihar al-Anwar, 103, 7.

The Church's Sovereignty

Question No. 9

What is the difference between religious State in church's view in Mediaeval Ages and in Islamic Republic of Iran and Shiite thought in the modern age?

There are major differences between "Theocracy" – called erroneously the church's sovereignty – and Islamic government or Islamic Republic. To clarify this point, the following points are mentioned:

First: In the prevailing Christian thought, religion is essentially separated from government and politics, because:

a. Christianity lacks a religious law and coherent and comprehensive instructions on human's political and social life, and the Christian teachings on social relations go no more than some moral instructions.

b. Some of the Bible's teachings throughout history have propagandized the idea of separation of religion and politics. It is stated in the Bible that Jesus Christ said to Pilatus: "My kingdom is not of this world…"1 He also said to Herodians: "Give Caesar's property back to Caesar; give God what belongs to God."2

Accordingly, the seed of the secularist idea of separation of religion and politics can be said to have its roots in the popular Christian thought. By Christianity, of course, we mean the Church religion, not the true teachings of the prophet Jesus (PBUH). The Church thus has essentially no claims – as it did not in

the past – with regard to government and administration of social affairs on the basis of revelation and religious law. The Church's authority and jurisdiction in some of the social affairs (such as education, judgment, and the like) does neither mean church's sovereignty in all political and social elements, nor religious interference in such affairs. Government has always been in the hands of the kings. Here, the king's sovereignty was called the God's sovereignty over people ("Theocracy"), since they believed that the king obtains his legitimacy from God and is held accountable just to Him.

Therefore, God's sovereignty over people (theocracy) in western thought has never meant the sovereignty of religion and divine laws, while the Islamic government is a completely religious government whose origin, goals, laws and the qualifications of its rulers and agents as well as the social relations therein are deeply rooted in religion. Here, religion is the founder of a special civilization and society, unlike Christian society which was the inheritor of the Roman civilization, having no choice other than accepting that civilization and accommodating itself to it.[3]

Second: In the mediaeval theocracy, the dominant motto was: "the ruler is accountable only to God, not to people". This God has neither assigned any requirements for the king nor issued any agenda for his government. James I, the king of the Britain – one of the theorists of this idea – has been quoted to say that the kings are the aspirating images of God on the earth. Just as it is profane and atheistic to argue what God can do and what He should not do, it is also profane and atheistic for the subjects to argue what the king can say or do and what he can not do. Why? For not only the kings are the vicegerents of God on the earth and sit on the God's throne, but also they have even been called gods by God Himself".[4]

Such a mentality would cause the "power" not to be controlled by religious institutions nor by social and civil ones. Consequently, it would lead to the corruption of the government and abuse of power.

As Luther points out, "no Christian can oppose a ruler – whether good or bad – rather he should submit to any unjust ruler. Anyone who resists, will be cursed".[5] Altogether, the principles governing this doctrine are as follows:

1. The monarchy has been established by God, and the monarch gets his sovereignty from God;

2. Monarchy is hereditary and this ancestral right is bequeathed to the son by his father;

3. The monarch is only accountable to God, not to his own subjects;

4. Resisting the monarch and his ordinances is considered to be a sin.[6]

In Islam, however, the situation is quite different. In Islamic government, the ruler is accountable to God and the society as well. Besides, the Holy Quran does not regard criticizing the corrupt powers as a cause for heresy; rather, it regards this as a religious obligation and says: ***"Do not obey the commands of the unjust leader, who spreads corruption in the earth and does not reform*** [***the people's***

affairs]*"*.[7] The relation of State–nation in Islam is based on mutual rights; but in western theocracy, the king has the "right" over the people, and people have "duties" before the king.

Third: In the period of the mediaeval feudalism, the Church was one of the most important feudalist centers and owned many estates.[8] Secularity and luxury had dominated the Church and living in palaces actually culminated in abolishment of the spiritual teachings of the church. This grave phenomenon led the church to accompany those who owned wealth and power, justify the corrupt governments, distancing itself from "justice and fighting oppression" – which is the dominant spirit of divine religions.

In Islamic society, one of the most important qualifications of the religious and state leaders is their liberality and freedom from worldly desires. The Infallible religious leaders' way of life – such as Imam Ali (as) – is one of the most prominent examples of this quality throughout history. Similarly, Imam Khomeini's simple and unworldly way of life, while he was at the apogee of the power, is also one salient example of this.

Ernest Cardinale, the Christian priest and the minister of education in revolutionary government of Nicaragua (Sandenists) writes [in his memories]:

After the Nicaragua's revolution, we were severely under economic siege, and sugar cane – the most important income source for our country – was not bought from us. We were in a very difficult and vague situation. In a journey to Iran, I went to Iranian leader. I passed through circuitous lanes of Jamaran. The leader's house was in quite simplicity and austerity. The person who had shaken the east and the west was an old man with simple clothes in a humble room. He simply said: "we are beside the combatants against oppressors". This was a morale support to which nothing is comparable.

Continuing my journey, I went to Pope's abode in Vatican. That was a galleried palace and magnificent abode, with Pope having expensive and dressy clothes who said with a scathing and bitter tone: "If you want to have the Church's support, you mustn't have anything to do with politics, and mustn't struggle with US".

I replied: "You must be my leader, but you are not! My leader is Imam Khomeini who lives in quite simplicity and really follows Jesus Christ; he is the enemy of US. If Jesus was here, he would behave like Imam Khomeini".[9]

Islam and the State

What was stated shows that there is essentially nothing in Christianity called "theocratical state", and the western and Christian "theocracy" never means "theocratical state"; in Islam, however, the case is quite different, because:

a. "Religion" and "politics" are deeply and closely linked to one another;

b. Islam has special agenda in all domains related to the State. The following are the most important ones:

1. Defining the ruler's qualifications;

2. Regulating the domestic and foreign policy;

3. Defining the mutual rights and obligations of the society and the State;

4. Regulating the mechanism of power control and preventing corruption;

5. Enforcing and increasing public participation;

6. Stating the basis for [the State's] legitimacy;

7. Expressing the ways of creating, preserving and exercising the power.[10]

1. Gospel of John 19:36.
2. Gospel of Luke 20:25.
3. For further information, see Sayyid Ahmad Rahnamaie, Gharb shinasi, Imam Khomeini Educational and Research Institute, 1st ed. 1379; H.A.R. Gibb, Religion, Politics and Islam, tr. Mahdi Qayeni.
4. Muhammad Ismail Khodadadi, Mabani ilm-e siyasat, p.54, Qom: Yaqut publication, 1st ed. 1380.
5. Ali Abdul-razzaq, al-islam va usul al-hukm, p.103 quoted from Muhammad Soroush, Din va dolat dar andishiy-e Islami, p.139, The Office for Islamic Propagation of Qom Seminary, 1st ed., 1378.
6. See: Abd al-Rahman Alim, Bunya hay-e ilm-e siyasat, p.168, Tehran, Ney Publications, 2nd ed. 1375.
7. The Qur'an, Shu'ara (26), 151-2.
8. Safar b. Abd al-Rahman al-havali, al-Ilmaniya; Will Durant, The Story of Civilization, iv, The Age of Faith, ch. 27; Dr. Ali Reza Rahimi Boroujerdi, Seyr-e tahavul-e tafakkur-e jadid dar urupa.
9. Payam-e zan Periodical, 5th year, no. 1 (Farvardin 75).
10. For further information, see Muhammad Hassan Qadrdan Qaramaleki, Secularism dar masihiyat va Islam; Falsafay-e siyasat, Imam Khomeini Educational and Research Institute; Imam Khomeini, Wilayat-e Faqih, Institution for Compilation and Publication of Imam Khomeini's works.

The Muslim Scholar's Authority (Wilayat-e Faqih)

Question No. 10

Is Islamic State possible just through the sovereignty of a grand Muslim scholar (Faqih) or the clerics?

Islamic State is principally exercised through leadership by the Impeccable; the starting point for this government has been the great Prophet's "Imamate and Leadership" and then that of Imams from the Prophet's Household. In the Occultation period, the Authoritative Muslim scholar ("Waliy-e Faqih"), i.e. the person with all necessary qualifications for issuing legal decrees (fatwa or the religious decrees pronounced by a Muslim scholar) and the leadership of the society, is appointed as the leader of the Islamic community by Impeccable Imams, and when he enjoys necessary qualifications, it is incumbent upon him to take on the "leadership" of the community as the vicegerent of Impeccable Imams.

Therefore, in the Occultation period, Islamic State is nonsense without "The Muslim scholar's Authority". The philosophy of this principle is clarified by exploring the features of the Islamic State and the necessary qualifications of the rulers in Islam. In other words, all affairs in the Islamic State are to be regulated based on the divine laws and decrees. The presence of a knowledgeable and competent leader, capable of discerning divine decrees, accommodating them with the needs of the time, and committing himself to the religious norms, is thus self-evident. Therefore, it is stated in a tradition by Imam Ali (as): "Among people, one who is more potent and more knowledgeable about divine decrees is more qualified for leadership"[1]

1. "inna ahaqqa al-nas bi haza al-amr aqvahum a'layhi va a\lamuhum bi amr Allah fih", Nahj al-Balagha. Sermon no. 173. For further information, see Muhammad Hadi ma'rifat, Wilayat-e Faqihi, p. 165.

The evidence for Muslim Scholar's Authority

Question No. 11

What evidences are there for Muslim scholar's Authority? Was this idea posed also in the past?

The idea of "Muslim scholar's Authority" – whether theoretically or practically – has the same long history as shi'ism. Malik Ashtar's appointment to governorship of Egypt by Imam Ali (as) is a salient example of this. In Shiite jurisprudence, prominent Muslim scholars have posed this idea in different ways. Among these brilliant figures in Shiite jurisprudence are Sheikh Mufid, Muhaqqiq Karaki, Allama Naraqi, Sahib Jawahir (the author of Jawahir al-Kalam); among the contemporary figures, Imam Khomeini was the greatest revival of this idea both in theory and in practice.

Imam Khomeni believed that the idea of "Wilayat-e Faqih" is so axiomatic and self-evident that correct understanding of which will immediately lead to affirming it. Sorrily, because of a centuries-long gap between clerics and politics, due to the dominance of usurping rulers and propagandas against religion by enemies, we need now to present arguments in favor of this idea. Nevertheless, religious scholars have always argued for it, fortifying its bases; Naraqi, for instance, presented nineteen transmitted

evidences for it in his ‘Awa’id al-ayyam. Altogether, the evidences which may be adduced for Wilayat-e Faqih are divided into three categories:

First. The merely rational evidences: the evidences therein all minor and major premises are rational;

Second. The merely transmitted evidences: the evidences all inferred from Islamic texts, i.e. Quran and the Sunna.

Third. The combined evidences: a combination of rational and transmitted evidences.

Each of these categories has numerous statements and documents of its own. Here, some of the combined evidences are mentioned:

1. The nature of Islam. Islam is a comprehensive religion encompassing all dimensions of human life – including personal, social, worldly and otherworldly affairs.[1]

2. The eternality of Islam. Islam is an eternal religion, whose decrees remain in force up to the Judgment Day; *“…halalu Muhammad halaun ila yawmi-l-qiyama wa…”*[2]

3. The necessity of Islamic State. The enforcement of political, social and legal rules of Islam is impossible without establishing an Islamic State.

4. The necessity of continuation of Islamic State. The eternality of religious decrees and the need for an Islamic political system for enforcing them results in the necessity of its existence forever.

5. The nature of Islamic State. Islamic State is, by nature, a government wherein religious laws and norms are the criteria for action.

6. The requirements for the ruler. In view of the legal nature of the Islamic State, the ruler therein must necessarily enjoy three elements of [jurisprudential] knowledge (Fiqahat), justice (Idalat), and competence (Kifayat). This is not only inferred from the nature of Islamic State, but also has been stressed in many religious texts.

7. The principle of non-negligence of the Legislator (Qa’idi-ye Lutf meaning “the rule of [divine] grace”). It is impossible for the Devine Legislator to be indifferent toward an essential and most important issue of the qualified leadership and government of the Islamic society, leaving the destiny of the Muslim community indeterminate.

8. Result. God has necessarily chosen the “just Muslim scholar” – competent of and qualified for leadership – as the leader of the community.

1. For further information, see Abdullah Nasri, Intizar-e basher az din; Ali Rabbani Golpayigani, Jami’iyyat va kamal-e din.
2. Usul-e Kafi, 1, p.58.

The Absolute Authority of the Muslim scholar

Question No. 12

What does the "absolute authority of the Muslim scholar" ("Wilayat-e Mutlaqi-ye Faqih) mean and how does it differ from the Muslim scholar's Authority? How is the absolute authority of the Muslim scholar justified? Does it not culminate in autocracy and dictatorship?

"The Muslim scholar's Authority" is a general terminology dividable into "absolute" and "conditioned". Thus, "Wilayat-e Mutlaqi-ye Faqih" is conceptually one of the subcategories of "Wilayat-e Faqih". Of course, what is nowadays meant by "Wilayat-e Faqih" is the very notion of "the absolute authority of the Muslim scholar"; the former not differing from the latter. The philosophy of this is clarified by explaining its meaning. Wilayat-e Mutlaqi-ye Faqih is used in two senses in Shiite jurisprudence:

1. Wilayat-e Faqih is not confined to the authority over judgment, the legally incompetent persons, etc. Rather it includes political and social leadership as well.

2. The jurisdiction of the "Waliy-e Amr" (the Authoritative Guardian) is not restricted to the enforcement of the primary and secondary decrees; in other words, his duty is the leadership of the society in a way that the common good of the society is well realized in the light of divine guidance so that the variety of society's needs are fulfilled in different conditions, and the society is not prevented from growth and prosperity.

So, in case of special conditions wherein the common good and the needs of the society are in conflict with one of the primary decrees, the Authoritative Muslim scholar should weigh them against one another. If the issue in conflict with the primary decree is of greater benefit for the society, he can declare a temporary recess for that primary decree, giving priority to the issue in hand.

Surely, the absolute authority is itself conditioned by some restrictions, and is not absolute from all aspects. These restrictions are as follows:

1. He must be the enforcer of divine decrees and has no right to act arbitrarily. This is the main philosophy of the Muslim scholar's Authority.

2. He must consider the expediency of the community.

3. He can declare a temporary recess for the primary decrees just when they are in conflict with a more important issue; he can not do this arbitrarily or for personal expediency or an issue lower in rank than the primary decrees.

Now if we look realistically, we will find that the "absolute authority of Muslim scholar" – in the

aforementioned sense – is one of the most important solutions predicted by Islam as a way out of dead-ends in case of emergence of conflicts in social interests, without which the government would face many problems. The scholar Murteza Mutahhari held these prerogatives to be a means of empowering the Islamic society, knowing this as one of the mysteries of eternality of Islam.[1] On the other hand, that much jurisdiction is available in any government and even the rulers in other states enjoy much more prerogatives than the Authoritative Muslim scholar.[2]

Considering what has been stated so far, it is quite clear that "being absolute" in the sense mentioned has nothing to do with "dictatorship and autocracy". What has caused ambiguity here is the literal similarity between the "absolute" authority of Muslim scholar and "absolutist" governments wherein the ruler is quite wayward. The term "absolute" in the above-mentioned sense is basically different. Accordingly, Imam Khomeini has insisted that "Wilayat-e Faqih is opposed to dictatorship".[3]

1. For further information, see Murteza Mutahhri, Khatm-e Nubuwwat, p.64-5, Qom, Sadra Pulications, 9th ed. 1374.
2. For further information, see Hussein Javan Araste, Mabaniiy-e hukumat-e dinii, p.35-8.
3. Sahifiy-e nur, 10, 306.

The role of the Muslim scholars

Question No. 13

How far is the scope of the Muslim scholars' function in Islamic State? In case of conflicts between Muslim scholars' views with that of the rulers, which one has priority over the other one?

A) The Muslim scholars play the prime role in some parts of the government – which are the places for accommodating the political and social behaviors of the state with religious standards. Besides, the leadership of the Islamic government in the Occultation period is the responsibility of a just, qualified and knowledgeable Muslim scholar who is competent of social management in the macro-level.

B) In case of conflict between the Muslim scholars' view and that of the rulers, some points should be taken into consideration:

1. Who are meant by the rulers?

2. What is the subject of the conflict?

If by "rulers" we mean all those involved in the government, then we cannot give all of these views priority over the Muslim scholar's view[1], especially if all Muslim scholars are unanimous in holding those

views to be against divine law. But if it is something in the personal jurisdiction of that agent and it is not held as a view against law by all Muslim scholars, then the opposing Muslim scholar's view is not necessarily preferred.

3. If by "rulers" we mean the "Authoritative Muslim scholar", his verdict is certainly prior to that of all other Muslim scholars. All Muslim scholars are unanimous in holding that opposing the "Authoritative Muslim scholar" in governmental issues is not permissible.

Of course, it must be noted that the priority of Waliy-e Amr's view is in effect just in governmental verdicts. As for other issues, any Muslim scholar acts according to his own inference, and his imitators ("muqallids") follow his expert opinion ("fatwa").

4. In some cases, the Muslim scholars' views are legally valid; such as cases where the Guardian Council[2] should verify the legitimacy of something. In this case, if the Council – within the realm of its legal duties – declares something as illegitimate, its view must be accepted; unless the Expediency Discernment Council of the System verifies it, in which case it would be preponderant according to the authoritative rule.[3]

1. Here we mean the jurist without any legal and formal position in the Islamic State.
2. The council within IRI government, consisting of 6 Muslim scholars and 6 jurists, whose responsibility – inter alia – is to investigate the conformity of any enacted law to the Islamic principles.
3. For further information, see Muhammad Hadi Ma'rifat, Jami'iy-e madani, p.163; Muhammad Hussein Mahuri, Marja'iyyat va rahbari (the article on Islamic government), 5th year, issue no. 2; Kazim Qazizade, andishihay-e fiqhi va siyasi-e Imam Khomeini, p.222.

Governmental prerogatives

Question No. 14

What is the difference between the divine rulers' prerogatives in Islamic State and those of the Prophet and Infallible Imams?

Considering governmental prerogatives, there is no difference between the Prophet, Imams, and the Authoritative Muslim scholar; for by the governmental prerogatives, we mean the essential social issues without which the government would not enjoy the necessary power to further its goal, i.e. providing the prosperity and the common good of the society. By "absolute authority", we mean no more than this. Of course, the Prophet and Imams had other states and prerogatives as well, reserved for them. These, however, had nothing to do with governmental issues. The Prophet, for instance, had the right to interfere in the personal affairs of the individuals; but the Authoritative Muslim scholar has no such a

right, for this is an issue outside the scope of social and governmental issues.

The governmental prerogatives of the Impeccable

Imam Khomeini says on this subject:

These are wrong illusions to think the Prophet's governmental prerogatives were more than Amir al–Muminin, or whether the latter's prerogatives are more than a Muslim scholar. Of course, the Holy Prophet's virtues and eminences are more than the whole universe, as is Amir al–Muminin's virtues after the Prophet; but having more spiritual eminences does not mean to have more governmental prerogatives. The same authority and prerogatives enjoyed by the Prophet and other Imams in summoning and mobilizing the army, appointing the governors, collecting taxes and expending it for Muslims' common good, have been accorded to the Authoritative Muslim scholar by God. Nonetheless, no specific person is determined. The general title of a "just religious scholar" has been stated.[1]

In explaining the abovementioned issue, Imam Khomeini stresses the difference between "the genitive positions" and "the trusted positions". "Wilayat", as far as it means leadership and governance, is a trusted position conferred by the Legislator to the qualified persons. Here, there is no difference between the Prophet, Imams and the Authoritative Muslim scholar. The difference is in the realm of genitive authority and the true spiritual positions. Thus, Imam Khomeini says:

For Imam, there is spiritual positions as well, separated from governmental duties; that is the status of divine vicegerency sometimes referred to by Imams themselves; this is a genitive vicegerency thereby all worldly elements are humble to the "Authoritative Guardian".

Elsewhere, he says:

[The Muslim scholar's Authority] is of trusted logical affairs and there is no reality for it except nomination.... In these affairs, it is not logical to think of a difference between the Prophet and Imams and the Muslim scholar.[2]

1. Imam Khomeini, Wilayat–e Faqih, p.40, 7th ed. 1377.
2. Imam Khomeini, Wilayat–e Faqih, p.41.

Legislation

Question No. 15: Jurisprudence and Legislation

Is jurisprudence enough for legislation in Islamic State? Or does it need the results of empirical

and political sciences and other experiences of human societies?

The sufficiency of jurisprudence in legislation never means that we do not require the results obtained from empirical and political sciences. Thus, in many cases we may consider various findings and experiences and pick out the most appropriate one, which is consistent with the jurisprudential norms. Jurisprudence is, therefore, sufficient on one hand; for the main function of jurisprudence is setting norms and it has enough resources in this realm. On the other hand, setting norms by jurisprudence is taken place on external subjects and, as we will see, recognizing existing subjects, creating new subjects, transforming subjects, and finding new ways in applying jurisprudential norms are all done through human sciences and experiences.[1]

Question No. 16: Praxis and Legislation

What is the role of praxis, culture, and customs in legislation in Islamic State?

To know the role of "praxis" in Islamic jurisprudence and law and in legislation of Islamic State, we need to have a definition of "praxis" and its various types, the criterion for its validity, its limits and conditions.

Definition of praxis

Different definitions have been presented for "praxis" ("Urf"). One of them is as follows: "Praxis is what people have conventionalized it and behaved according to it; whether it is speech or action, doing something or refraining from doing it, and it is also called "habit" ('adat')".[2]

There are, however, some differences between "habit" and "praxis";[3] it would be getting off the subject to discuss them here. The following parameters and elements have basic roles in emergence of "praxis":

1. certainty of the practice (including speech, action, doing and refraining);

2. repetition of the practice;

3. generality;

4. intentionality, and not being innate.

Types of praxis

"Praxis" is of various types, including general and particular praxis; sound and unsound praxis; the praxis based on needs and free from needs; imperative praxis; literal praxis and practical praxis, and so on. Elaborating investigation of all these types is not within the scope of this book, and the reader should refer to the related sources.[4]

The status of “praxis” in the Islamic jurisprudence and law

The sources for finding out and inferring religious decrees and laws in Islam are divided into two types:

1. Primary sources: By primary sources, it is meant the sources which are either intrinsically valid such as “reason”, or the Legislator has directly made them valid such as “the Book” (i.e Quran) and “Sunna” (i.e. the Prophet’s sayings and actions, or those of his Companions).

2. Secondary sources: These are the sources whose validity is consequential, relying on one of the primary sources; such as Ijma’ (unanimity of the Muslim scholars), Shuhrat (relative agreement), the Muslims’ way of life, the intellectuals’ practice (praxis). On the authority of praxis or the criterion for its validity, all Muslim scholars agree that it is not valid on its own; rather, its validity is dependant on something else. As to the basis of this validity, there are again two different views:

First. Some believe that praxis is dependant on Sunna; in that case, what is authentic is the Legislator’s view. Therefore, praxis is “valid” when it is endorsed by the Legislator. As to the general praxis – which has been beheld by the Legislator – His silence and lack of opposition is enough. Praxis or the intellectuals’ practice is thus valid and adducible only if it is not opposed – directly or indirectly – by the Legislator.[5]

Second. Some believe that praxis is dependant on reason. Thus, based on the principle of concomitance between the precepts of “reason” and those of “divine law”, praxis enjoys validity and authority as well.

Now we are not seeking to judge on the values of the two abovementioned concepts or to state the differences between them. Besides, we cannot enumerate – based on any of the two aforementioned approaches – all the conditions of the validity of praxis here. The common points of these two views are as follows:

1. Praxis or the intellectuals’ practice altogether enjoys validity and authority;

2. The validity of praxis is not intrinsic; rather it depends on the other sources. Thus, the rules and scope of its validity and importance is subject to its primary source;

3. If some praxis is opposed to the decrees of reason or divine law, it would be quite invalid, and cannot be adduced.

Therefore, in legislation of the Islamic society we may adduce the praxis; this, however, is under some rules and limitations discussed in detailed jurisprudential and legal sources. Some of the cases where we can apply praxis as a criterion follow:

First. Denotations of words, phrases and conceptions. In other words, to find out the notions intended by the Legislator, the words and statements containing legal and jurisprudential decrees are the main

source for understanding the praxis.

Some principles and rules in the religious language have been resulted from this reality, called literal principles and rules. The most important ones are Isalat al-zuhur (the principle of appearance), Isalat al-umum (the principle of generality), Isalat al-itlaq (the principle of application), Isalat al-haqiqa (the principle of truth).

Second. In judicial laws and procedures, praxis is used as an adducible source and it is – along with the principle of absence – one of the methods for distinguishing between complainant and denier.[6]

Third. As for the provisions of contracts, praxis is used as an adducible legal source. The Muslim scholars hold that the provisions stipulated usually in contracts are valid as the basic provisions of the contracts.

Fourth. Recognizing the instances of the secondary topics (such as necessity, the degree of importance, loss, impediment, etc.) provides a wide chance for the role of praxis in legislation.

Fifth. Some of the jurisprudential decrees are based on praxis. The ratified decrees of Islam – including many legal, social and economic relations – form a wide arena of acceptance and ratification of praxis in jurisprudence and legislation of the Islamic society; for instance, the validity of the mutual granting contract, unauthorized contract, a passerby's use of the perishable fruits under the trees without the consent of the owner, and so on.

Sixth. Praxis is considered as the source for interpreting the instances of the decrees, and in some cases, appurtenances and the subject of the decree and its elements and requirements. The professor Amid Zanjani writes:

"Praxis affects thus the decree itself indirectly through the interpretation it provides for the subject or appurtenance of the precept, and sometimes it changes the decrees; such as the impermissibility of the assimilation to infidels which was true some day by putting on special western clothes. But since those clothes are no longer specific to westerners, becoming popular common clothes in according to praxis, the related decree is no longer true in that case".

Such an influence does not imply any change in the decree, but it denotes a change in the subject or the instance, whose source is the praxis.

Seventh. In the level of international relations and laws, customs and praxes formed gradually in human societies and felt to be necessary – if there are no religious prohibitions for them – are valid.

Eighth. In all political and governmental issues, praxis is valid as a legal source. Of course, as we said before, conventional validity is under some conditions. These conditions are divided into two groups:

1. Thematic condition; that is the conditions thereby the praxis is proved. Here, some believe in two

essential conditions: “continuous repetition” and “being obligatory”.[7]

2. Perceptive condition; that is lack of any prohibitions or oppositions by the Legislator. These two conditions are agreed upon by all Muslim scholars. Some scholars have stated, according to their own personal views, some other conditions for validity of praxis, which cannot be dealt with here.

Secular Praxis

Another point which is worth mentioning here is the existence of two views on “praxis”: one is “religious praxis” and the other is “secular or laic praxis”. In the former, the “praxis” is considered along with religion and used as one of the sources related to religious law. What was stated before is generally related to this kind of “praxis”.

In the latter view, “praxis” is primarily considered independently; that is the major questions are the followings:

1. Can we use “praxis” as an independent source for legislation along with the Book and Sunna?

2. Here, by “praxis” the merely mean rational aspect of it is not meant; in other words, we do not intend to say since intellectuals are the individuals who enjoy reason, intelligence and insight, they should be used as a source for legislation. Rather, as said before, intellectuals enjoy two aspects; one is the rational–cognitive aspect, and the other is the aspect of feelings and desires. Now the following question is raised: “Can we consider the desires and wishes pertaining to the ‘praxis’ in the process of legislation?” In other words, if in some cases the “praxis” wishes something according to the wishes of the carnal soul, can it be legally validated? In view of the two points mentioned here, the question can be paraphrased as “Can we consider the people’s desires as an independent source for legislation in Islamic State along with the Book and Sunna?”

To answer this question, it should be noted that the ritual decrees of religion can be divided into five groups: Obligatory (Vajib), Recommended (Mustahab), Permitted (Mubah), Disapproved (Makruh), and Prohibited (Haram).

A. The obligatory and the prohibited things are the essential religious decrees whose violation is regarded as sin. Imam Ali (as) says: “No creature deserves obedience when God is to be disobeyed”[8]; whether that creature is a sovereign or it is a public wish. So, nobody has the right to change these affairs arbitrarily and act against them or to want someone else to act against them. Accordingly, the mere public desire – without the existence of a secondary emergency case or a more important social interest – cannot be the source of legislation against essential religious decrees; rather, the public interference in such affairs is contrary to the essential philosophy of Islamic State and leads to its secularization, because the Islamic State is a system based on divine laws and the divine laws, in turn, are based on real expediencies of human society, not merely on whims and desires. If the public wish is to be considered along with divine laws or precede them, there are no difference between Islamic State

and the laic or non-religious ones.

B. The recommended, permitted and disapproved things are in the scope of unessential decrees. In this sphere, the Legislator has authorized the believers to decide according to their own will, choosing a favorite item among various options available. The difference is that for “recommended” things it is preferable to do them, while for “disapproved” things it is preferable to avoid them. As for the “permitted” things, the Legislator has preferred none of them. Thus, preferring each of them is accredited to the individuals. Here, the individual’s desires and favorites can be effective in decision-makings in major social issues and be used as a source for legislation.

1. For further information, see Ahmad Va’izi, Hukumat-e dini, p.91-101; also Mahdi Hadavi Tehrani, wilayat va diyanat, p.46-7; idem, Bavarha va porseshha, p.103-11; ibid, questions no. 22-24.
2. Khalil Reza Mansouri, dirasat al-mozu’iyya hawl nazariyyat al-urf va dawriha fi amaliyyat al-istinbat, p.51.
3. Ibid, p.52-4; Abul Hassan Muhammadi, mabani istinbat-e huquq-e islami ya usul-e fiqh, p.251.
4. For further information, see Sayyid Ali Jabbar Golbaghi Masule, Dar amadi bar urf.
5. In this regard, some provisions have been stated and there are disagreements on some qualities whose elaborate investigation is impossible here.
6. For further information, see Abbas Ali Amid Zanjani, Fiqh-e siyasi-e Islam, 2, p.219; also Sharh al-lum’at al-damishqiyya, 5, p.376.
7. ibid, p.223.
8. Nahj al-Balagha, Wisdom no. 165.

Jurisprudential and Scientific Management

Question No. 17

What is the role of management in Islamic State? What is the role of jurisprudential and scientific managements in Islamic State? Which one plays a greater role?

Needles to say, no government and system can be originated without management. Management plays an essential and very crucial role in any government. Most importantly, all managers and planners in various spheres – while using the best and the most efficient methods – must always protect religious values and apply religious norms along with scientific innovations.

To clarify this point, it should be noted that every society has its own ideals, goals and values. These ideals and values are not defined in the sphere of science; they are beyond the scope of science. On the other hand, science can teach men the methods of achieving goals and ideals. So, none of the following questions may be answered by science: “what ideals should be picked out?” “Should we consider human felicity in this world and in the hereafter as our ideal, or just in this world?” “Should we set as our goal the man’s perfection and uplift, or his pleasures and material enjoyment?” “Should we seek to

establish justice in the society or just individual freedom?" None of these questions are scientific ones; however, the solution in each case can be learnt through human knowledge.

On the other hand, if we choose "the good of the two worlds" and set human's "perfection and elevation" as our goal, it is quite natural that we need meta-scientific sources – such as revelational knowledge – to achieve them and more values to regulate relations in this and the other world. Nevertheless, science also shows us some methods in this regard; but choosing the methods offered by science should be consistent with the values and principles accepted in religion. Both religious and secular governments, thus, receive their ideals from outside the realm of science, and both can benefit from human knowledge in selecting the methods; however, the selection of methods would be consistent with the ideals and goals of the "value system".

Altogether, we can conclude that there is no contradiction between scientific and religious management; rather, the contradiction is found between the secular and religious systems of management. The reason for this contradiction is that secular management accepts no superhuman source, but religious management relies on revelation and divine instructions.[1]

1. For further information, see Hamid Reza Shakerin, Secularism (Discussion on jurisprudential and scientific managements).

The Role of Achievement & Science

Question No. 18

What is the role of human achievements, scientific and social laws in Islamic State?

Human's scientific achievements are of different types:

First. Recognizing the subject: the subjects of religious laws and decrees are of various types: some are simple and clear and others are complicated and need accurate expertise. Human sciences are highly efficient in recognizing the subjects of such decrees. On the other hand, "recognizing the subjects" is an essential stage in recognizing the instances of secondary and governmental decrees, and human sciences are highly needed in this respect.

Second. Converting the subject: human sciences sometimes convert the subject of a religious decree, and thereby change the decreee itself. Human's access to the science of "blood transfusion" causes the blood to come out of the classification of ritually impure things which lack any permissible benefits, falling into the category of the items with permissible benefits. With this change, a new item for economic exchanges is generated and its exchange is made legal.

Third. Creating the subject: the development of human knowledge always creates new subjects for Islamic jurisprudence. Human ability in artificial conception, for instance, creates a new subject in the system of family law, calling for inferring and enacting related laws.

Fourth. Recognizing the method: many of the social laws and decrees of religion are executable in different ways. Human knowledge is much beneficial for discovering better methods which are consistent with needs and demands of the time. The role of the human knowledge in legislation is, thus, one of the appropriate methods in this regard.

Islam and Economics

Question No. 19

How much is the role of economics and new economic relations and laws acceptable in Islamic State? Are economic laws and relations effective in administrative methods of Islamic State?

To clarify this point, it is worth mentioning that “economics” states the general rules and principles governing the economic behavior of human beings, having in fact a “descriptive” nature not a “normative” one. It teaches us, for instance, that extra value is subject to the system of supply and demand. According to this rule, if supply exceeds demand, it leads to a reduction in prices; and if demand exceeds supply, it results in a rise in prices. This idea is stated as a reality in setting prices in economic terms. But the economics can not answer the question of whether we can refrain from supplying the goods needed by people or hoard them to increase the prices. It is the economic school that offers the answer.

Economic liberalism, based on commercialistic ideals and the doctrine of “laissez fair”, permits hoarding, while another economic school may reject it according to the ideal of justice. Therefore, Islamic State – like any other government – can make use of economics in economic planning, but accommodates the selected methods with religious norms, prescribing methods which are consistent with religious values.[1]

1. For further information, see Sayyid Muhammad Baqir Sadr, Iqtisad–e ma, 1 and 2.

The Status of Reason

Question No. 20

What is the status of reason in Islamic State?

“Reason” enjoys a high status in Islamic thought and is one of the most important and essential sources for inferring religious laws and decrees. In other words, “reason” is not contrary to “religious law”, but it is one of the elements and pillars of “religious law”. Naturally, Islamic State must make use of “reason” in planning, legislation and administration.

It should be noted that it is definitive reason, and not speculative reason, that is regarded as one of the pillars of religious law. In administrative methods and practical issues of government, instrumental, speculative and empirical reasons (sciences) may also be used. Nevertheless, these kinds of rational instructions are used in cases wherein they are not in contradiction to religious instructions and high human values.[1]

1. For further information, see Hamid Reza Shakerin, Secularism (discussion on jurisprudential and scientific managements); Sayf Allah Sarami, the article entitled “Aql-e qat’i manba’-e istinbat-e qavanin-e jami’i va hukumat-e Islami”, Hukumat-e Islami magazine, no.20, 6th year, 2nd issue, Summer 1380.

Islamic State and the Demands of the Time

Question No. 21

In case of a contradiction between religious thought (texts and traditions) and Islamic State, which one has priority? Do necessities allow religious rulers to act against religious thought in case a necessity arises?

To answer this question, first it should be clarified what we mean by “religious thought”. Here, there are some possibilities:

First. By “religious thought” we mean religious worldview and beliefs. In this case, religious rulers and government are never permitted to oppose religious thought, and no obligation can be a reason for such priority over religious thought.

Second. By “religious thought” we mean the collection of primary religious decrees in the realm of politics and society. In this case, if a more important social demand arises, the Islamic State can temporarily recess the primary practical decree and enforce the secondary governmental or emergency decree. It should be noted, however, that this reading of “religious thought” is incorrect, leading to a delusion about a contradiction between religious thought and governmental decree, while the secondary

and governmental decrees are also subject to religious thought and should not be interpreted as priority of something over religion.

Third. By "religious thought" we mean the primary, secondary and authoritative decrees. In this case, there would be no contradiction between "governmental decrees" and "religious thought" unless the government issues a decree contrary to primary ones without observing the degree of importance and social necessities or expediencies. Here, the government has done a wrong thing and deviated from being religious. It is clear that in such a case, religious thought would have priority; because as it has been stated in traditions, it is not permissible to obey anyone if it involves disobeying God.[1]

Fourth. By "religious thought" we mean – as stated in the above question itself – "religious texts". Here, we should say such a definition of "religious thought" is quite wrong, for it includes both rational and transmitted reasons. Some of the transmitted reasons contain the authoritative and controlling decrees (such as the principles of la zarar (no harm), la haraj (no impediment), and ahamm wa muhimm (the degree of importance)) and some others contain the controlled decrees. Islamic State, in case of necessity, can adduce authoritative decrees to issue a decree contrary to the controlled ones. So, these cases can not be regarded as instances of contradiction between "Islamic State" and "religious thought".

Question No. 22

What are the fixed and changeable elements in Islamic State? Which parts of duties and functions of Islamic State are subject to change if the situation demands?

No doubt, it is impossible to identify all fixed and changeable elements of Islamic State in various times elaborately and comprehensively here. Nevertheless, some points can be clarified synoptically:

First. Some elements in Islamic State are fundamental and essential, and neglecting them would mean negation of Islamic State. These elements will always be fixed and viable, not changing with the pass of time. One example is the principle that a qualified person with necessary qualifications (such as knowledge and justice) must be at the head of the Islamic State. The other examples are the principle of commitment to justice, protecting the independence [of the country], and negating the foreigners' dominance.

Second. Along with abovementioned elements, there are some changeable elements both in the structure of the government and in the State's methods, functions, duties, etc. For example, in Iran, Islamic State has been established in the form of Islamic Republic, while it can take other forms as well. Anyway, this model has been chosen among other alternatives as the most ideal one in the present age.

Islamic State can also be formed as "centralized" or "decentralized". Ayatullah Mesbah Yazdi writes:

"The problem of separating the elements of power in Islamic jurisprudence is, just like transaction, subject to changes of the time and place... [Decisions on] whether the government should be conciliar or

presidential, the elements of power should be united or separated, are related to the expediencies of the society in any time."[2]

On the other hand, today, the states have been assigned a lot of duties – more than before – and the Islamic State is no exception. So, we may conclude that the situations of the time and place can change both the structure of the government and its functions and duties. Nevertheless, Islamic State can not accept any change; rather, it always follows some fixed rules and principles, accepting just those changes which are not in contradiction to fixed religious rules and the authoritative rules controlling religious decrees.[3]

1. La ta'ata li-makhluqin fi ma'siat al-khaliq", Nahj al-Balagha, wisdom no. 165.
2. Falsafiy-e siyasat, p.140.
3. For further information, see: Abdullah Nasri, Intizar-e basher az din, p.140-66; Muhammad Soroush, Din va dowlat dar andishi-y-e Islami, p.70-85.

Legitimacy and Acceptability

Question No. 23

What is the basis of legitimacy of governments in different schools? Compare them with the viewpoints of Islam and Shiism.

To investigate the idea of "legitimacy" in Islam and other schools, we should first have a definition of it; then we can scrutinize its basis in different views and test them.

The definition of legitimacy

"Legitimacy" is derived from the adjective "legitimate" (meaning legal). The term "legitimacy" is used with relatively different meanings in sciences related to politics:

1. In political philosophy, theology and jurisprudence, "legitimacy" means "being right" and is used as contrary to "usurpation"; here it can be called "normative legitimacy".

2. In political sociology – which is a descriptive science seeking to explain political phenomena, behaviors, and structures through economic, cultural, and social factors, and looks at political structures free from values – "legitimacy" is generally used in the sense of "acceptability". In this view, there is no room for asking about the relation of "legitimacy" and "acceptability", since they are used interchangeably. So, this issue must be studied with a normative view.

The sources of legitimacy

Philosophers and politico-sociologists have presented different views on sources of legitimacy. Max Weber mentions three sources for legitimacy: (1) tradition; (2) charisma or particular personal characteristics; (3) law. Accordingly, he believes in three types of legitimacy:

A. Traditional legitimacy, which is rooted in the traditions common among people of a nation, such as hereditary governments, patriarchy, apartheid, aristocracy, and so on.

B. Charismatic legitimacy, which stresses the personal characteristics of the ruler, and is based on the unusual and exceptional submission to a person due to his sacredness, heroism, and exemplarity.

C. Rational/ legal legitimacy, which is based on rational agreements.[1]

Fredrich believes in five sources for legitimacy:

1. religious; 2. philosophical and legal; 3. traditional; 4. methodical; 5. empirical.[2]

Some scholars have classified the origins of government and the sources of legitimacy as follows:

First: The libertarian theories

These theories are divided into three groups:

a. The social contract theory. According to this theory, there is a contact between State and the citizens, thereby they feel themselves liable to follow the State's ordinances and, in return, the State is committed to provide order, welfare and security for them.

b. The public will theory. According to this theory, if all or most of the people demand the ruling of some persons, their government would be legitimate.

c. The consent theory. The consent of the society members to a government is a criterion for its legitimacy, leading to political obedience commitment on their part; in this way, the government will have the right to order and the people to obey.

The critique of the views

Each of the abovementioned views suffers from some specific and some common defects; here, we only mention the common defects for the purpose of brevity:

First. All of these views lack comprehensiveness regarding the criterion of legitimacy. In other words, all of them just consider the question of "where to take the political power from". However, they do not consider the question of "how to use the power" as a criterion for legitimacy. As a result, if the government does not observe the ethical values, it would be still legitimate. This is not acceptable on

any basis other than ethical positivism wherein there is no room for ethical values.[3]

It may be said that the society can provide enough guarantee for observing moral values in the social contract, change its attitude toward the rulers, or declare its discontent to immoral behaviors to negate the government's legitimacy, or force the rulers to observe those principles.

It should be said, however, that observing moral principles would be subject to social will, contract and consent, with no role in legitimacy or illegitimacy. Thus, if the society submits to the oppression of the rulers, their legitimacy would persist.

Second. In every society, there is a minor opposition group. Based on the abovementioned theories, it should be known how the situation would be for the minor groups who do not want the government and have not taken part in the social contract, or those who are not content with the existing government, or those who are not qualified to have a role in government (such as minor persons, the mad, etc.). In other words, if legitimacy is only subject to a contract, public will, or the citizens' consent, then it would no longer justify governing the groups excluded, or obliging them to obey the government. Furthermore, the opposition may be a major group of society, not a minor one. It is reasonable, thus, to look for another source of legitimacy for government, which can justify governing all people. Otherwise, there would be no government in the world justifiable based on the "democratic" theories.

Third. In many cases, the social context changes. For example, with the legal maturity of the minor persons, new individuals would become qualified to take part in the social contract, and some previously qualified persons die. It is probable that these new individuals might have attitudes, wills, or interests different from the previous ones.

Besides, the previous individuals may change their minds. According to democratic theories, as soon as the society's view changes or the social context alters, the government and the ruler must lose their legitimacy in principle. In this case, by enforcing some changes – such as changing the number of the opposing groups from 49% to 51% – the government or the ruler should be substituted by a new one; here, the previous contract or consent can no longer be effective in the new situation. Therefore, the viability of the government – even for a few determined years – necessitates a better criterion.

Second: The functionalist theories

These are the views which believe in the government's role and function as the criterion for its legitimacy. The most prominent theories of this kind are as follows:

First. The theory of justice and moral values. In this view, enforcing justice is the source of political legitimacy. Therefore, any government who attempts to enforce justice is legitimate, and those governments or rulers moving in a contrary direction lack legitimacy. Here, by "justice" it is not meant a most essential moral value; rather, what is meant is the enforcement of justice in the political behavior of the rulers. According to this theory, therefore, if a person is oppressive out of the realm of political power

but do justice in his political behavior, his government would be legitimate; this legitimacy is not dependant on the rulers' "personal justice".

Second. The theory of fulfilling needs. According to this theory, the effort to provide welfare, security and happiness for the members of society is the basis of political legitimacy.

Critique

Putting aside the problem of defining "justice", the defect of these two theories is their justification of the rulers' ordinances only; they are silent about other parameters underlying the puzzle of "legitimacy". Nevertheless, the ordinance's being merely just, or its being issued for providing public welfare and common good, does not justify a particular person or group's government; especially if different individuals or groups enforce justice or fulfill society's needs to an equal degree. In the latter case, which one is legitimate to govern society? Why is it necessary to obey one, and disobey the other? Any criterion in this respect would eventually lead to leaving the basis and moving towards one of the rival theories.

Third: The theory of divine legitimacy

In this theory, the source and criterion for legitimacy is God's ordinance and permission. The theory of "divine legitimacy" has been discussed in three ways throughout history.[4] Here, for brevity purpose, we just mention the viewpoint of "Islam".

Legitimacy in Islam

In studying the theory of "legitimacy in Islam", we should distinguish between the origin of legitimacy and the sources for recognizing it. The origin of legitimacy is where the legitimacy has originated from. By the source of legitimacy, we mean the evidences and the sources of discovering legitimacy in Islam, i.e. the Book and the Sunna.

The only intrinsic origin of legitimacy in Islam is God; for the Creator of the universe and human, the owner of all existence, the influential power is the Lord of the universe and all human beings. In Islam, government and political sovereignty – as a kind of dominion over the creatures' affairs – are considered as matters within the jurisdiction of God. The doctrine of Unity in divine Lordship – whether in the system of creation or the system of legislation – does not accept any other origin along with God. The Holy Quran says on this point:

إِنِ الْحُكْمُ إِلَّا لِلَّهِ

"The decision is only for God." (***6:57***)[5]

إِنَّمَا وَلِيُّكُمُ اللَّهُ وَرَسُولُهُ وَالَّذِينَ آمَنُوا الَّذِينَ يُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَهُمْ رَاكِعُونَ

***"Your rulers can only be God and his messenger and those who believe, who establish worship and pay the poor due alms, and bow down* [*in prayer*]*."* (*5:55*)[6]

أَمِ اتَّخَذُوا مِنْ دُونِهِ أَوْلِيَاءَ ۖ فَاللَّهُ هُوَ الْوَلِيُّ

***"Or have they chosen Lords besides Him? But Allah is the only Lord."* (*42:9*)[7]**

Therefore, no one has the right to govern people or interfere in their affairs unless he is proved – through a valid religious evidence – to have been appointed or allowed by God to do so. Divine appointment or permission can be stated either directly or indirectly – by the Prophet or Imams. Besides, all Muslims believe that the Prophet had been appointed by God. This has been mentioned by the Holy Quran in numerous verses. Some of them follow:

النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ

***"The Prophet is superior to the believers than themselves."* (*33:6*)[8]**

أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

***"... obey Allah and the messenger and those of you who are in authority."* (*4:59*)[9]**

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ

***"It is not right for a believing man or woman, when Allah and His messenger has decided an affair* (*for them*) *that they should claim anything in their own affair."* (*33:36*)[10]**

Besides, Imami Shiites, based on definite evidences, believe that Imams have been especially appointed by God.[11]

Additionally, the Shiite scholars – based on rational and transmitted evidences – believe that just and qualified Muslim scholars have been appointed by the Legislator and are representatives of Awaited Imam in governmental affairs as well as political and social leadership during the Occultation period. Of course, this idea – called "Wilayat-e Faqih" – is not restricted to Occultation period, but is realizable during Imam's presence while he is able to exercise discretion; Malik Ashtar, for instance, was appointed by Imam Ali (as) as the governor of Egypt.

Choosing the Authoritative Muslim scholar (“Wali Faqih”)

Besides this view – called the theory of “appointment” and well-known to the Imami scholars – a new theory has been presented by some other scholars. According to this view, the “Authoritative Muslim scholar” is not appointed by the Legislator; rather, He has obliged people to choose a just and qualified Muslim scholar as the leader. This latter person enjoys authority after being elected by people, and is allowed to exercise discretionary power in social affairs, taking on the leadership.

A comparative study or value judgment of these views requires a special opportunity. But the important point is to find out whether the basic question of the present discussion has a different answer according to these two views. If so, what is that difference?

Some have called the first view “divine legitimacy” and the second one the theory of “election” or “divine-demotic legitimacy”. It should be noted that the basis of both views is the very theory of “divine legitimacy”, for both of them consider God as the intrinsic origin of legitimacy, not accepting any other source besides Him. Thus, adding the adjective “demotic” is a kind of loose expression of the idea. In other words, the demotic origin of “authority” in this view is a conventional provision stipulated by the Holy Legislator in conferring the authority to the Muslim scholar and affirming it. Therefore:

1. If the theory of “election” considers the government as an earthly and ascending affair, it is completely far from the general attitude of Islam.

2. If it believes in two “earthly” and “celestial” sources, it indulges in dualism.

3. If it considers the demotic legitimacy at a level lower than the divine legitimacy, it is not a theory contrary to divine legitimacy; rather, it is a subcategory of theory of “divine legitimacy”. Such a view is also consistent with the theory of “appointment”. In other words, the theory of “appointment” makes the “divine authority” conceivable in two ways:

First. Absolute appointment, according to which the Legislator does not include people’s choice in the process of Authoritative Muslim scholar’s appointment, insists on authority of the righteous and qualified Muslim scholar, affirms his social controls and obliges submission to his orders in social affairs.

Second. Conditioned appointment, according to which the Legislator affirms the authority of the Muslim scholar after his election by people, not before it.

1. Max Weber, Economics and Society, p. 273-4.
2. Bonyadhay-e ilm-e siyasat, p. 107.
3. For further information, see Bonyadhay-e ilm-e siyasat, ch. 6; nazariyyihay-e khastgah-e dolat; falsafiy-e siasat, Imam Khomeini Educational an Research Institute.
4. See: Muhammad Taqi Mesbah Yazdi, falsafiy-e siasat, p.177.
5. The Qur’an, An’am (6), 57.
6. The Qur’an, Ma’ida (5), 55.
7. The Qur’an, Shura (42), 9.

8. The Qur'an, Ahzab (33), 6.
9. The Qur'an, Nisa' (4), 59.
10. The Qur'an, Ahzab (33), 36.
11. For further information, see Ayatullah Makarim Shrazi, Payam-e Qur'an (thematic commentary of Quran), 9 (Imamate in Quran).

Appointment or Election

Question No. 24

Is the Islamic State based on appointment by the Legislator or election by people? In the former case, can we believe in any role for people in affirmation or denial of the Islamic State?

In Shiite political thought, the "Authoritative Guardian" is appointed by the Legislator. However, it does not mean that people have no role in affirming or denying the government, for the Authoritative Guardian has no right to impose his own views on people in establishing the government and exercising his authority.

Thus, the Islamic government is formed with the people's consent. There are numerous evidences for this idea. For example, Imam Ali reports from the Prophet that *"The Prophet said to me: 'Oh, Abu Talib's son! You are responsible for the Guardianship of my community. If they confer you the power safe and sound, agreeing upon your sovereignty contentedly, take on the guardianship of their affairs; otherwise, leave them at that'".* 1

Imam Khomeini, replying the Secretariat of Leaders of Friday Prayer, writes on the scope and the nature of "Muslim scholar's Authority":

"[The Authoritative Muslim scholar] enjoys authority in all forms. But, guardianship of the Muslim's affairs and establishing a government depends on the opinion of majority of Muslims. This has been mentioned in Constitution as well, and called in the early years of Islam 'paying homage to the Muslims' guardian'".2

1. Ibn Tavous, Kashf al-mahja, p. 180.
2. Document no. 657, the Institute for Compilation and Publication of Imam Khomeini's Works, quoted by Mustafa Kavakibiyan, Mabaniy-e mashru'iyyat dar nizam-e wilayat-e faqih, p. 258.

Acceptability and Legitimacy

Question No. 25

What is the relationship between acceptability and legitimacy in Islamic State, particularly regarding the theory of the "Muslim scholar's Authority"?

The two views mentioned on the theory of legitimacy (i.e. appointment and election) are different as to the relationship between acceptability and legitimacy:

A. According to the theory of "election", the relationship between "acceptability and legitimacy" is of "absolute generality and specificity" type; thus, acceptability is a more general idea than legitimacy. In other words, acceptability – providing other conditions such as jurisprudential expertise (fiqahat), efficiency, and justice are fulfilled – culminates in legitimacy. Acceptability is conceivable without legitimacy, but legitimacy is not conceivable without acceptability. Thus, legitimacy is absolutely more specific than acceptability, for "legitimacy" is always contingent upon "acceptability". In other words, three suppositions are conceivable in this respect:

1. (Acceptability + "jurisprudential expertise + justice + efficiency" ⇒ legitimacy)

2. (Acceptability – "jurisprudential expertise + justice + efficiency" ⇒ non-legitimacy)

3. ("jurisprudential expertise + justice + efficiency" – acceptability ⇒ non-legitimacy)

B. According to the theory of "appointment", the relationship between "legitimacy" and "acceptability" is "generality and specificity in some respect". That is, here it is different from the previous view just in the third supposition. Thus, the conceivable suppositions are as follows:

1. (Acceptability + "jurisprudential expertise + justice + efficiency" ⇒ legitimacy)

2. (Acceptability – "jurisprudential expertise + justice + efficiency" ⇒ non-legitimacy)

3. ("jurisprudential expertise + justice + efficiency" – acceptability ⇒ legitimacy)

Nevertheless, according to this view, the "Authoritative Muslim scholar" is not permitted to take the political power under any condition and in any form, and to wield his power; this is because without a record of "acceptability", it is virtually impossible to successfully establish a government.

On the other hand, taking power through dictatorial and insidious methods is not permissible in Islam. What is important according to the theory of "appointment" is the authority of the "Authoritative Muslim scholar" in spite of no social acceptability, while he lacks the nominal government; just as Imam Ali (as)

enjoyed authority and legitimacy during the Caliphate of the three Caliphs, while he was lacking the nominal government. As a result of this legitimacy, the "Authoritative Guardian" is legally permitted to issue a governmental decree in such a situation, and it would be incumbent upon people to obey him. But, according to the theory of "election" he essentially enjoys no authority to issue a decree, and if he issue one, it will not be incumbent upon people to obey him.

The Authoritative Muslim scholar's power to issue governmental decrees does not mean his dictatorship, for he cannot take political power and establish government through force, dictatorship or deception, imposing his own will upon others; however, people will be guilty because of not obeying him. Imam Ali (as) says:

"The Prophet said to me: 'Oh, Abu Talib's son! You are responsible for the Guardianship of my community. If they confer you the power safe and sound, agreeing upon your sovereignty contentedly, take on the guardianship of their affairs; otherwise, leave them at that". 1

This tradition shows that:

1. Imam Ali (as) had been appointed by the Prophet to the guardianship of the community; so it is not essentially dependant on people's vote.

2. Imam Ali's exercising his own authority is dependant on its acceptability by people. Imam Khomeini says on "Muslim scholar's Authority":

"If it is impossible for the Muslim scholars to assemble and establish a government, they would be exempted from establishing the Islamic government; however, they would still enjoy the office of guardianship. Although they have no government, they have authority over the Muslims".2

In view of what was said, the role and function of the religious ruler's "public acceptability" – based on the two views – is:

First. The role of acceptability according to the theory of appointment:

1. Participation in establishing Islamic State and preparing the ground for transferring the power to the ruler appointed by God.

2. Participation in making the Islamic State efficient, preserving it, and supporting its viability. These two functions are actually in all instances of Islamic State – including the Prophet's, the Imam's and the Authoritative Muslim scholar's government. As for the Authoritative Muslim scholar and Islamic Republic government, however, there are some other functions as well.

3. If there is just one person – among numerous Muslim scholars – qualified for leadership, the choice of the majority of the people is their indirect participation in the process of identifying the guardian appointed by God; this identification is done through experts. If there are numerous persons qualified for

leadership, the people's vote is preparing a reasonable ground for exercising the authority by one of the qualified persons. Thus, there is no chance for others to exercise power and they would have no responsibility here. To prevent struggle and anarchy, they are deprived of any right to guardianship.

Second. The role of acceptability according to the theory of election:

This theory shares the same opinion on the functions stated in number 1 and 2 above, but has a different view on the third function. It believes that the people's vote and the experts elected by people is a religious method not a rational one. In other words, the public affirmation is one of the religious conditions for the Muslim scholar's authority, just like justice and legal expertise; without people's vote, the qualified Muslim scholar does not legally enjoy authority. So, there is no difference between the two assumptions – i.e. one qualified person and numerous qualified persons.[3]

1. Ibn Tavous, Kashf al-mahja, p. 180.
2. Imam Khomeini, al-biy', 2, p.466.
3. For further information, see: Hukumat-e Islami, 2nd year, no. 4, p. 105-106, 127.

Preventing dictatorship

Question No. 26

Supposing the ruler is appointed in Islamic State and people have no right in appointing or deposing him, how can we prevent Islamic State from leading to dictatorship?

To prevent dictatorship and autocracy, there are various methods discussable under the topic of "control" in Islamic State. What can be briefly stated here follows:

First. The appointment by the Legislator is contingent upon the fulfillment of the necessary qualifications. The first qualification is "impeccability", and in case of occultation of the Impeccable Imam, "legal expertise" and "justice" are among necessary qualifications for the Authoritative Guardian. These are not restricted to the moment of acceding to the power and starting the government; it is also a necessary condition for viability of the power. That is, as long as these conditions prevail, he will be the appointed Authoritative Guardian and his government will be legitimate. As soon as he indulges in dictatorship and corruption, he will lose the necessary qualification and will thus be deposed by the Legislator; he then must abdicate. The society must also remove him and not obey him any more.

Second. The ruler's appointment does not necessarily negate people's participation in appointing and deposing him; rather, the religious ruler takes the power only through people's participation and social acceptability. In Islamic Republic, people choose their leader indirectly through the experts. Thus, in

Imam Khomeini's thought, the religious guardianship of the "Muslim scholar" is mentioned along with people's choice and voting. To clarify this point, the following excerpts of his speeches are quoted:

"We comply with the people's votes. We will do as they vote."[1] "The criterion is the people's vote."[2] "If there is no Muslim scholar, no Muslim scholar's Authority, there will be illegitimate sovereign. Either God governs or illegitimate sovereign. If God's command is not followed, and the president is not appointed by the Muslim scholar, [the state] will be illegitimate. When it is illegitimate, it is Devil…"[3]

Imam Khomeini, in ratifying the late president Rajaie's presidential prescript, said: "… and as its legitimacy must be ratified by the Authoritative Muslim scholar, I ratify the people's vote and appoint him as the president of Islamic Republic".[4] He also wrote in a letter to the Council for Revising the Constitution: "The effect of the Authoritative Guardian's decree is based on the people's choice".[5]

In these statements, the "divine appointment" and the "people's election" are clearly found besides one another. Thus, divine appointment does not prevent people's election based on religious principles; the same God who has appointed the "Authoritative Guardian" has attached a great importance to people's choice.

Question No. 27

Are people's will and consent regarded as necessary conditions or elements in legitimacy [of the government]?

Three assumptions are conceivable in this respect:

1. A government may be both legitimate and acceptable, such as the Prophet's, Imam Ali's, Imam Khomeini's and Imam Khamenei's governments.

2. A government may be illegitimate but acceptable, such as some democratic non-Islamic States.

3. A government may be legitimate but not acceptable, such as religious authority of the Impeccable Imam, who is not obeyed or whose government is not accepted by the society; a similar case happened to Imam Hassan. In such cases, if the ruler cannot defend Islamic State peacefully and the society does not support him, he is not allowed to impose dictatorship upon people and must relinquish the government, just as Imam Hassan did so.

However, we may suppose many cases wherein "people's consent and will" is to some extent involved in legitimacy; that is, when there are two just Muslim scholars who are equally qualified for government and leadership of the society, but one of them enjoys more public acceptability. In that case, it may be said that the public acceptability of one is a kind of reference for rational reasoning [in this respect].[6] Nevertheless, it must be noted that acceptability is in general a condition for permitting the exercise of authority not the authority itself.

Another point is that if someone has accepted the “Muslim scholar’s Authority” not as the Legislator’s appointment but as a certain point – i.e. he believes that expertise in jurisprudence is a necessary condition for leadership according to goals of religion, and thus only the competent Muslim scholar is qualified for leadership of Islamic government7; according to this view, in the case of numerous qualified persons, the certain point will be the priority of the very elected Muslim scholar.

In other words, if two Muslim scholars have equal qualifications, with one accepted by people and the other not, and we may doubt which one is affirmed by the Legislator, we are certain about the Legislator’s affirmation of the one elected by people, whereas for the other person – while the former is present – the doubt still remains. Thus, with the certain person’s presence, the dubious one would have no priority.

1. Sahifiy-e nur, 10, p. 181.
2. ibid, iv, p. 422.
3. ibid, iv, p.253.
4. ibid, xv, p. 76.
5. ibid, xxi. P. 129.
6. For further information, see Sayyid Kazim Husseini Ha’iri, Wilayat al-amr fi asr al-ghayba, p. 217-221.
7. Ibid, p. 113, 221.

The Status of God and People in Islamic State

Question No. 28

What are the roles of God’s consent and the faithful people’s consent in Islamic State? Which one has priority?

1. The government’s divine-orientation: The Islamic State is essentially a “divine-oriented” government. Therefore, God’s will and consent is the most essential cornerstone of the Islamic State. This point must be noted, however, that God wishes the man’s felicity and good fortune. His will is exactly equal to the man’s felicity and salvation.

2. People’s consent: People’s consent has certainly a high status in Islamic system; it must be noted, however, that their will and consent are along God’s will and consent. That is:

Firstly, The Most High God has ordered the rulers to do their best to win people’s consent, and they will be questioned on this duty. Imam Ali (as) writes in his letter to Malik Ashtar: *“Fill your heart with people’s love and affection. Never be like a beast who grabs the opportunity to devour them. …for you are dominant on them, and the one who governs you is superior to you, and God is superior to the latter.*

God has entrusted you the responsibility of managing people's affairs, and this is a test for you. Never enter a fight with God, for you would not tolerate His chastisement". 1 Here, oppression to people has been equaled to a fight with God.

Secondly, People's consent and will is noted insofar as it is not against God's consent and His law. Imam Ali (as) says: *"No creature deserves obedience when God is to be disobeyed..."*2

Altogether, the following points are worth noting about the status of people's consent and will in Islamic State:

1. The Islamic government itself is formed based on people's will, and is never imposed upon them. In other words, Islamic State is for a religious society and the religious society accepts nothing but the Islamic State.

2. In cases where the Legislator has not issued a certain order on a specific subject, leaving it to the government to choose the way, it is necessary [for the government] to consider people's will in a way consistent with their common good. If, however, their will is contrary to definite divine rules, their will is not considered and followed.

Therefore, Islamic government is neither like dictator and autocrat governments which do not consider any value for people's will, and nor like the so-called democratic governments which claim following people's will unquestionably (though this claim has never been realized). Islamic government is a third way wherein people's will is respected in accordance to divine will and decrees – which guarantee the human's felicity and good end in this and the other world.

1. Nahj al-Balagha, letter 53.
2. Nahj al-Balagha, Wisdom no. 165; Bihar al-anwar, 1, p. 227.

The status of people

Question No. 29

What is the role of people in policy-making and enforcing laws in Islamic State? What should we do in the case of a contradiction between people's opinions and views and those of the rulers?

In Islamic State, people play an active and decisive role in legislation, policy-making and enforcing laws. For instance, people participate in legislation and major policy-makings of the society by electing members of the parliament. They participate in collective policy-makings by electing members of the councils. They elect members of the Guardian Council to participate in determining the leader and

supervising him. And finally, they elect the president as the highest state official after the leader.

The State Cabinet is elected by people indirectly: on one hand, the elected president introduces the Cabinet, and on the other hand the elected MPs cast vote of confidence for the Cabinet members after investigating their qualifications. Nevertheless, it should be noted that people's role in all these affairs is in accordance to religious rules and cannot be contrary to them. Article 6 of the Constitution states:

"In Islamic Republic of Iran, the state affairs must be managed based on the public votes: through elections of the president, MPs, the members of the councils, and the like, or through plebiscite".

The problem of contradiction between people's views and those of rulers has different forms:

1. People's will and the decisions of the government's agents may be equal as far as consistency with religious rules is concerned. In this case, people's will will be preferable. Reasons such as "the necessity of counsel" can religiously support this idea. Besides, from a sociological viewpoint, this results in more "acceptability and efficiency" of the government. This is true, except when changing the decision is not possible due to some reasons.

2. People's will may be religiously and legally prior to the decision of government's agents. In this case, people's will is preferable.

3. People's will may be inconsistent with religious rules and principles, or may be contrary to the common good of the society, but the decisions of the government's agents may be consistent with religious rules and principles; in this case, the latter has priority.

The Role of Allegiance

Question No. 30

In case of establishment of the ideal form of the Islamic State through Imamate and caliphate, what is the role of allegiance in Islamic State?

First, the nature of allegiance should be identified so that its role in Islamic State may be found out. The equivalent of allegiance in Arabic, i.e. bay'at, is derived from the root bay'¸ meaning "sale".[1] This is because those who give allegiance do their best to be at the service of the person gaining allegiance. The Holy Quran refers to the "Bay'at Ridhwan":

فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ

***"... rejoice then in your bargain that you have made."* (*9:111*)**[2]

As for the nature of allegiance, it has been stated that: "allegiance is a promise and a pact; those who pledge the oath of allegiance promise to be faithful to the one who gains the allegiance; and this depends on what the latter suggests".[3] Thus, allegiance is a promise given by those who pledge the oath of allegiance on what a supereminent person offers them in a specific case.[4]

Allegiance in Islam

The allegiances pledged in the early years of Islam were on different subjects, including the following ones:

1. The "First Aqaba Allegiance" took place during Hajj, between the Prophet (PBUH) and twelve Ansaris. Ubadat bin Sabit has reported this event as follows: "Before it became incumbent upon us to take part in war, we took the oath of Women's Allegiance (bay'at al-nisa') with the Prophet; its content would bind us not to believe in any partner for God; not to steal anything nor to commit adultery; not to kill our offspring; not to slander or accuse someone; not to disobey God and the Prophet in good things..."[5] As seen here, the term Bay'at means faith in Islam and obeying Islamic decrees.

2. The "Second Aqaba Allegiance" took place between the Prophet in one hand, and seventy- three men and two women on the other hand. Here, the Prophet said: *"I gain your allegiance to protect me from anything you protect your household from."*[6] Here, Bay'at is a kind of defensive promise and treaty.

3. The "Shajaray-e Ridhwan Allegiance" was the Prophet's third allegiance that took place with a large number of people of Hudaybiya (nine miles from Mecca) in the 7th year A.H. It was an allegiance of Holy War and was a renewal of the second allegiance. Ibn Umar says: "We pledged the oath of allegiance with the Prophet on obeying and following him, and he said 'as much as you can'"[7]

From what was stated up to now, it is clarified that allegiance in the Prophet and Imams' age did not mean election and relegating political leadership. Ayatullah Ma'rifat writes on this point: "Allegiance in the age of Presence (the age of prophetic mission and the presence of Impeccable Imams) played just the role of a religious duty in regard with preparing the necessary facilities for the authorities. The Prophet and Imams' political authority and leadership originated from their Prophethood and Imamate, and it was incumbent upon people to prepare the necessary facilities for them so that they could perform their duty in enforcing justice with people's assistance; if the people refrained from doing this duty, this would cause no impairment to their political leadership and authority. In that case, people had disobeyed their Authoritative Guardians."[8]

4. Pledging allegiance to Imam Ali, which was the practical transfer and depositing political power to him, and declaring faithfulness and pledging obedience to him.

1. For further information, see Ibn Manzur, Lisan al-arab, sv. "b-y-'"

2. The Qur'an, Tawba (9), 111.
3. Muhammad Hadi Ma'rifat, Wilayat-e Faqih, p. 182.
4. For further information, see ibid, p. 82-92.
5. Ma'alim al-madrisatayn, 1, p. 154, 2nd ed.; Siriy-e Ibn Hisham, 2, p. 40.
6. Ma'alim al-madrisatayn, 1, p. 155; Siriy-e Ibn Hisham, 2, p. 47.
7. Sahih Bukhari, (kitab al-ahkam), Bab al-bay'a, 5; Sahih Muslim, (Kitab al-Imara, Bab al-bay'at ala al-sam' vat-ta'a fi ma istata'), p. 90; Sunan Nisaii, (Kitab al-bay'a, Bab al-bay'at fi ma yastaty'u al-insan); quoted by Ma'alim al-madrisatayn, 2, p. 156.
8. Wilayat-e Faqih, p. 91.

Republicanism and Islamic State

Question No. 31

What is the relationship between Islamic State and republicanism or democracy? Is Islamic State inconsistent with republican and democracy?

"Republicanism" has no contradictions with "Islamic State". Republicanism is a form of government consistent with various governments, as far as content is concerned. Islamic State can be organized in various forms, one of which is republican, which is especially appropriate for the modern age.

"Democracy" and the explanation of its relation with Islamic State requires a lot of study and review, because this notion has various degrees, models and forms; besides, the term "democracy" is used in different senses.

In summary, if we define the word democracy as "public participation" – which is called "methodic" democracy – it has no contradiction with Islamic State. Rather, Islamic State cannot emerge without this kind of democracy, or it may not sustain its viability. The "ideological and substantial" democracy or the "liberal" form of democracy which affirm every human will – even though it may be inconsistent with religious law – are, however, in contradiction with Islamic State.1

1. For further information, see Sayyid Abbas Nabavi, Mardum salari dar hakimiyyat-e Islami; Ayatullah Misbah Yazdi, Pursishha va pasokhha; Murtiza Mutahhari, Piramun-e jumhuri-e Islami.

The Duties of People and Statesmen

Question No. 32

What are the mutual duties of people and Islamic State?

Generally speaking, the first and the most essential duty of the Statesmen is their commitment to their responsibilities toward people, not refraining from any effort for serving the society as far as their legal responsibilities are concerned. Some of these responsibilities may be enumerated as follows:

1. Attempting to preserve the autonomy and glory of the society, and removing foreigners' dominance in all spheres;

2. Preparing the ground for scientific, religious, cultural and moral growth and development of the society;

3. Creating inland and overseas security, and dominance of justice;

4. Spreading welfare and prosper, and attempting to fulfill the material needs of the society;

5. Humbleness before people and preparing the ground for ever-increasing participation of people;

Among the most important people's responsibilities toward Statesmen are:

a. Providing serious and decisive support for the government and its agents so that they can perform their legal duties, especially in times of crisis and risky situations;

b. Providing suggestions and corrective and benevolent instructions along with accurate studies and investigations according to demands of time.

Islamic State and Civil Institutes

Question No. 33

What are the most important issues concerning the relations of a government with the society and the civil institutes? What are the views of Islam and Constitution in this regard?

The most important issues concerning the relations of a government with the society and the civil institutes are:

One: political participation;

Two: political pluralism;

Three: methods or organs controlling and supervising the performance of the political rulers

To clarify the abovementioned items, it should be noted that:

1. In Islamic thought, the idea of social and political participation is not only people's right but also their religious duty. In this view, all Muslims are responsible for the destiny of the "Muslim community". The Holy Prophet said: *"He who gets up and does not attempt to reform the Muslims' affairs is not a Muslim."* Islamic State is essentially contingent upon people's participation, will and agency. In Islam, political participation is based on divine sovereignty and making human dominate his own fate to achieve the ultimate goals of creation. Accordingly, it is stated in article 56 of the IRI Constitution that "Absolute dominance over the universe and human belongs to God, who has made human dominate his own social destiny; nobody can deprive human of this divinely conferred right."

2. Political pluralism has been accepted in Islamic State based on the principles and norms of the Islamic law. In article 26 of the IRI Constitution, it has been stated that "Parties, guilds, political leagues and Islamic societies or recognized religious minorities are free; provided that they do not violate the principles of independence, freedom, national unity, Islamic rules and the bases of Islamic Republic. No one can be prevented from or force to join one of them."

3. "Enjoining good and forbidding evil" is one of the valuable and most important teachings of Islam, according to which it is incumbent upon all members of the society to treat suitably every diversionary phenomenon. According to this principle, the behaviors of the rulers are accurately beheld by members of the society, and they can put forward – as the common good of the society demands – corrective suggestions and critiques.

Besides, all leaders and political authorities of the countries – even the great Iranian leader himself – are subject to investigation and control by legal organs originated from people. The article 111 of the IRI Constitution says: "whenever the leader becomes unable to do his legal duties, or loses one of the qualifications stated in the articles 5 and 109, or it becomes known that he had lacked some of the qualifications from the very beginning, he would be dismissed. The experts stated in the article 108 are responsible for discerning the deficiencies mentioned here."

The Basic Rights and Personal Freedoms

Question No. 34

To what extent are the public rights and people's basic rights ensured in Islamic State?

In Islamic government, the basic rights of the people have been established in best accordance with religious high values and teachings. In IRI Constitution, the basic rights of the people have been stated in various chapters, including the followings:

1. Equality

"Iranian people from different races and tribes enjoy equal rights; and color, race, language, and the like are no criteria for priority."[1]

2. Enjoying legal support

"All members of society, men and women, are equally supported by law, and enjoy all human rights including political, economical, social, and cultural rights based on Islamic principles."[2]

3. Political rights

"Absolute dominance over the universe and human belongs to God, who has made human dominate his own social destiny; nobody can deprive human of this divinely conferred right or make it at the service of a special individual or group; and the people exert this divinely conferred right through devices stated in later articles."[3] In article 6, it is stated that "In Islamic Republic of Iran, the country's affairs must be managed based on people's votes; this is done through elections, electing the president, the MPs, the members of the City Councils, or through referendum."

4. Social rights

a) The right to a suitable job (articles 43, clause 2; 28 and 29)

b) The right to social security (article 31)

c) Cultural rights (article 30)

d) Economical rights (the right to ownership) (chapter 4, articles 46, 49, …)

e) Judicial rights (the right to litigation, choosing a lawyer for lawsuits) (article 34, 35 and 167)

f) Another section of the basic rights is concerned with "people's basic rights" to which we will deal with separately.[4]

Impunities

Another related subject is concerned with impunities including the followings:

1. Personal impunity or individual security (articles 21–3, 38)

2. The judge's impunity (article 164)

3. Judicial security (clause 114 of article 3)

4. Judicial principles:

a) The principle of necessity of observing Islamic rules (articles 159 and 163)

b) The principle of exemption (article 37)

c) The principle of legal prosecution and punishments of crimes and enforcing them through legal authorities (article 169)

d) The principle of open trials (article 165)

e) The principle of no ex post facto criminal law (article 169)

f) The principle of the necessity of settling complaints and petitions (articles 158 and 167)

g) The principle of the necessity of restitution of material of spiritual harms inflected due to judge's mistake or fault (article 171)[5]

As for the question of whether the basic and public laws relating to the people are valid and respected, it should be noted that:

Firstly, an Islamic State and government is never formed without people's will and consent.

Secondly, the religious society – in view of its deep commitment to religion and religious values – is seeking laws taken from the very context of religion or at least accepted and affirmed by religion and not inconsistent with it. Such laws enjoy special validity and importance in Islamic State, and nobody has the right to oppose them. It is advisable here to refer to previous questions as well.

1. Articles 1, 3.
2. Article 23, clause 14; Article 21.
3. Articles 56, 41 and 25.
4. See Question No. 37.
5. For further information, see Huquq–e asasi va sakhtar–e hukumat–e jumhuri–e Islami–e Iran, p. 93–124.

Ensuring freedoms

Question No. 35

To what extent are the personal and basic freedoms ensured? How much are these freedoms respected by Islamic State and rulers?

1. Personal freedom

In Islamic view, this topic has been best dealt with. In Islam's view, human's freedom is an "intrinsic and innate" right conferred to him by God, not a "made-up or conventional" right. Therefore, nobody is allowed to deprive others of their freedom unduly. Imam Ali (as) says: *"Oh people! Verily, human beings have been crated neither as slaves nor bondwomen; verily, they are all free."*[1] He has also said *"Do not be any one's slave, for God has created you free."*[2] Nevertheless, in all schools of thought and in all governments, freedom has some limitations. The scope of freedom and its limitations differ according to the epistemological, cosmological and anthropological foundations. Thus, the personal freedom in Islam and Islamic State cannot be equalized to liberal thoughts and governments.[3]

2. Basic freedoms

The IRI Constitution has recognized basic freedoms such as personal freedom, freedom of thought and belief, political freedom, freedom in choosing a job, freedom in choosing a dwelling place, and other types of freedom. It stipulates in the seventh clause of article 3 that "To achieve the goals stated in article 2, the IRI government is bound to use all its facilities for providing political and social freedoms within the framework of the law".[4]

The extent of religious rulers' respect for personal freedoms can be evaluated by noting historical experiences. The most complete and prominent instances of Islamic State are those established by the Prophet and followed by Imam Ali.

The ruling method of these two great leaders is the best model of "observing the individuals' freedom". This historical case was experienced in an age when there was no freedom in the milieu of great political powers of the world. In Islamic Republic, the individuals' freedom in the framework of the Islamic laws and religious norms has been stressed by the government and its leaders.

Question No. 36

Are the State's authority and jurisdictions not consistent with the personal freedoms?

Generally speaking, social life and the establishment of the civil society results in limitation of the

personal and natural freedoms. This is found in any society and is unavoidable. Therefore, defining and limiting the domain of personal freedoms and the domain of the government's interference is a concern of all thinkers and scholars in the sphere of political and social issues. What can be stated here in summary is that there are three general views on the method of delimiting the scope of personal freedoms and government's interference:

1. Liberalism, whose essential spirit is "individualism", insisting on more freedom for individuals and more limitation of government's interference; in other words, it insists on a "minimal government". In this view, the most essential function of the government is protecting personal freedoms.

2. Socialism, which is based on the idea of "collectivism"; generally, it is found in totalitarian governments such as Fascism, Nazism, etc. which stress more authority, influence and interference on the part of the government and less personal freedoms.

3. Islamic view, which is based neither on individualism nor on collectivism; it neither accepts a minimal government, nor approves a totalitarian government. Rather, it offers a moderate alternative contrary to those extreme ideas.[5]

1. Bihar al-anwar, 22, p. 133, ch. 1, trad. 107.
2. Nahj al-Balagha, letter 31.
3. For further information, see Mahmud Fath Ali, Tasahul va tasamuh.
4. Huquq-e asasi va sakhtar-e hukumat-e jumhuri-e Islami-e Iran, p. 110-19; also Muhammad Ibrahimi Varkiyani, Islam va Azadi.
5. For further information, see Tasahul va tasamuh.

Controlling Power in Islamic State

Question No. 37

How much do the Islamic ruler's mistakes and faults negatively affect Islamic State and religion? What are the methods of their control and supervision?

In this regard, it is necessary to note some points:

The Impeccable leader is free from any faults; expecting a non-impeccable person to make no mistake, however, is nonsense. Nevertheless, Islam has determined some qualifications for the Islamic ruler in Occultation period. Among these qualifications are knowledge and piety, which are two important factors in reducing mistakes. They entail two sorts of control: "rational control" and "moral control". Besides, the injunctions such as the necessity of counsel and refraining from autocracy and other controlling factors are very effective in reducing the probability of making mistakes. Enjoining good and forbidding evil or

the principle of “public supervision” is also one of the ways stressed by Islam. According to this principle, it is incumbent upon every Muslim to accurately supervise the performance of all authorities of Islamic government, and in the case of noticing any mistake or diversion, to warn them in a benevolent and useful way, offering guidelines or any other suggestions for improving the situation.

Another point is that “making a mistake” is conceivable in two ways:

1. Expertise mistakes

By expertise mistakes, it is meant that experts and specialists have different views and opinions on some issues which are sometimes contrary to one another, and just one of them is right. Naturally, the opinion of the ruler or the agents of the Islamic government is also one of those opinions; and in case of a non-impeccable person’s dominance, it is probable for that opinion to be right or wrong. Such probable mistakes are quite natural and unavoidable.

2. The mistakes resulting from deficiencies

Some mistakes do not originate from theoretical or expertise foundations. They originate, rather, from lack of knowledge, inability in discerning social needs, and finding the appropriate solutions for social problems in religious sources. Such errors are easily discernable by experts and authorities in religion and those informed in social issues, revealing the person’s inability in social management. Such mistakes would clearly cause more harmful and negative effects, even leading to dismissal of the officials.

Dictatorship and Islamic State

Question No. 38

Is the Islamic State not a kind of religious autocracy and dictatorship?

To investigate this issue, it is necessary first to accurately define and identify the qualities of an “autocrat and dictatorial government”, then compare it to Islamic State. There are different views on the accurate definition and features of a dictatorial government. Here, some of the major features and functions of such governments are mentioned.

1. Dictatorial government

The word “autocracy” has been defined as “governing oneself” or “absolute government”.[1] Another

similar word is “despotism” which is defined as “a government wherein the ruling power and limitless jurisdiction is conferred to an oppressive and tyrant person such as a monarch”. Abd al-Rahman Kavakibi defines “despotism” as “the seizure of a nation’s rights by an individual or a group without fearing of admonition”. Still elsewhere, it has been defined as “any kind of authority whose legitimacy or the method of exerting power is not accepted by all people”.[2] Sometimes the word “dictatorship” is used here, defined as “the absolute dominance of an individual or a group or a social class without people’s consent... Some of the features of dictatorship follow:

1. lack of any rule or law according to which the ruler would be obliged to be held accountable for his actions;

2. acceding to power through illegitimate means;

3. no limitations set for exercising power;

4. no rule for succession;

5. exercising power through threat and terror in favor of a specific group;

6. People’s submission to it because of fear.”[3]

Individualism, arbitrariness, and exercising power according to personal will and desire, and law’s submission to the desires of the ruling person or group are among prominent features of a “dictatorial government”. “Lois XIV claimed that ‘I am the State, and the State’s rules are in my chest’”.[4]

2. The features of Islamic State

a. In Islam, egoism, selfishness and domineering are severely rejected. In Quranic view, one who accedes to power because of selfishness and capriciousness is an illegitimate ruler (Taghut) and should be combated.[5]

In Islamic view, “government” is not a prey, but a divine trust, and should be accepted just through a benevolent motive and divinely intention. Imam Ali writes in a letter to Ash’ath bin Ghayth, the governor of Azarbayjan: *“Governorship is not a prey for you, but a trust conferred to you”*.[6]

One of the essential differences between Islamic State and dictatorial government is thus in its origin. The dictatorial government is egoistic, while Islamic State is divinely inspired.

b. Another difference between these two types of government lies in the qualifications of the ruler and the agents. Islamic State is a government governed by qualified persons, and those without the least scientific and moral qualifications are not accepted. Dictatorial governments, on the other hand, are not essentially based on proper qualifications.

c. The dictatorial government lacks any law or gives priority to the ruler's will over the law, while Islamic State is the rule of law and its main philosophy is the enforcement of divine laws based on real expediencies of human beings.

d. In dictatorial government, there is no room for public participation and there is no mechanism for controlling power; while in Islamic State, there is a large room for public participation and it contains the strongest mechanisms for controlling power.[7] Therefore egoism, selfishness, individualism, sturdiness, escaping law, escaping responsibility, neglecting people's wills and participation – which are the essential features of dictatorial governments – are inconsistent with the very nature of "Islamic State". Rather, one of the important philosophies of Islamic State is its struggling with oppression and tyranny.

Imam Ali (as), regarding the reason for his taking power, says to God:

"Oh God! You know well that we are neither seeking power nor willing to enjoy worldly pleasures; we are trying to enforce teaching of Thy religion and reform in Thy land so that Thy oppressed servants may feel secure and Thy already ignored religious rules be established..."[8]

Question No. 39

What are the ways for people to control the power and supervise the Islamic State?

The definition of power

One of the concepts which is, like many other social and human concepts, difficult to define and is always defined variously with non–unanimous definitions is the term "power". Russel defines "power" as creating favorable results.[9]

Max Weber defines it as the possibility of imposing one's own will upon others.[10]

Poulantzas defines power as the ability of a social class to realize its specific objective interests.[11]

Hanna Arendt defines it as human's ability for acting with other members of a group.[12]

All these definitions suffer from some common deficiencies and some specific deficiencies, which cannot be fully discussed here.[13] One of the common deficiencies of all these definitions is their material look at "power". In contrast, Muslim thinkers have a more general approach to power.

Some writers have used Imam Khomeini's speeches and his political way of life to conclude that power, in his view, is "the ability of actualizing all spiritual and material sources available for men to achieve justice and salvation".[14] In this view, in addition to material elements, spiritual sources and the ultimate goal of power in this world and hereafter have been mentioned.

Power and corruption

Some thinkers believe that “power” naturally leads to corruption. Lord Acton writes that power is tending to corruption.[15] This view has been questioned from some aspects.[16] Certainly, unlimited power in the hands of a non-impeccable and fallible person prepares the ground for many corruptions. Some of the corruptions resulted from power are: ambition, autocracy, escaping law, and depriving others from their legitimate freedoms. Thus, the issue of power and its control is one of the necessary issues in any political theory.

Controlling power in non-religious governments

Non-religious political systems mostly use external methods of controlling power. The mechanisms of controlling power externally are not the same in various non-religious governments. What is noticeable in democratic western governments in modern age is the “structural control” or “separation of power centers”. The theory of separating power centers has a long precedent in history but in modern world, Montesquieu is regarded as the reviver of this theory. This theory is based on the idea that power cannot be restricted except by power.

Structural control is one of the important methods for external control of power in modern western societies. This method – thought to be a suitable way for controlling power and preventing corruption – suffers from some deficiencies. Some of these deficiencies are:

1. Impossibility of complete separation of elements of power;

2. Separation of elements of power has – at best – led to separation of corruption instances and decentralizing them.[17]

3. Organizing people’s participation in elections by political parties has negated the philosophy of separation of elements of power;

In countries such as United States – where there is an almost absolute separation of elements of power – the power is in the hands of the Democrats or Republicans, and what is really effective behind the external façade of political institutes, which serves as an umbrella for all elements of power, is the ruling party.[18]

Anyway, in the present situation of the world, separation of elements of power seems unavoidable to some extent. However, it is not enough for preventing corruption resulted from power. Although the separation of elements of power may be accepted – just as the structure of Islamic Republic of Iran is based on this idea – it cannot be considered as eradicator of corruption.

What then should we do? Can we leave this idea just because it is not successful, and rely only on the internal control, that is the characteristics of those in power? This alternative seems inadvisable too, for

the highest degree of internal control is Impeccability. With this, power would never tend to corruption. Nevertheless, only a restricted number of persons achieve this level of intellectual, spiritual and rational soundness. Therefore, some other solutions must be sought for cases of non-Impeccable leaders.[19] To do so, power must be controlled both externally and internally.

Referring to religious texts shows that the illuminative religion of Islam is the most comprehensive and most realistic school in this domain. Islam stresses the external and internal control of elements of power, presenting solutions in each domain. In the light of these mechanisms, the possibility of power corruption reduces greatly.

The methods for internal control of power in Islam

These methods may be divided into two types: the method of "conceptual control" and the method of "moral control".

The insightful or rational control

One of the methods for controlling political and social behaviors of rulers is through the body of their knowledge and insights. Some of these types of knowledge are as follows:

1. Religious expertise (Fiqahat)

Some believe that social behavior of knowledgeable Muslim scholars in leadership is different from those non-knowledgeable leaders; the former is more successful in observing the society's rights. In Islam – wherever the Impeccability and knowledge is not divinely inspired – expertise in religious decrees is necessary for the leader. Since religious expertise refers to the whole body of value system in Islam and is more general than merely legal knowledge[20], faqih is also the Islamic Muslim scholar. Imam Ali says in this regard: *"Verily, the most deserving persons for leadership are the most competent and the most knowledgeable ones in God's decrees"*.[21]

2. Divine worldview

Divinity, eschatology and deep wholehearted faith in God's supervision of human actions and a sense of duty toward Him are very effective in protecting power from diversion and corruption. Hence, the Holy Quran negates the dominance of the infidels.[22] Imam Hussein (as) also affirms true piety as a qualification for leadership.[23]

3. The type of attitude toward power

The epistemological structure of those in power and their attitude towards power is effective in the way they exert power. In other words, the dominant worldview and the idea of power in it are of great importance. One of the basic roots of "power corruption" is the authority's proprietary and desirous view of power. In Islam, however, political power is viewed as a responsibility and a trust.

Imam Ali writes to Ash'ath bin Ghayth, the governor of Azarbayjan: *"Governorship is not a prey for you, but a trust conferred to you"*.[24] One of the most important results of such an attitude towards power is refraining from corruption and dictatorship. Hence, the Imam continues: *"You have no right to impose your arbitrary ideas upon people"*.[25] In another letter to one of his governors, Imam writes: *"Then, I appoint you as my partner in my trust* (*i.e. leadership*)*"*[26]

Moral control

Those moral characteristics deeply rooted in human's soul are among the most decisive factors in his behavior. Hence, Islam pays much attention to moral qualities and traits of the ruler, regarding as qualified leaders only those who enjoy the most prominent virtuous traits and lack any vicious qualities. The most important characteristics of a leader as asserted in religious texts are:

1. Justice

In Islamic view, the right to leadership belongs only to those upright persons who fight oppression.

The Holy Quran says:

وَلَا تَرْكَنُوا إِلَى الَّذِينَ ظَلَمُوا فَتَمَسَّكُمُ النَّارُ

***"And do not incline toward those who do wrong lest the* [*hell*] *fire touches you."* (*11:113*)**[27]

Imam Hussein writes in his letter to the people of Kufa:

"No one is Imam except one who acts according to God's ordinances, and establishes justice; one who is pious and controls his soul for God's sake".[28]

2. Piety

Piety and chastity are among important qualifications of the ruler in Islam.

The Holy Prophet says:

"No one deserves to be Imam except one who has three features: piety and chastity restraining him from disobeying God, ..."[29]

3. Patience and good behavior

In the tradition quoted above, the Prophet continues mentioning the features of the leaders:

"...patience which placates his anger, and good leadership of citizens which makes him treat people like a kind father".[30]

The mechanisms for external control of power in Islam

The methods for external control of power in Islam are variegated and numerous. In addition to methods ordained by Islam (textual), there are some rational methods (non-textual) which may be used if they are not in contradiction with religious authority and not opposing to the ruler's playing his governmental duties.

The issue of structural control and separation of power centers as well as organizational control are among these methods. One example of organizational control – which has been devised in Islamic Republic of Iran – is the supervision and control exerted by the Assembly of Experts over the Authoritative Muslim scholar.

Some of the methods for external control of power are:

1. The direct divine control

God is the most important controller and most powerful and knowledgeable supervisor of power. He exerts His supervision through different methods, including:

a. Legislation

One of the methods of power control is presenting comprehensive and appropriate norms for the ways of exerting power and specifying the ruler's manners. Divine legislation and stressing the necessity of obeying divine decrees are very effective in controlling power. The Holy Quran pays much attention to this issue, calling the rulership oblivious of divine decrees as a kind of oppression, debauch, and infidelity. Imam Hussein also asserts that the ruler is the one who behaves according to God's Book.

b. Negating legitimacy

In addition to specifying the character and scientific qualifications for the ruler as well as defining the rules of behaviors for him, Islam has added a strong executive guarantee so that in the case of power corruption, it can cure the ailment, preventing its continuation.

One of the preventive and curative methods is "negating legitimacy". The conditions and rules of behavior for rulers have an executive guarantee only once the ruler devoid of these norms is not considered legitimate. The ruler's legitimacy is negated as soon as a gap appears between him and the rules and conditions specified by religion, and he is legally dismissed.

c. Punishment

In Islamic view, the rulers and citizens are all subject to accurate divine supervision and control. God is everywhere and every time watches men's behaviors and actions.[31] He reacts to the oppressions by oppressors.

His reaction to oppression and power corruption is of several kinds:

1. Motivating believers and combatants to fight tyrants, and assisting them in their struggle;

2. Conventional (wad'i) and legal punishments in this world;

3. Genetic (takwini) punishment and recompensing vicious actions in this world;

4. Punishment in the hereafter.

Imam Ali says to 'Uthman:

*"Know that the best servant for God is the just leader who has been guided and does his best to help others be guided; preserves the accepted traditions, and eradicates the undue heresies... and verily the worst person for God is the unjust ruler; the one who is deviated, and leads others astray; one who corrupts the accepted traditions and revives the obsolete heresies. I heard the Prophet saying: 'The unjust ruler is brought in at the Judgment Day, while he has neither any helper nor any intermediary; he is cast in the Hellfire, whirling like a millstone, then is fastened by chains in the depth of Fire'".*32

d. Regulation of mutual rights

In Islamic government, the relations between people and the State are mutual and based on mutual rights, their responsibilities towards one another, and their responsibilities towards God. Imam Ali says: *"Verily, I retain some rights over you* [*people*] *and you retain some rights over me..."*33

e. Equality before law

In Islamic view, all human beings are equal before law, and nobody enjoys priority over others before law. This rule is unanimously accepted by all Muslims as the principle of "commonality in verdicts".

2. Public control

Islam believes that it is not possible to purify the power system without widespread social participation. Thus, it has provided various mechanisms for realizing this participation. In Islam, political and social participation is not only people's right, but also one of their duties. Some of the mechanisms for realization of controlling participation in Islam are as follows:

a. The necessity of counsel

In Islamic State, it is condemned to shun people, be autocrat, and not considering people's opinion in social affairs. The Holy Quran explicitly orders rulers to counsel people, and wants the Prophet to prepare the ground for public participation through counseling.34

b. Public responsibility

In Islamic view, all people are responsible for protecting power from corruption. The Holy Prophet says:

"All of you [*rulers*] *are responsible to people"*[35]

Imam Khomeini adduces this tradition and says:

"You are responsible to me, and I am responsible to you. If I deviated, you are responsible [to admonish me]"[36]

c. Devoting all efforts to Muslims' affairs

Attempting to bring about success and prosperity for Muslim community and combating against agents of corruption is incumbent upon all Muslims and a necessary condition for being a Muslim. The Prophet says:

"One who gets up in the morning and does not endeavor to deal with Muslims' affairs, and one who hears a Muslim calling for help and does not help him, is not a Muslim."[37]

d. Enjoining good and forbidding evil

Enjoining good and forbidding evil as a divine obligation is one of the most important grounds for social interaction and participation. The Holy Quran sees this as one of the privileges of the Muslim community, saying:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ

"You are the best community that has raised up for mankind; you enjoin good and forbid evil, and you believe in Allah." **(*3:110*)**[38]

The Holy Prophet says:

"As long as my people enjoin good and forbid evil and cooperate in good conducts, they would be successful and fortuitous. But when they refrain from doing these duties, they would lose God's blessings, and their vilest persons would dominate them, with no helper in earth or in heaven."[39]

e. Advising the Muslim leaders

The Arabic equivalent of the word "advice" is "nasihat" derived from the root "n-s-h" meaning benevolence and exhortation. Islam stresses being well-intentioned towards the rulers, and consequently offering proper guidelines, offering pieces of advice on time, and positive critiques.

The Holy Prophet says:

“There are three things from which no Muslim would consent to escape: devotion to God, being well-intentioned towards Muslim leaders, and accompanying Muslim community”.[40] Imam Ali considers one of the rights of the community ruler to be benevolent underhandedly and publicly.[41]

The abovementioned methods were some of the mechanisms for controlling power in Islam. A deep scrutiny of these mechanisms and comparing them to the methods found in other political thoughts and governments reveal the considerable richness and predominance of Islamic thought and its comprehensiveness.

1. Ali Aqa Bakhshi, Farhang-e ulum-e siyasi, p. 24.
2. Ibid, p. 89.
3. Ibid, p. 91.
4. Bonyadhay-e ilm-e siyasat, p. 278.
5. The Qur’an, Nisa (4), 60.
6. Nahj al-Balagha, letter 5.
7. For further information, see Question no. 41.
8. Nahj al-Balagha, sermon 131.
9. Bertrand Russel, Power, pp. 25-34. Unwin Books, George, Allen and Ltd, Roskin House; See Museum Street London, 1967.unwin.
10. Max Weber, Economy and Society, pp. 941-8.
11. Nicos Poulantzas, Political Power and Social Classes, pp. 104-14, translation editor: Timotny O’Hagan, London, Newleft 1973.
12. Hanna Arendt, On Violence, ch.2, Penguin Books Ltd., London 1910.
13. For further information, see Sayyid Abbas Nabavi, Falsafi-ye qudrat, ch.2; see also Muhammad Javad Arasta, Qudrat-e siyasi dar Islam (article), dar amadi bar andishi-ye siyasi-e Islam (the collection of articles), ed. Sayyid Sadiq Haqiqat.
14. Falsafi-ye qudrat, p.117.
15. Mahdi Mutahhari nia, Qudrat, insan, hukumat, p.201.
16. For further information, see Qurdart-e siyasi dar Islam.
17. Falsafi-ye qudrat, pp. 398-405.
18. For further information, see Hussein Javan Araste, Bazkhani-e imamat, hukumat va towzi’-e qudrat dar qanun-e asasi (article), Hukumat-e asasi, 6th year, no. 4, p. 204-5.
19. For further information, see Ali Akbar Alikhani, Musharkat-e siyasi, p.2-149.
20. For further information, see Mustafa Danishpazhuh and Qudratullah Khusrowshahi, Falsafi-ye huquq, Imam Khomeini Educational and Research Institute.
21. Nahj al-Balagha, sermon 173
22. The Qur’an, Nisa (4), 149.
23. See Imam Hussein’s letter to the people of Kufa.
24. Nahj al-Balagha, letter 5.
25. op. cit.
26. Nahj al-Balagha, letter 41.
27. The Qur’an, Hud (11), 113.
28. al-Kamil ibn Athir, 4, p. 21; al-Irshad al-Munir, p. 186.
29. Kafi, 1, p. 407, Kitaba al-Hujja, Bab ma yajib min haqq al-Imam al-ar-ra’iyya, trad. 8.
30. Ibid.
31. The Qur’an, Nisa (4), 1: إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا
32. Nahj al-Balagha, sermon 164.
33. Ibid, sermon 34.

34. Ahmad Va'izi, Jami'i-ye dini, jami'-ye madani, pp. 129-132.
35. Bihar al-anwar, 75, ch.35, trad.36, p.38.
36. Sahifi-ye nur, 8, p.47.
37. Usul-e Kafi, 2, Kitab al-iman va-l-kufr, bab al-ihtimam bi-umur al-muslimin, trad. 1 & 5.
38. The Qur'an, Al-e Imran (3), 110.
39. Wasa'il al-shi'a, 11, p.398, trad. 18, ed. Beirut.
40. Bihar al-anwar, 77, bab 6, trad. 39, p.132.
41. Nahj al-Balagha, sermon 34.

The position of "enjoining good" (amr bi ma'ruf)

Question No. 40

How much is "enjoining good and forbidding evil" acceptable in Islamic State and by rulers in governmental affairs?

Here, we should say that the prominent and salient instances of Islamic State were the Prophet's government and that of Imam Ali (as). The Holy Prophet behaved, in the course of his divine government, in a way that – in spite of his Impeccability – all people could easily comment on social issues and the Prophet's behaviors.

His true successor, Imam Ali, also behaved in the same way. Imam's treatments show that he wanted to train the society in a way that people would never feel a gap between themselves and the authorities, so that they could express themselves easily. One of his invaluable sayings which best reveals such a relation follows:

"I do not like you to think I'm pleased if you admire and praise me... then, do not speak to me the way you speak to the tyrants! I don't want you to praise me unduly... then, do not refrain from saying what is right or counseling justly..."[1]

Such a behavior is actually treating the members of society with respect, and prepares them to express their opinions, criticize, enjoin good and forbid evil up to the highest social status.

A similar manner is found in Imam Khomeini's way of life. He says:

"It is incumbent upon all people to supervise affairs; if I deviated even a little bit, they must admonish me not to do so and to preserve myself."[2]

He also says: "A Muslim must be so [dutiful] that if a person – even the Muslims' leader – deviated, he would take out his sword to make him return to the right path."[3]

1. Nahj al-Balagha, sermon 216.
2. Imam Khomeini, Sahifi-ye nur, 7, pp. 31-35.
3. Ibid, p.34.

Bibliography

The Holy Quran

Nahj al-Balagha

The Gospel of Luck

The Gospel of John

Ali Aqa Bakhshi, *Farhang-e Ulum-e Siyasi*, The Center for Scientific Information and Document of Iran, 1374/ 1995

Muhammad Ibrahimi Varkiyani, *Islam va Azadi*, n.d.

Ibn Hajar Haythami Makki, *al-sava'iq al-muhriqa*, Dar al-tiba'at al-Muhammadiyya, Cairo 1403

Ibn Tavous, *Kashf al-mahjat li-thamart al-muhja*, The Office of Islamic Propagation Publications, Qom 1370/ 1991

Ibn Kathir Imad al-Din Isma'il Damishqi, *al-bidaya wal-nihaya*, Tahqiq lajnat min al-ulama, Dar al-kutub ilmiyya, Beirut

Ibn Manzur Abul-fazl Muhammad bin Mukram bin Manzur, *Lisan al-Arab*, Dar Sadir, Beirut 1405

Ibn Hisham Abu Muhammad Abd al-Malik bin Ayyub Himyari, *Sira Ibn Hisham*, Misr Mustafa al-Babi al-Halabi 1355

Abu Abd al-Rahman Ahmad bin Shu'ayb, *Sunan Nisa'i*, Dar Ihya Turath Arabi, Beirut

Muhammad Javad Arasta, *Qudrat-e Siyasi dar Islam*, Dar amadi bar andishi-ye siyasi Islam, ed. Sayyid Sadiq Haqiqat, Huda International Publication, 1st ed. 1378/ 1999

Muhammad bin Ismail Bukhari, *Sahih Bukhari*, Cairo, Maktabat Abd al-Hamid Ahmad Hanafi, 1314

Peter L. Berger, *The Decline of Secularism*, tr. Afshar Amiri, Pangan Publication 1380/ 2001

Hussein Bashiriyya, *Jami'i shinasi siyasi*, Ney Publication 1374/ 1995

Qulam Reza Behruz Lak, *Zaban-e siyasi-e Islam*, The Office of Islamic Propagation Publication, 1st ed. 1378/ 1999

Mahdi Pishvai, *simay-e pishvayan dar aini-ye tarikh*, Qom, Dar al-Ilm,1st ed. 1375/ 1996

idem, *Siri-ye Pishvayan*, Qom, Tawhid, 13th ed. 1381/ 2002

Abdullah Javadi Amoli, *Wilayat-e Faqih*, Wilayat-e Fiqahat va Idalat, Qom, Asra Publication 1378

idem, *Nisbat-e din va dunya*, Qom, Asra Publication, 1st ed. 1381/ 2002

Juwayni Khorasani, *Fara'id al-samtayn*, Beirut, Mu'assisat al-Mahmudi 1400 A.H.

Muhammad bin Hussein al-Hurr al-'Amili, *wasa'il al-shi'a*, al-Maktabat al-Islamiyya, 6th ed. 1367/ 1988

Sayyid Kazim al-Hussein Ha'iri, *Wilayat al-amr fi asr al-ghaybat*, Majma' al-Fikr al-Islami, 1st ed. 1414 A.H.

Sayyid Sadiq Haqiqat, *dar amadi bar andishi-ye siyasi Islam* (the collection of articles), al-Jady International Publication, 1st ed. 1378/ 1999

Safar bin Abd al-Rahman al-Havali, *al-Ilmaniyya*, al-Maktab al-Tayyib, Cairo, 2nd ed. 1420 A.H.

Mustafa Danish Pazhuh, *Falsafi-ye huquq*, Imam Khomeini Educational and Research Institute

Will Durant, *The Story of Civilization*, iv, Translators group, Scientific and Cultural Publication Institute, 4th ed. 1373/1994

Ali Rabbani Golpayigani, *Din va Dolat*, Islamic Culture and Thought Academy, 3rd ed. 1381/2002

idem, *Secularism*, The Youth Thought Center (Kanun-e Andishi-ye Javan), 1st ed. 1374/ 1995

idem, *Jami'iyyat va kamal-e din*, The Youth Thought Center.

Ali Reza Rahimi Borujerdi, *Siyr-e tahavvul-e tafakkur-e Jadid dar Orupa*, Ilmi Publications, 1st ed. 1370/ 1991

Sayyid Ahmad Rahnamaie, *Gharb shinasi*, Imam Khomeini Educational and Research Center, 1st ed. 1379/ 2000

Jafar Subhani, *Hukumat-e Islami*, tr. Davoud Ilhami, Tawhid Publications 1370/ 1991

idem, *Ma'alim al-hukumat al-Islamiyya*, ed. Jafar al-Hadi, Maktabat al-Amir al-Muminin, Isfahan 1401 A.H.

Muhammad Soroush, *Din va Dolat dar Andishi-ye Islam*, The Office of Islamic Propagation Publications,

Qom, 1dt ed. 1378/ 1999

Jalal al-din Abd al-Rahman bin Abi Bakr Suyuti, *Tarikh al-Khulafa*, Matba'at al-Sa'adat, Misr1371 A.H. 1st ed.

Hamid Reza Shakirin, *Secularism*, The Youth Thought Center

Qasim Sha'bani, *Huquq-e Asasi va sakhtar-e hukumat-e Jumhuri-e Islami Iran*, Ittila'at Publications, 1st ed. 1373/ 1994

Sayyid Muhammad Baqir Sadr, *Iqtisad-e ma*, tr. Ispahbudi, vols 1 & 2, Islami Publications 1376/ 1997

Sayfullah Sarami, *Aql-e qat'i*, manba'i istinbat-e qavanin-e jami'i va hukumat-e Islami, Hukumat-e Islami Quarterly, 6th year, no. 2, 1380/ 2001

Abd al-Rahman Alim, *Bonyadhay-e Ilmi-e siyasat*, Tehran: Ney Publications, 6th ed. 1379/ 2000

Ali Abd al-Razzaq, *al-Islam wa usul al-hukm*, Cairo 1925

Sayyid Murtiza Askari, *Ma'alim al-madrisatayn*, Mu'assissa al-Bi'tha, 1405 A.H.

Ali Akbar Ali Khani, *Musharikat-e siyasi*, Safir Publications, 1st ed. 1378/ 1999

Abbass Ali Amid Zanjani, *Fiqh-e siyasi-e Islam*, Amir Kabir Publications, 2nd ed. 1373/ 1994

Mahmud Fath Ali, *Tasahul va tasamuh*, Taha Institute, 1st ed. 1378/ 1999

Muhammad Hassan Qadrdan Maliki, *Secularism dar masihiyat va Islam*, The Office of Islamic Propagation Publications, Qom Seminary

idem, *Taqabul-e mashy-e a'imma ba secularism*, Ma'rifat Magazine, no. 19

Muslim bin Hajjaj Neyshaburi al-Qushayri, *Sahih Muslim*, Dar al-Fikr, Beirt 1398 A.H., 2nd ed.

Sayyid Samsam al-din Qavami, *Sakhtar-e hukumat-e Islami*, Hukumat-e Islami Quarterly, 4th year, no. 1

Muhammad bin Ya'qub Kulayni, *Usul-e Kafi*, The Office for Diffusion of The Prophet's Household Culture, n.d.

Mustafa Kavakibiyan, *Mabani-e Mashruiyyat dar nizam-e Wilayat-e Faqih*, Uruj Publications 1378/ 1999

Sayyid Ali Jabbar Golbaghi Masule, *Mabani mashruiyyat dar nizam-e Wilayat-e Faqih*, The Institute for Compilation and Publication of Imam Khomeini's Works

H.A.R. Gibb, *Religion, politics and Islam*, tr. Mahdi Qayeni, Dar al-Fikr Publication

Muhammad Javad Larijani, *Naqd-e dindari va modernism*, Ittila'at Publications, 2nd ed. 1376/ 1997

Ali bin Hisam al-din Muttaqi Hindi, *Kanz al-ummal fi sunan wal-aqwal wal-af'al*, Beirut

idem, *Muntakhab-e Kanz al-ummal*, Beirut

Abul Hassan Muhammadi, *Mabani Istinbat huquq-e Islami*, Tehran University Publications, 8th ed. 1376/ 1997

Muhammad Muhammadi Rey Shahri, *Muntakhab-e mizan al-hikma*, i, Qom, Dar al-Hadith 1381/ 2002

Sayyid Ali Mahmudi, *Idalat va azadi*, The Cultural Institute of Modern Thought, 1st ed. 1376/ 1997

Muhammad Baqir Majlisi, *Bihar al-anwar*, Dar al-Kutub al-Islamiyya, 4th ed. 1357/ 1979

Muhammad Taqi Misbah Yazdi, *Porseshha va Pasokhha*, Imam Khomeini Educational and Research Institute Publications, 1st ed. 1377/1998

idem, *Hukumat va mashruiyat*, Kitab Naqd, no. 7, Summer 1377/ 1998

idem, *Nazariyyi-e siyasi-e Islam*, Imam Khomeini Educational and Research Institute, 1st ed. 1378/ 1999

Mahdi Mutahharnia, *Qudrat, Insan, Hukumat*, Rostamkhani Publications, 1st ed. 1378/ 1999

Murtiza Mutahhari, *Piramun-e Jumhuri-e Islami*, Sadra Publications 1374/ 1995

idem, *Piramun-e Inqilab-e Islami*, Sadra Publications 1369/ 1990

idem, *Khatm-e Nubuwwat*, Qom, Sadra Publications, 9th ed. 1374/ 1995

idem, *Seiyri dar siriy-e a'immi-ye athar*, Qom, Sadra Publications, 11th ed. 1374/ 1995

Muhammad Hadi Ma'rifat, *Wilayat-e Faqih*, Qom, al-Tamhid Publications 1377/ 1998

Nasir Makarim Shirazi, *Payam-e Quran*, Dar al-Kutub al-Islamiyya, 6th ed. 1377/ 1998

Imam Khomeini Educational and Research Institute, *Falsafi-ye siyasat*, Imam Khomeini Educational and Research Institute Publications, 1st ed. 1377

Ruhullah Musavi Khomeini, *Wilayat-e Faqih*, The Center for Compilation and Publication of Imam Khomeini's Works

idem, *Kitab al-Biy'*, Ismailiyan Publications, 3rd ed. 1363

idem, *Sahifi-ye Nur*, Tehran, The Organization of Cultural Documents of Islamic Revolution 1370/1991

Khalil Reza Mansuri, *Dirasat al-mowzu'iyya hawl nazariyyat al-urf wa dawriha fi amaliyyat al-istinbat*

Sayyid Musa Mir-Modarris, *Jami'i-ye barin*, Bustan-e Kitab-e Qom, 1st ed. 1380/ 2001

Sayyid Abbass Nabavi, *Falsafi-ye Qudrat*, The Seminary and University Academy, 1st ed. 1379/ 2000

idem, *Mardum salari dar hakimiyyat-e Islami*, The Institute of Islamic Civilization and Development, 1st ed. 1379

Abdullah Nasri, *Intizar-e bashar az din*, The Cultural Institute of Modern Knowledge and Thought1379

Hussein Nuri, *Mustadrak al-wasa'il*, 2nd ed., Al al-Bayt Institute, Beirut 1408

Muhammad-Javad Nowruzi, *Nizam-e siyasi-e Islam*, Qom: Imam Khomeini Educational and Research Institute, 1379/ 2000

Nawavi, *Sharh-e Sahih-e Muslim*, n.p., n.d.

Ahmad Va'izi, *Jami'i-ye dini, Jami'i-ye madani*, The Islamic Culture and Thought Academy, 1st ed. 1377/ 1998

Max Weber, *Economics and Society*, tr. Manuchihri, Turabi Nizhad, Imad zadeh, Mowlavi Publications, 1st ed., Tehran 1374/ 1995

Jean-Paul Willaime, *Sociologie des Religions*, tr. Abdu-Rahim Govahi, Tebyan Publications 1377/ 1998

Vincent Andrew, *The Theories of the State*, tr. Hussein Bashiriya, Ney Publications 1376/ 1997

Mahdi Hadawi, Tehrani, *Wilayat va Diyanat*, The Cultural Institute of Khane-ye Khirad, 2nd ed. 1380

idem, *Bavarha va Pursishha*, The Cultural Institute of Khane-ye Khirad, 1st ed. 1378/ 1999

English Sources

Hanna Arendt, *On Violence*, Ch. 2, Penguin Books Ltd., London 1910

John Locke, *A Letter Concerning Toleration*, ed. P. Romanell (New York, The Bobbs_Merrill, 1955, J

Nicos Poulantzas, *Political Power and Social Classes*, tr. and ed. Timotony O'hagan, London, Newleft 1973

Bertrand Russel, *Power*, Unwin Books, George, Allen and Unwin Ltd., Roskin House Street, London 1967

Robert A. Dahl, *Modern Political Analysis*, Shrid.

Max Weber, *Economy and Society*.

Magazines

Andishi-ye Hawza, 5th year, no. 1 & 2, 1378/ 1999, Astan-e Quds-e Razavi Publications

Payam-e Zan, 5th year, no. 1, Farwardin 1375/ 1996

Hukumat-e Islami Quarterly, 6th year, no. 2 & 4, 1380/ 2001

Kiyan Bimonthly, no. 28

Ma'rifat Quarterty, no. 19 & 29.

Source URL: https://www.al-islam.org/40-questions-islamic-state-hamid-reza-shakerin#comment-0

Links

[1] https://www.al-islam.org/person/hamid-reza-shakerin

[2] https://www.al-islam.org/organization/ansariyan-publications-qum

[3] https://www.al-islam.org/printpdf/book/export/html/44836

[4] https://www.al-islam.org/printepub/book/export/html/44836

[5] https://www.al-islam.org/printmobi/book/export/html/44836

[6] https://www.al-islam.org/person/hussein-masoody

[7] https://www.al-islam.org/tags/islamic-government