

The Relationship between Governmental Popularity and its Religious Legitimacy

Dr. Mohammad Hadi Mofatteh

Assistant Professor at University of Qom, Quran and Hadith Sciences Department

mhmofateh@qom.ac.ir

Abstract

Controversial political issues in jurisprudence and the acceptance of governmental popularities have risen to many debates between by different theorists and opinions and so far no clear explanations on the legitimacy of acceptance have been provided. Herein, a review of Ijtihad reasons from Holy Quran, sayings of prophet and his tradition, we have tried to present a clear and critical analysis of theories and ideas in this field. We have shown that "truth" which comes from the God appointment (during infallibles AS) or with popular appointment and acceptance by all people (during the absence of Imam) would provide acceptance which play significant roles in governmental legitimacy.

Keywords: jurisprudence, political regime, acceptability, legitimacy

Introduction

Among the conflicting issues considered in Political Science is whether the public opinion has an impact upon the governors coming into power, a conflict which is rooted in the history of human thinking and has lived long as human reflection, depriving mankind of peace ever since.

Ancient Greece

More than 2500 years ago, by the time the sophists were the chief source of human mentality, the gate to the political power was open to the public, and this shows evidently the possibility of gaining political fame for all people in that society, and this would not be imaginable without the fair influence of the citizen's opinion over those who come into power.

In the Greek city-state, above all at Athens, no one could hope to make his mark as a politician unless he could speak, and speak well. The Sophists professed to teach him to do so, training him in the chief expression of political "virtue," the virtue of the new aristocracy of intellect and ability.¹

From the early fifth century onwards, when property qualifications for public office were removed, each Athenian citizen had an equal right to take part in person in discussions and votes in the assembly on the laws and policies of the community, and also to

¹Copleston, *a History of Philosophy*, vol. 1, 84.

have a share in their administration through jury service and membership of the administrative council, which were recruited in rotation by lot.²

In the post-Sophists period, arguments about the participation of people in the governorship were raised among the Greek scholars, followed by serious supporters and opponents, in so far as Socrates was brought to trial and executed by the leaders of the restored democracy in the year 400/399.³

Plato

Plato is one of the most prominent opponents of democracy and republic, who applied philosophical reasoning against it. It is pointed out by various philosophy historians though, that Plato's enmity towards democracy was rather influenced by the treatment which Socrates received at the hands of the democracy.⁴

Plato considered philosophers as the rightful governors, and argued that democracy, oligarchy, and tyranny are all undesirable, because they are class-States, and their laws are passed for the good of particular classes and not for the good of the whole State. The government is not to be entrusted to any one because of considerations of birth or wealth, but for personal character and fitness for ruling.⁵

Democracy is according to the Plato the worst type of lawful governments;

If we are speaking of well-ordered governments, then that of the one, monarchy, is the best (leaving out of account the ideal form, in which the monarch legislates for individual cases), that of the few the second-best, and that of the many the worst.

... the government of the many is in every respect weak and unable to do either any great good or any great evil when compared with the others.⁶

Islamic doctrine

The role of the people in the governorship is an issue about which many scholars have argued in accordance with the Islamic thought. These arguments are varied in such a wide range and not having much in common as they include those who state that public approval plays a leading role in the government's legitimacy, and those who see people's authority as none.

There is no significant conflict between Shia scholars considering the part of people in the reign of the Islam Prophet and Infallible Imams and therefore we would not focus on it, although it is necessary to begin from and pass through it to get to the point. Three theories are proposed yet about the "role of people in Islamic government during the concealment (of the last Imam)":

1. The governorship of the Islamic jurisprudents (Faqih) is primarily legitimated by God and the last Imam, and the actual person also should be somewhat specified by the last Imam. The objective realization and the practice of his governorship though are depended on the compliance and acceptance of the people.

²David Beetham and Kevin Boyle, *Introducing Democracy*, 14.

³Copleston, *A History of Philosophy*, vol. 1, 114.

⁴Copleston, *A History of Philosophy*, vol. 1, 127.

⁵Copleston, *A History of Philosophy*, vol. 1, 235.

⁶Copleston, *A History of Philosophy*, vol. 1, 234.

2. The governorship of the Islamic jurists is generally legitimated by God and the last Imam during the concealment period, but the specification and realization or practice of his governorship are both depended on the choice and election of the people.

3. The legitimacy and realization of his governorship are depended on the choice and election of the people.⁷

Assuming this classification, the arguments of this issue should be evaluated, and quoting and criticizing the opinions of the scholars who have discussed the matter, the writer tries to conclude the proper opinion.

The proofs of the involvement of governmental popularity and its religious legitimacy

The involvement of humans in their fate is a firm principal to which many ayahs and hadiths testify. All those who believe in free will and think of human as to have the choice, share the idea that people make their own fate. It is a divine rule that unless people make a firm resolution to improve the situation, their lot would not change.

1. Quran has stressed the involvement of human in his fate in a general and absolute way in two ayahs:

Ar Ra'd : 11.. Verily! Allâh will not change the good condition of a people as long as they do not change their state of goodness themselves.

Al Anfaal : 53. "Because Allah will never change the Grace which He hath bestowed on a people until They change what is In their (own) souls"

The phrase used in the first ayah, which is repeated in the other ayah with a little difference, indicates a divine rule about the social evolutions. According to this rule, "human beings have their fate in their hands, and one's deeds are undoubtedly influential in the form and alterations of his situation".⁸ The two ayahs suggest that human is not existentially controlled and dominated by surrounding conditions and it is him, on the contrary, who can manipulate and dominate his environment.⁹ The ayahs thus are to express a general and common rule.

This rule is fateful, incentive, and alarming!

This rule, which is a foundation of Islamic world-view and sociology, tells us that your fate is in your hands, before anything else, and any alteration in the prosperity or misery of the races refers to themselves primarily. Luck, fortune, lucky star, accident, and astrology, have all no basis. The will of a nation to be prideful, honorable, victorious, and leading, or otherwise their submission to abjection, humiliation, and failure, are the basics and even God's mercy would not embrace, nor would his punishment strike a nation unduly. But it is the wills and wishes of the nations and their internal alterations that make them worthy of God's mercy or deserving his affliction.¹⁰

Although this explanation of man's influence on his surrounding world is to indicate a cosmogonic rule and an existing reality, it could imply its acceptability in legislative and institutional matters, due to its general and non-comment expression in the Quran. In other words, such a general expression in

⁷Misbah, *Nigahi Guzara be Nazaria Wilaya Faqih*, 65-66.

⁸Mudarresi, *Min Hudal Quran*, vol. 5, 310.

⁹Fazlullah, *Tafsir min Wahy al-Quran*, vol.13, 28.

¹⁰Makarim, *Tafsir Nimuna*, vol.22, 184.

the divine word implies that since a human is influential on the terms of his life and has an active role in his fate, he is rightful to play his active part in the world.

And the government which one lives under the sovereignty and the rules that dominates one and his surroundings are among the issues that have evident impacts on his fate, and since the involvement of human with his fate and the terms of his surrounding community is assumed, it is necessary then to accept his involvement in governmental affairs and his right to express his idea upon that.

2. The holy Prophet Mohammad (peace be with him and his descendants) talks to his rightful heir about the future and imminent events of the Islamic community. Imam Ali (peace be with him) said, narrating the words of the Prophet:

Indeed the Prophet of Allah has made me a pledge and said; O son of Abi Talib, yours is the guardianship of my community. So if they made you their governor in peace and reached a consensus on you, then take care of their affairs, and if they differed over you, then leave them with their affairs. Verily Allah would soon provide you a relief.¹¹

The saying of the holy Prophet clearly authorizes the right of the people to choose their governor, and shows the involvement of their opinion in the religious legitimacy for one to execute his governorship, though he is the rightful governor.

According to the principle that commands show obligation, the command of the Prophet; "if they differed over you, then leave them with their affairs", the legitimacy of Imam Ali's (the rightful governor of Muslims) governorship relies upon the acceptance of the community, and otherwise if they had not approved of his governorship (which pretty much was the case according to the early Islamic history), it would have been an obligation for him not to interfere in governmental affairs. Therefore, one who is not approved by people does not have the right to rule, although his being the rightful governor, and people's acceptance and election is the religious legitimacy for the governor to rule.

This hadith clearly shows lack of religious legitimacy for governorship without being the acceptance and election of the people.

3. Imam Ali has mentioned people's involvement in governorship in quite a few places of Nahj al-Balaqa:

and consultation is confined to the Muhajerun and Ansar. If they agree on an individual and take him to be Caliph it will be deemed to mean God's pleasure. If anyone keeps away by way of objection or innovation they will return him to the position from where he kept away.¹²

The explicit implication of this hadith leaves no doubt on the issue and it evidently shows the religious legitimacy for the governorship of one who is elected and accepted by the people. Although some parts of the hadith (as the allocation of the enfranchisement to the Muhajerin and Ansar or announcing God's satisfaction with the outcome of previous assembly of Muhajerin and Ansar for the caliphate of the Prophet) need an explanation, the principle of the involvement of people's opinion in the legitimacy of leadership could surely be understood.

¹¹Ibn Tawus, *Kashful Mahajja le Thamara al-Mahajja*, 248-249.

¹²*Nahjul Balaqa*, Letter 6, 367.

A special point to be made here is that this hadith gives the authority to the opinion of the majority. In other words, since Muhajerin and Ansar formed the majority of the society about which Imam Ali was speaking, authorizing their opinion means to authorize the majority.

4. Considering his motives to accept the leadership of the Islamic community, Imam Ali said:

Behold, by Him who split the grain (to grow) and created living beings, if people had not come to me and supporters had not exhausted the argument and if there had been no pledge of God with the scholars that they should not acquiesce in the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rope of Caliphate on its own shoulders, and would have given the last one the same treatment as to the first one. Then you would have seen that in my view this world of yours is no better than the sneezing of a goat.¹³

By the time Imam Ali spoke of his acceptance of Islamic society's leadership, he was the rightful governor and appointed for this by the Prophet, and still he counts his acceptance as a consequence of people's attendance. His emphasis on the impact of people's election is based on his principle of the terms of leadership. His words clearly imply that the rightful governor is not allowed to force people to accept his leadership, and rather he ought to accept the leadership when he is elected by them.

Interpreting the aforementioned hadith, Ibn Meytham Bahrani says:

Imam Ali counts three reasons as his motives of accepting the leadership;

1. The attendance of a large crowd to pledge allegiance to him,
2. Having no reason for refusal, since there were many companions to help him seek justice.
3. The vow that the scholars have made to God, to eradicate the wrong and to defeat the oppressors and uproot oppression with their power.

The realization of the first two leads to the realization of the third reason.¹⁴

5. Many hadiths narrated from the infallibles, suggesting that people have domination over their property, among them is a hadith from the holy Prophet;

People have domination over their property.¹⁵

And the authentic hadith of Abi Basir narrating from Imam Sadiq;

The owner could make whatever he wishes to his property so long as he lives; he could either give it as a gift, or as a charity, or he could leave it until he dies.¹⁶

And there are other hadiths that suggest this general principle, which is accepted by both sects.

Since we accepted people's domination over their property (in such a way that they can use it in whatever they wish, other than disobedience of God) and the occupation of other's property is forbidden without their permission, it is formerly accepted then that they have

¹³*Nahjul Balaqa*, Sermon 3, 50.

¹⁴*Ibn Meytham*, vol. 1, 268.

¹⁵*Awali al-La'ali*, vol. 1, 222.

¹⁶*Kafi*, vol. 7, 8-9.

the control of their souls, for one's domination over his soul stands higher than one's domination over his property, as long as one's property is the fruit of his work, and his work is the result of his thought and abilities, and because human is created as the possessor of his life, thought, and abilities, he possesses then the property he makes using them.¹⁷

Thus far, the involvement of people's approval in the religious legitimacy of government is discussed. Furthermore, there are rational and traditional terms proved in relevant discussions, such as knowledge, Islamic law expertise, piety, and justice for the person appointed for leadership, accordingly which a person has the right to rule only under those terms.

Summary

It could be hence concluded that people's approval is involved in religious legitimacy of the government as an imperfect cause, and would be completed by the necessary conditions of a qualified governor. This theory about the relationship between people's approval and religious legitimacy means that neither the governor accepted by people is legitimated by religion, and nor is one who owns the terms, but the one who owns both the terms and people's approval is legitimated by religion. In fact, three different titles, though interacting with each other, are to be considered about the issue; rightfulness, people's approval, and religious legitimacy. Owning the aforementioned terms fulfills rightfulness, which added to people's approval as the other part of the cause, would lead to religious legitimacy.

Review of the opposing opinions

Ayatollah Misbah is one of the theorists who strongly deny the involvement of people's opinion in the legitimacy of government. After which he classifies the issue under three historic parts (the time of the Prophet, the time of the infallible Imams, and the era of their absence), he says about the role of the people in the reign of the Prophet:

Regarding the time of the Prophet ... the legitimacy of his reign has not been related to people's opinions and preferences, whereas it was directly legitimated from God, and God granted him the right to rule without asking for people's opinion as granted him prophecy, whether they agreed or not.¹⁸

Ayatollah Misbah has made a distinction between the role of people in the legitimacy of government and their role in the realization of it:

People did not have any part in the legitimacy of the Prophet's reign, but they did in its realization and establishment, and it was all depended on their help ... there was no force or obligation, and still the people's approval and tendency towards the leadership of the Prophet lead to the establishment of his reign.¹⁹

The arguments of Ayatollah Misbah are admissible, and every Muslim has no doubt that the companions of the Prophet desired or even were eager to be led by him. Nevertheless, the chief question is that; "what if the companions did not approve of his leadership?" Would it be legitimated for him to dictate his leadership despite the desire of his companions?

¹⁷Muntazeri, *Mabani Fiqhi Hukumat Islami*, vol. 2, 285-286.

¹⁸Misbah, 56.

¹⁹Op. cit., 57.

Here is the response of Ayatollah Misbah to this potential question:

If people had not approved of his reign, it would have just not been established, not that the legitimacy of his governorship and his divine right to rule would have been spoiled.²⁰

Nevertheless the question does not stop here, and this response does not clear all ambiguities. It is certain that his reign would not have been realized, in case people had not accepted it, but would it be religiously legitimated if he had constituted his reign, despite people's disapproval? And is it permissible for a prophet, who is granted the right to rule by God, to practice his discretionary powers which are devoted to the governor?

It is formerly proved that according to the Quran and Islamic traditions, people's approval is an imperfect cause for religious legitimacy of every government, and it should be gained by every governor in addition to his rightfulness to have his leadership legitimated. Therefore it could be said that not only would his reign be not established, but also the foundation of such a dictatorship would not enjoy a divine permission and legitimacy, in case the companions of the Prophet had not approved of his reign.

It could be said that the term "legitimacy" used in the argument of Ayatollah Misbah (as he says; "... not that the legitimacy of his governorship and his divine right to rule would have been spoiled.") is equal to what is stated here as "rightfulness", and he has just construed this term in a different way.

The answer is that it would be acceptable if it was only a matter of different terms, but the main question which remains unanswered in his argument is the "religious legitimacy" of the reign constituted by the Prophet in case of his companions' disapproval, and by the aforementioned dissociation between the terms "rightfulness" and "religious legitimacy" this question finds a clear answer.

The Qur'anic proofs for this are the ayahs who evidently suggest that the divine rule is not to oblige people, and that the prophets are only missioner to proselytize and warn people, not to force them. The generality and inclusiveness of these ayahs implies that people are not obliged to accept the reign of the prophets. The community of each prophet was undoubtedly due to obey his commands, and the companions of the holy Prophet were due to approve of his reign as well, but he would not have a divine legitimacy to oblige them, if they sinfully disapproved of his divine reign:

Ali 'Imran:20. so if They dispute with thee, say: "I have submitted My whole self to Allah and so have those who follow me." and say to the people of the Book and to those who are unlearned: "Do ye (also) submit yourselves?" if They do, They are In right guidance, but if They turn back, Thy duty is to convey the Message; and In Allah.s sight are (all) His servants.

Al Maa-idah:92. obey Allah, and obey the Messenger, and beware (of evil): if ye do turn back, know ye that it is Our Messenger.s duty to proclaim (the message) In the clearest manner.

Al Maa-idah:99. the Messenger.s duty is but to proclaim (the Message). but Allah knoweth all that ye reveal and ye conceal.

Ar Ra'd : 40. whether we shall Show Thee (within Thy life-time) part of what we promised them or take to ourselves Thy soul (before it is all accomplished),- Thy duty is to make (the message) reach them: it is Our part to call them to account.

²⁰Op. cit., 56

An Nahl : 35. the worshippers of false gods say: "If Allah had so willed, we should not have worshipped aught but Him - neither we nor Our fathers,- nor should we have prescribed prohibitions other than His." so did those who went before them. but what is the mission of apostles but to preach the Clear Message?

An Nahl : 82. but if They turn away, Thy duty is only to preach the Clear

An Nuur : 54. say: "Obey Allah, and obey the Messenger. but if ye turn away, He is only responsible for the duty placed on Him and ye for that placed on you. if ye obey him, ye shall be on right guidance. the Messenger.s duty is only to preach the Clear (Message).

Al 'Ankabuut : 18. "And if ye reject (the Message), so did generations before you: and the duty of the apostle is only to preach publicly (and clearly)."

After he mentions the conflict between Shia and Sunni scholars, and the reasons of Shia scholars about the rightfulness of the reign of infallible Imams, Ayatollah Misbah states considering the role of the people in the reign of infallible Imams:

The very source that legitimated the reign of the Prophet (a grant from God), was the source that legitimated the reign of the infallible Imams, and what we said about the Prophet, that people were not involved in the legitimacy of his reign and their approval or disapproval would have no impact on it, is same as the case of the infallible Imams without a difference.²¹

Then he proceeds with the role of the people in the realization of the reign of infallible Imams:

Again what we said about the Prophet ... is applicable to the infallible Imams, and people played the leading role in the realization and constitution of their reign, and they would not gain their legal and legitimated right by force, whereas they would accept the leadership if people wanted them to.²²

He attributes the resignation of Imam Ali during the period of the three Caliphs to people's disapproval of his leadership.

In response to this argument, in addition to what was said before (that the constitution of a dictatorship and wielding governmental power on the people who do not approve of the governor is not legitimated), a second point could be added that if people had no authority over the legitimation of the reign of the infallible Imams, and they were allowed to establish a dictatorial reign, "why would they not gain their legal and legitimated right by force then?" and was it legal and legitimated for them to neglect the constitution of their righteous reign and leave the Islamic community under the tyranny of Banu Umayya and Banu Abbas?

You have no choice then but to either accept that a reign disapproved by people has no legitimacy and that is why the infallible Imams did not practice it, or hold their negligence and failure to found their legitimated dictatorial reign and abandoned their followers under the tyranny of cruel governments.

One might say that their acting could be justified in another way; which is that the infallible Imams did not establish a tyranny, because they did not have the power to. In other words, the infallible Imams did not do this, since they did not own what it took to establish a reign or even a tyranny, not

²¹Op. cit., 61.

²²Op. cit., 62.

due to the lack of legitimacy of a forceful government, and not due to their negligence in carrying out their divine duties.

In addition to the proofs that a tyranny is not legitimated even in case the governor is a divine prophet, it could be said as a response that his words should have been different if that was what Ayatollah Misbah meant, and instead of saying; " they would not gain their legal and legitimated right by force", he should have stated that; "they would gain their legal and legitimated right by force, unless they could not".

He has apparently believed on the background of his mind that a tyranny could not be legitimated, although the governor is assigned by God.

Considering the rightful government during the absence of an infallible appointed by the Prophet, Ayatollah Misbah mentions the authority of the qualified Islamic jurisprudent (Wilaya al-Faqih), claiming that this theory is virtually unanimous among Shi'a scholars. Then he states that the viewpoints of Shi'a scholars about the role of people in the Islamic government during the concealment of the last Imam could be divided into three:

1. The governorship of the Islamic jurisprudents is primarily legitimated by God and the last Imam, and the actual person also should be somewhat specified by the last Imam. The objective realization and the practice of his governorship though are depended on the compliance and acceptance of the people.
2. The governorship of the Islamic jurisprudents is generally legitimated by God and the last Imam during the concealment of the last Imam, but the specification of the person and the realization and practice of his governorship are both depended on the choice and election of the people.
3. (In addition to the specification of an actual Faqih), the legitimacy and realization of his governorship are also depended on the choice and election of the people.²³

The realization of the governorship of Faqih is what these three theories have in common, and they differ in the first and second part (the legitimation of his governorship and the specification of a Faqih).

Ayatollah Misbah picks the first theory, and supports his idea using a rational and a traditional premise;

First premise: Everything in heavens and earth belongs to God, and he is the real owner of them all. All human beings are the servants and the actual (not arbitrary) property of God.

... It means that actually no portion of our entity is ours, but his. We do not have anything (even a single cell) which belongs to ourselves, and is created by us.²⁴

Second premise: It is rationally wrong to utilize the property of others without their permission.

No human being, therefore, has the right to utilize his own self or other humans, without God 'permission.²⁵

²³Op. cit., 65-66.

²⁴Op. cit., 70.

After these two premises, mentioning that “it is necessary for a government to arrest, shut down, imprison, fine, take tax, execute, and in sum, all kinds of utilizations and setting various limitation on the lives and behaviors of the people of a society”, Ayatollah Misbah concludes that:

For these utilizations, hence, a governor ought to have a permission from the real owner of humans, who is no one other than God, otherwise all his acting and utilization would be rationally unjust and an appropriation.²⁶

Moreover, Ayatollah Misbah cites some ayahs as a proof that God has permitted the Prophet and infallible Imams to perform such utilizations, and mentioning the proofs of the leadership of Islamic jurisprudent (Wilaya al-Faqih) during the concealment of the last Imam which suggest that the qualified Faqih is permitted by God and the last Imam to perform such utilizations as well, he states that:

But there is no reason that other people, such as the individuals living in a society or other Muslims, have such permission.²⁷

He uses this reasoning to prove the first part of his theory, and concerning the second part he states:

By means of this general legitimating from God and the last Imam, a Faqih has the right and legitimacy to rule, and our part is just to discover and identify this actual right of leadership which exists unconcerned with our knowledge.

It is clarified then that the election of the members of Khabriyan Rahbari Parliament²⁸ by people, and the specification of the leader by them, is nothing by nature but what we suggested (to discover and identify the qualified and legitimated person for the position of Wilaya al-Faqih and leadership).²⁹

He then concludes that; "during the concealment of the last Imam, as well as the time of presence of the Prophet and infallible Imams, people have no part in the legitimating of the government (not in the origin of legitimacy, and nor in the specification the actual person)".

About the role of the people in the realization of the government he says:

It is people and Muslims who ought to prepare essential grounds for the realization of such a government, and an Islamic regime would not be realized unless people approve of it, and the government of Faqih would not be rooted in force and obligation, but rather, same as all prophets and Imams, he would establish his government only in case people show a tendency towards it.³⁰

As a criticism of the arguments of Ayatollah Misbah about the first part of his theory it could be said that; the two premises and the conclusion he draws from them are accepted. According to the Islamic doctrines, it is certain that the only person permitted to perform governmental utilizations, as a utilization of God's actual property, is the one entitled to this by God. But it is not acceptable when he says; "But there is no reason that other people, such as the individuals living in a society or other

²⁵Op. cit., 71.

²⁶Op. cit., 71.

²⁷Op. cit., 71.

²⁸A parliament which chooses the leader of the Islamic Republic of Iran.

²⁹Op. cit., 73.

³⁰Op. cit., 73.

Muslims, have such permission". God, on the contrary, has granted people a permission to use their property according to his saying; "people have domination over their property"³¹, which is referred to by Faqihs as the "dominion principle", and it was formerly stated that the "dominion principle" denoted the domination of humans over their property, but uppermost it suggests the domination of humans over their lives.

Refuting the adherence to the dominion principle, Ayatollah Misbah says:

What is said that according to Islamic doctrines, people have domination over their lives and property, and that they have the liberty to utilize them as they wish, is not acceptable.

But, on the contrary, every Muslim knows that humans are not free to behave and use their lives as they wish; we do not have the right to blind our eye for instance, or cut off our hand, ... we are all servants and owned by God, and since his is our existence we have no right to utilize ourselves in any way without his permission. So ... how could we assign such a right to another person then, so that he can rule over the lives and property of the people of the society and perform other governmental affairs?³²

It could be said in response that human is undoubtedly banned, by the real divine owner, from some utilizations of his body and property. But should we be looking, in each case, for the proof of prohibition or the proof of lawfulness? And is lawfulness the general principle until we find a proof of prohibition in a particular case, or prohibition is the general principle unless we have a proof of lawfulness in a case?

The truth is that as the real divine owner has allowed humans to use their property, he has assigned them to take care of all their affairs in the same way³³, and this is referred to by Usul scholars (fundamentalists) as the "lawfulness principle" according to the hadith; "everything is lawful for you until are certain it is prohibited in particular"³⁴. While Ayatollah Misbah's argument is based on the theory of Akhbari scholars (traditionalists) who believe in the "prohibition principle", and adhere to rational reasons similar to Ayatollah Misbah's arguments, the arguments which are strongly refuted by Sheykh Ansari³⁵, and to which the Usuli scholars after Sheykh Ansari have all given sufficient responses. Today all Shi'a Usul scholars believe in invalidity of this theory.

Considering his argument about the second part of his theory, we would say that what you have regarded as "general legitimating" of Faqihs from God and the last Imam during the concealment period is equal to what we called the terms of rightfulness of government in this period, which fulfills the legitimating of government with the addition of people's approval. The previous arguments prove that this rightfulness of Faqihs for leadership during the concealment period is the imperfect cause of legitimating, added to the other imperfect cause (people's approval) which leads to the legitimating of his leadership.

This explanation resolves the complication of Ayatollah Misbah's argument about the third part of his theory, which is why and by what religious legitimacy "the government of Faqih would never be rooted in force and obligation, but rather, same as all prophets and Imams, he would establish his

³¹ *Awali al-La'ali*, vol. 1, 222.

³² Misbah, 75-76.

³³ Dominion Principle.

³⁴ Tusi, *Al-Tahzib*, vol. 7, 226.

³⁵ Ansari, *Faraid al-Usul*, vol. 1, 339-355.

government only in case people show a tendency towards it". What is the cause of this negligence in the establishment of a religious government, even as a tyranny, in case it is legitimated?

According to the theory explained here, a tyranny is not legitimated, regardless of by whom it is ruled. Not a Faqih is due to establish and rule such a government, nor is an infallible, and nor a prophet. But this complication stays unresolved according to Ayatollah Misbah's argument.

Conclusion

The legitimacy of government, according to Islamic doctrines, is closely related to people's approval, in such a way that it is an imperfect cause of legitimacy, not that any approved government is legitimated. And the rightfulness of the governor to rule is the other imperfect cause of legitimacy. His reign is legitimated, if a rightful governor is approved by people. Not any rightful government is legitimated, and nor is any approved government, whereas only when the rightfulness and people's approval are gathered, legitimacy would be achieved. This theory, concerning the rightfulness and approval of the governor, also resolves Plato's doubts about democracy.

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