

If we want to make a balanced comparison between Islamic and other views in the field of polity and form of government we should make a review of the important issues in the philosophy of politics, and on every issue find out what is the view of Islam, comparing it with the other views. We must make a detailed investigation of the basic differences between them. Very briefly, we will now mention some issues and explain the views of Islam pertaining to them in order that it may be possible to make a comparison.

The first issue is the importance of social life. Islam, like the other schools of thought, emphasizes social life. But more than this it considers it a duty to attend to social problems and to struggle for the benefit of all human beings. Being indifferent to such problems is considered in Islam to be a grave sin. This attention is so important that it sometimes becomes necessary to spend all of one's property and even to endanger one's own life to save others from worldly and other-worldly afflictions and harms, from going astray and from spiritual corruption, and from misfortune in the next life. It is unlikely that any school of thought other than Islam has advanced this idea so far. Of course, we believe that none of the heavenly religions have any disagreement on basic principles and rules. Naturally, they hold this view in common with Islam.

The second issue is the necessity of law for social life, since no society can survive without rules and social regulations, for otherwise it would soon succumb to chaos, deterioration and destruction. The view of Islam on this matter is also clear and does not stand in need of an explanation. We should however, mention two points. The first point is that from the perspective of Islam, the goal of law is not only to bring about social order and discipline, but beyond this to maintain social justice; because, firstly, without justice the order would not be durable and the masses of the people would not tolerate injustice and oppression for ever; and secondly, in a society not governed by justice most people would not have the opportunity for desired growth and development and hence, the goal of man's creation and social life would not be realized.

Another point is that, from the Islamic viewpoint, social laws should be such as to prepare the ground and context for the spiritual growth and eternal felicity of the people. At the very least they should not be inconsistent with spiritual development, for, in the view of Islam, the life of

this world is but a passing phase of the entire human life which despite its short duration, has a fundamental role in human destiny. That is, it is in this phase that with his conscious behaviour the human being should prepare for himself his everlasting felicity or wretchedness. Even if a law could maintain the social order in this world but would cause eternal misfortune for humans, from this Islamic view it would not be a desirable law, even if it were to be accepted by the majority.

The third issue is how and by whom the law should be legislated. The accepted theory in most current societies is that the laws should be legislated and approved by the people themselves or their representatives. Since the consensus of all the people or of their representatives is practically impossible, the view of the majority (even if merely half plus one) is the criteria for the validity of the law.

This theory, first of all, is based on the idea that the goal of law is to satisfy the people's needs, not to provide that which would truly benefit them. Secondly, since it is impossible to have unanimous agreement, we should suffice with the opinion of the majority. However, the first idea mentioned is not accepted by Islam, for many people wish to satisfy their bestial instincts and temporary lusts without thinking of their disastrous consequences.

Usually the number of such people is at least one half plus one, so the social laws would be dictated by the desires of such people.

It is obvious that the schools which believe in a goal beyond animal lust and base desire will not be able to condone this idea.

With regard to the second idea, that is, the validity of the vote of the majority in the absence of unanimity, it should be said that only in absence of a deciding divine and intellectual criterion can the majority be the criterion for preferring an opinion. However, in the Islamic system there do exist such divine and intellectual criteria. In addition, usually a powerful minority, by using the facilities for widespread propaganda, has an important role in channelling the thoughts and beliefs of others, and in fact what is approved is only the desire of a limited but powerful minority, not the true desire of the majority or of all the people. Furthermore, if the criterion is that the people's choice would be valid for themselves, why shouldn't we also accept the choice of a minority as valid for itself, even if it would result in a type of autonomy? In this case, what would be the logical justification for governments to oppose the wishes of some social groups which they rule by force?!

From the perspective of Islam with regard to this problem, laws should be legislated in such a way that they procure the benefits of the members of the society, particularly of those who desire to improve themselves and to gain eternal felicity. It is obvious that such law should be legislated by one who has enough knowledge about the real and eternal benefits of humans, and, secondly, who does not sacrifice the benefits of others for his personal interests and vain desires. It is obvious that there is no one wiser than Almighty God, Who has no need of His servants or their works, and Who has provided divine legislation only for the sake of benefitting them. Certainly, the social laws described in the heavenly revealed books do not explicitly state all the social rules which are necessary for every time and place, but religious law does provide a general framework for the derivation of regulations necessary for changing conditions of time and place, and, at least by observing the limits delineated by this framework it may be possible to avoid falling into the deadly valley of eternal perdition.

The fourth issue is that of who should enforce social law. Islam, like most other political schools, requires the existence of a State as a power which is able to prevent violations of the law, and the lack of the State is equivalent to the suspension of law, chaos, and the violation of the rights of the weak.

It is obvious that there are two fundamental qualifications for administrators of the law, particularly for the one at the top of the pyramid of power: first, sufficient knowledge of the law in order to prevent infringement of it due to ignorance; and second, self-control over his desires in order to prevent the intentional misapplication of the law. Other qualifications, like administrative acumen, courage, and so on, can be considered as supplementary requirements. Naturally, the ideal is that the administrator of the law should generally be without ignorance, selfishness, and other vices, and such a person is one who, in religious terminology, is called *ma'sum* (infallible). All Muslims believe in the infallibility of the Prophet, may the peace and blessings of Allah be upon him and upon his progeny, and the Shi'ites also believe in the infallibility of the Imams, peace be upon them. In the absence of an infallible one, these criteria should be observed, to the extent possible, for the selection of the leader as well as for lower positions in the official hierarchy in a proportionate manner.

Basically, the basis of the thesis of *Wiláyat-e faqih* (lit., guardianship of the jurisprudent meeting all the requisite requirements) is the proposition that a person who is nearer to the station of infallibility should occupy the position of the infallible one, i.e. on top of the pyramid of power, in order that this position may be occupied by one with the best knowledge of the precepts and laws and their fundamental bases, one who has the most piety and self-control. By means of these two basic qualifications (jurisprudence and piety) it is at least possible that he will be less likely intentionally or unintentionally to transgress against the law of Islam.

Another point which may be raised here is that from an Islamic perspective no human has any intrinsic right to rule over another, even if he issues valid and just decrees, for all people, like

other creatures, have been created and are the property of Almighty God, and no one may interfere with another's property without his permission. A human being has no right even to use his own bodily parts in a manner contrary to God's will and consequently he cannot allow others to do so. Hence, the only one Who Himself has an absolute right to govern and to depose of anyone and anything is Almighty God. Every authority and wiláyah should be from Him or at least with His sanction. It is obvious that Almighty God would never permit anyone to execute the law without having the necessary knowledge of His laws, or without there being a guarantee of the correctness of his deeds and obedience to the divine laws, or without piety and the necessary moral qualifications.

On the other hand, we know that except for the prophets and their selected successors, no one else was specifically designated by Almighty God to execute the law and to govern. So, people must try to find persons who resemble the prophets and the Ma'súmún (infallible ones) as closely as possible. It seems that the best way is first to select committed experts of religion (pious jurists), and then to allow them to select from among themselves the best one, for the experts may more correctly identify the best.

Such selection is safer from defects of an intentional or unintentional character.

It also has become clear that the political features of Islam derive from the basic elements of the world view of Islam and its view of man. That is, the emphasis on the just character of law and its harmony with human spiritual development derives from the view that God Almighty created all mankind in order that people may follow the way of development toward nearness to . God and eternal felicity by their meritorious conduct in life. The right of all humans to happiness and the enjoyment of the blessings of this world exists in order that all may advance on the way of their development in a better and speedier manner. The legislation of the divine laws and religious principles, whether they apply to the individual or society, is for determining the basic outlines of this path. The conditions of expertise in law and piety, in addition to other necessary

administrative qualifications, is for securing the necessary conditions for the general development of the people, for reaching eternal felicity and for preventing intentional and unintentional deviation from the correct way of social life.

We are hopeful that God Almighty will grant all of us Ibis opportunity to thank Him for all His blessings, and for the blessing of His law and guidance toward the life of felicity which we seek.

References

The following sources are used to prepare the above article. Some hyper links may not be still active.

1. Muhammad Taqi Misbah Yezdi , A Glimpse at the Political Philosophy of Islam