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# Session 20: A New Perspective on the Station of Law and Government

## An organic perspective on society

In previous sessions, the main subjects of legislation in Islamic political establishment and government were discussed. In order to know the station of political and government organs in society according to Islam, we shall mention some similarities and analogies, to better comprehend the essence of the subject.

Since time immemorial, scholars have likened society to the human body, saying: Just as the human body is composed of various members and organs and enormous cells, society consists of various entities and institutions with numerous parts. Each part is made up of individuals each of which is equivalent to a cell of the human body. Of course, this analogy is sometimes exaggerated.

Usually, in theoretical and practical works and activities, it is difficult to identify the correct and moderate extent of this above analogy. Some say: Just as the human body is composed of diverse organs which are different in their natural constitution and can perform only a specific function, so are members of society different from one another in accordance with their essence of creation. Every member of society has been created for a specific function and has to perform only that function and not go beyond that.

For instance, we know that in the beginning all cells of the body come into being from a single cell and it is through the mutation of that cell that different types of constructive cells come into being. Some cells have delicate and tender structures that compose organs such as the eye and brain. Some have strong structures that compose the bones. The cells of bones can never be used in lieu of cells of the eye. Neither can the function and duty of the eye be performed by the bone. They have come from the same single cell but after mutation, the mutated cells become so varied that each of them can perform only the function determined for it, and they cannot be interchanged.

They say that essentially, members of society are created diversely for various tasks. One member

cannot perform another's function. Since time immemorial, thinkers and philosophers have believed that the races and classes of society have specific frontiers, and each of them has been created for a certain work—for example, the black race has been created for heavy physical work and the white or yellow race for mental work. They imagined that the difference of color and race makes each person perform a specific function. This analogy is an exaggeration, which neither science nor philosophy and religion confirm or believe it anymore.

## Islamic approach on organic perspective of society

From the Islamic viewpoint, all people in terms of their physical and psychological constitution can render diverse works in society. Of course, talents and capabilities are divergent and not of the same level. But it is not true that a boundary has been drawn between two races which they can not go beyond, and that the black can not perform the functions of the white and vice versa.

According to Islam, there are similarities between society and the human body that can be used in explaining the conditions of groups and individuals, but to compare society with body organs with diverse natural compositions and conclude that members of society are naturally and structurally different from one another is not correct. Among the new sociologists there are also those who say that society is also an organism and the different strata and echelons of society resemble the organs of a body, and its natural relationship, unites individuals. Seemingly, this is also an extreme view.

Is the relationship among members of a society exactly like the relationship of cells that compose an organ in a body? Is this analogy between the cells and members of society acceptable?

To prove that society has such a relationship is extremely onerous. However, there are similarities between society and individuals that can be used to know the social standings of individuals. In his famous poem, Sa'di has described these similarities in this manner:

بنی آدم اعضای یکدیگرند که در آفرینش ز یك گوهرند

چو عضوی به درد آورد روزگار دگر عضوها را نماند قرار

*The Children of Adam who are of one essence in creation are parts of one another.*
*When one part feels pain, the other parts do not remain at ease.*

Undoubtedly, this similarity establishes the need for cooperation among members of society and awakens man's emotions to strengthen his relationship with other individuals, sympathize and cooperate with them, and not deprive them of the resources he may acquire. This reasonable similarity that can prove very useful and is rooted in traditions reported from the Noble Messenger (*s*) and Imam as-Sadiq

(*ʿa*). The tradition of Imam as-Sadiq (*ʿa*) is as follows:

أَلْمُؤْمِنُونَ في تَبَارِّهِمْ وَ تَرَاحُمِهِمْ وَ تَعَاطُفِهِمْ كَمِثْلِ ٱلْجَسَدِ إِذَا ٱشْتَكىٰ تَدَاعىٰ لَهُ سَائِرُهُ بِالسَّهَرِ وَٱلْحُمّىٰ.

*"In performing acts of kindness, sympathy and benevolence, the faithful are like a single body. When one part feels pain, the other parts remain restless without sleep day and night."*[1]

As you see, His Holiness compares the Islamic society and the faithful to a body and Sa'di has generalized it and likened the human to a body.

An analogy is meant to highlight that aspect in one being whose existence in the other is not well known. Therefore, not all attributes and qualities of one thing [*mushabbahun bih*] should be passed to the thing likened [*mushabbah*]. For example, if we describe a brave man as a lion, it means that we want to highlight his quality of bravery. It does not imply that he also has a mane, or walks on all fours!

## Ways of comparing society to the human body

Society and an individual can be compared to the human body as possessing diverse yet well-coordinated systems and organs that are contributory in the subsistence and growth of man. Society also has various institutions that generally facilitate its movement. For example, there is a system in the body called circulatory system which facilitates the circulation of blood in the body and whose center is the heart. The heart pumps the blood which is produced through the activity and coordination of the spleen, stomach and liver. In the end, through the veins, arteries and finally aorta, the blood reaches the cells and makes their subsistence possible.

The circulatory system has organs such as the heart, veins and arteries, which transmit the blood throughout the body. The blood that flows in the veins must have oxygen so as to ensure the subsistence of cells. As such, the lungs and other organs of the respiratory system provide oxygen to the body which, together with the blood, is distributed throughout the body. Similarly, the food nutrients produced by the digestive system are transferred to the blood. So, by the coordination and connection of the three systems—circulatory, respiratory and digestive—it becomes possible for us to survive.

Apart from the abovementioned systems, there are also other systems that guide, organize and control the activities and processes of the digestive system. For example, in the body there is a set of glands with specific functions and activities; a set of nerves that conduct their activities under the command of the mind and stimulate organs such as the stomach and others which function with the help of the nervous system.

As you can see, the steadfastness, consistency and subsistence of the body depends on the activity of various systems which engage in their own activities through a particular order and coherence and in full

coordination with one another. We can compare society's institutions and organs to the body's systems and organs and create an analogy. For instance, the process of production of food and its distribution to the whole body is similar to the economic institutions of society. They produce the materials needed by society and then distribute them by means of distributing agents. This is exactly like the blood that is produced in the body and then sent to the organs by means of the heart and blood-vessels.

If there is malfunctioning in the circulatory system, due to the obstruction in some veins and the blood cannot circulate easily, the body will get sick. Sometimes, a part, which is deprived of food, experiences decay and is eliminated. In so many cases, it must be removed from the body, and in so many cases also, malfunctioning of blood circulation paralyzes the body. So, in order to maintain the wellbeing and life of the body, the blood must flow in the veins easily and without difficulty. Similarly, in society capital and needed items should always be available.

If the capital is confined and forestalled somewhere and its flow obstructed, the economic system—which includes the production and distribution of agricultural and industrial products and administrative services—malfunctions in such a manner that society's needed items do not easily flow in society, making it ill, lethargic or even bankrupt. This analogy is correct and reasonably acceptable.

Likewise, the government apparatus can also be likened to the body's nervous system which is actually the body's commander and comprised of two parts, viz. sensory and motor. Like the body, society is in need of the brain to take decisions and give commands as well as workers to execute the command within the organs of society and stir them to action. For this reason, government apparatus consists of two vital branches: (1) the legislative branch which enacts/makes rules after identifying society's interests and means of providing them, and (2) the executive branch which implements the rules and regulations.

Our sensory nerves and organs pave the ground for cognition while our motor nerves pave the ground for execution in our body. The preliminaries of the senses are provided by the sensory nerves while the brain is the tool for thinking and judgment. Of course, the soul of man has the power of thought, but its tool is the brain.

By means of the brain, the mental operation is conducted and commands executed by the motor nerves. One is the mental force of the soul which engages in acquiring knowledge and information while the motor nerves constitute the soul's activating force. This system is similar to the government apparatus, and its status and role in society can be assessed.

## Elucidating the station of government in society through the organic perspective

Once we look at our body organs and their coordinated activities we realize clearly that we have no hand in making those organs and in organizing their activities. Scientifically speaking, nature has created them

and stimulates them to move and function. But in religious parlance, we say that it is God who has created those organs with specific features, capabilities, talents, and potentials. He is capable of bringing about a body with such magnificence, complexity and elegance. And higher than that, the nature of our soul is much more complex, magnificent and far-reaching than that of the body.

Since God has placed this body at our disposal, we should know the proper way of using it. We should use our body in such a manner that we enjoy a long life replete with good health and happiness, and not injure it. If we eat or drink unwholesome foods, and not abstain from drinking liquor and using narcotic drugs, can we have a healthy body and a long prosperous life? Obviously, the answer is negative. That is, we have to limit freedom in actions which we like and not eat just anything we desire. We have to pay attention also to the type, quality and quantity of food we eat, determine the time of eating, follow health prescriptions for, if we do not our lives will be seriously endangered.

Regarding what we pointed out on the systematic system of the body organ and the need to observe the health prescriptions, a doctor or medical expert tells us, "Do not eat such-and-such and do not consume alcohol and narcotic drugs because these will cause your nervous system to malfunction and destroy your kidneys and liver," how should we react to him? Shall we thank him for guiding us and showing us the way to sound health, or shall we complain to him for minding our business? The one who places the health prescriptions at our disposal is rendering a very valuable service and showing us the way to sound health and prosperity. So, we need to be grateful.

The case is similar in connection with society. If someone says, "I cannot understand the meaning of life at all and I do not want to live, or it makes no difference to me whether I am alive or not!" he will certainly be treated as unintelligent. If he did not want to observe the instructions, according to the law of cause and effect his actions will end up in either ailment or death. If a person has no aim in life, he should consign his fate to the turn of events.

He should eat whatever he likes and do whatever he wants, and thus, whatever is supposed to happen will happen, and he will get sick and die. But anyone who has an aim in life and wants to live long, enjoy his health to the fullest, so as to acquire spiritual growth and perfection cannot afford to be indifferent to medical instructions. That is, he will have to limit his desires in accordance with the instructions dictated by medical experts.

If we assume that society is like an aimless person for whom life and death are meaningless, who wants neither survival nor autonomy, nobility nor honor, identity nor integrity, and believes in neither spirituality nor the hereafter, such a society can certainly do whatever it likes, has absolute freedom and does not need to observe any rules.

No purposeful work is possible without rules, and to achieve an aim is impossible with absolute freedom. If there is any aim in an activity, there will also be limits. The preliminaries of every activity must be done according to specific laws and orders, even if the aim is death.

If a society has any aim, it should observe rules. That is, it must restrict its freedom and restrain its desires. If it does whatever it likes, it will never achieve its aim. If it has no aim, it will not be in need of any regulations, and such a society is like the very aimless individual who will be condemned to death after a short while. Therefore, if a society wants to survive, grow, advance and possess honor and eternal bliss, it must have precise rules and regulations.

The question here is this: How should these rules be enacted? Who should enact them? Are these rules a set of real things that must be discovered? Or, are they merely a set of conventions and traditions that must be enacted and credited? This question is very important in the philosophy of government.

In nature we have a series of real rules which have been discovered by scholars. That is, a certain microbe causes a certain disease is based upon a real relationship that exists between a real cause and effect which scientists have discovered and arranged in the form of a law and placed it at the disposal of all mankind. In a bid to remain immune from the disease, you have to avoid the microbe. In case the disease becomes rampant, people should be vaccinated to become immune to that disease.

Similarly, if society wants to survive it has to observe certain rules. Do those rules really exist in nature which must be discovered by certain people? Or, are they conventional, extrinsic and imaginary things that can be changed in order to win the approval of people? This question is fundamental and vital.

## Real benefit and harm as the bedrock of law

Is there really a relationship between security and the prevention of stealing? That is, if we want to have security, should there really be no stealing? Or, is there a conventional relationship between the two and is it possible to have security and stealing take place at the same time? Does killing have a real relationship with insecurity? That is, if a person has the right to kill anybody he likes, will it really lead to insecurity or, is it a conventional relationship? Does faith really cause tranquility of the heart or, is this also a conventional thing? Will sexual freedom really cause the breakdown of families or, is it also a conventional thing? One day, it is said in a society that sexual relationship is free because the people there accept it.

Another day, it is said there that it is restricted because some or a majority of people do not approve it. So, is the status of this law only a matter of preference and must the law be enacted according to their preference? Or, is it based upon a real relationship? That is, if there is sexual freedom, physical and psychological ailments will become rampant. The family unit will break down. Psychological diseases in men and women will become rampant. Undisciplined, unwanted, corrupt, and delinquent children will be born.

Some believe that social contracts are based on real benefits and harm. It is not true that they are based on public preference. In case the consumption of alcohol is unchecked, nervous and heart diseases will become widespread. If smoking is widely practiced, related sicknesses will also increase. The same is

true in the case of social problems. If the relationship between man and woman is free, unconditional and unrestricted, it will have dire consequences for society, ample examples of which can be witnessed in Western countries.

So, in enacting the law we should pay attention to its real outcome and impact. It is not that we have to act upon the demand of people and see whether the majority want sexual freedom or not, or whether the majority vote for the legalization of narcotic drugs or not. Should the law be enacted in this manner? Or, should we discover what harms the narcotic drugs really bring to man even though a majority of people agree on their consumption? In your opinion, which way is correct? Should the social laws be based on the majority vote or, should they have a real and true foundation? That is, is social benefit and harm real and true, or is it merely conventional and subjective thinking?

Since the time of Hume in the Western world, epistemology says that dos and don'ts and moral concepts do not have external reality and are devoid of rationality and argument. "Good" and "bad" are preferences of people. If a person likes pink, he cannot be questioned why he likes it because one person likes a color while another person likes another. Social issues are not as subjective as choice of colors.

There is a real relationship between the actions of people and their impact upon their individual, social, material and spiritual life, and in reality, they are cause and effect. Actions of people in the individual and social context bring about felicity or perdition. As such, it must be seen which action causes felicity so as to be permitted, and which action causes perdition and misery so as to be prohibited and law be enacted accordingly. Then, this question will be posed: Who knows best the real benefit and harm? We Muslims believe that God knows best.

In the dimension of legislation, therefore, the view of Islam is that there is a cause-and-effect relationship known as "benefit" and "harm" between the actions of people in the individual and social context and their outcome, as prosperity or wretchedness in this world and the hereafter. This benefit and harm must be identified and law enacted accordingly, and not according to the whims of the majority of people.

1. Mustadrak al-Wasa'il, vol. 12, p. 424.

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