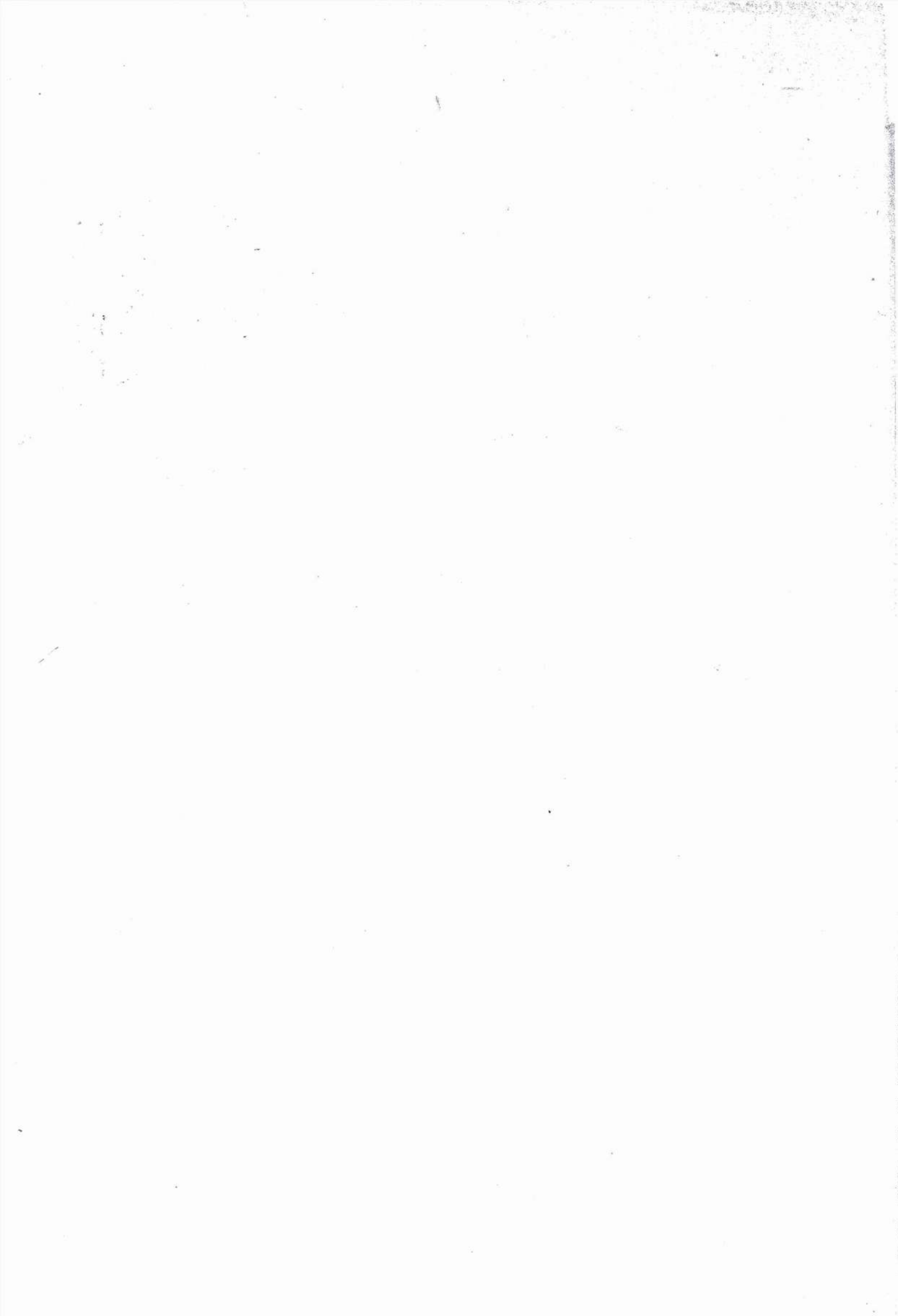


A Quarterly Journal of Islamic Studies

MESSAGE OF THAQALAYN

Vol. 5, No. 4, Summer 2000/1421







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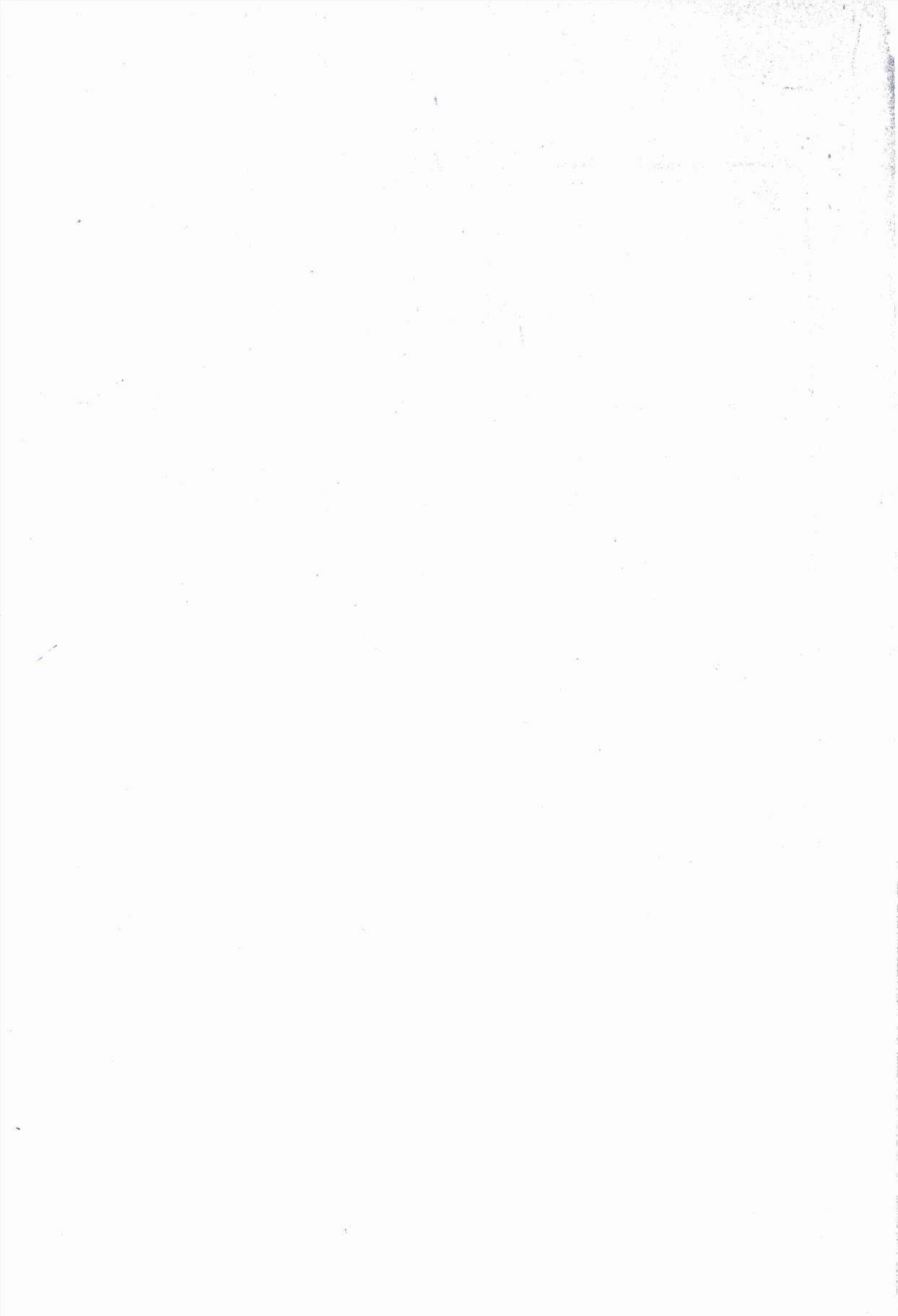
يَرْفَعِ اللَّهُ الَّذِينَ آمَنُوا مِنكُمْ

وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ

**Allāh exalts those of you who
believe and those who are given
knowledge to high ranks**

Holy Qur'ān (58 : 11)





MESSAGE OF THAQALAYN

**A Quarterly Journal of Islamic Studies
Vol. 5, No. 4, Summer 2000/1421**

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Aims and Objectives

- 1. To provide a forum for scholars to make analytical studies of Islamic topics and themes.**
- 2. To advance the cause of better understanding of the Qur'ān and the Ahl al-Bayt's ('a) contribution to Islam.**
- 3. To publish English translations of Arabic and Persian works of Muslim scholars.**
- 4. To endeavour to find Islamic answers to questions relating to the social, political, and moral problems of today.**

* * * * *

Scholars and writers from all over the world are invited to contribute to this journal.

Manuscripts should be typed double-spaced on one side of the page. (Standards: A4 or 8.5" × 11".)

References and notes should be listed at the end of the article and should contain complete bibliographical information.

Books and other items sent to the journal for review are welcomed.

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SYSTEM OF TRANSLITERATION OF ARABIC CHARACTERS

CONSONANTS :

ء	‘		ز	z		ق	q
ب	b		س	s		ك	k
ت	t		ش	sh		ل	l
ث	th		ص	ṣ		م	m
ج	j		ض	ḍ		ن	n
ح	ḥ		ط	ṭ		ه	h
خ	kh		ظ	ẓ		و	w
د	d		ع	‘		ي	y
ذ	dh		غ	gh			
ر	r		ف	f			

VOWELS :

Long:	ا	ā		Short:	اَ	a		Doubled:	يَـ	iyy	(final from i)
	آ	Ā			اُ	u			وُـ	uww	(final from ū)
	و	ū			اِ	i		Diphthongs:	اَـ	au or aw	
	ي	ī							اِـ	ay or ai	

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The Message of the Leader of the Islamic Revolution to the UN-Sponsored Summit of Religions and Spiritual Leaders

(Following is the full text of the message of the Leader of the Islamic Revolution, Āyatullāh Sayyid 'Alī Khāmene'i to the summit of religions and spiritual leaders of the world held at the United Nations Headquarters in New York on August 30, 2000.)

In the Name of Allah the Compassionate the Merciful

Praise be to Allah, Lord of the Worlds. May Allah's Blessings be upon all His Prophets and Messengers, especially upon the Seal of Messengers, Prophet Muḥammad (ﷺ), his Infallible progeny, and the Imam of the age ('a).

I greatly esteem this assembly of the representatives of world religions. May God the Exalted, facilitate the keeping of our word in practice, and may He enable us all to perpetually strive in bringing divine religion to mankind.

Religious leaders today consider themselves as successors and followers of Divine Messengers, and attempt to continue in the same path. It is crucial, therefore, to ascertain what ultimate purpose various religions have sought, and to inquire what divine message the messengers endeavored to convey? The answer to this question should shed light upon the course of mission of all those bearing the torch of religiosity in our day and age.

Every religion clearly regards human salvation, deliverance and emancipation as its ultimate objective, and proper to temporal capacities and specific dispositions including such factors as time

and place, presents its people with a plan of action. In conveying their message and realizing their objective, various religions have often had to confront arduous and abiding difficulties and in doing so they have bequeathed human memory with remarkable examples of selfless devotion to faith.

Such divinely-oriented struggles for the salvation of the people have often had to confront the desire, greed, and the ignorance fueled by the capricious. World history as well as the holy books of all religions are replete with many an account of such struggles and veneration of those who gallantly persisted in the right path.

Divine religion does not confine human salvation to any particular or chosen people, or to any limited time and place. It neither imposes salvation upon the people, nor restricts it to specific spheres of human life. Indeed, Divine Messengers have addressed all people, of all times and places, in each and every aspect of personal and social life.

Through instilling faith, nurturing reason and promoting action in human beings, divine Prophets brought the gift of guidance to humanity and showed humankind the straight path to goodness and salvation.

The experiences of the recent centuries, especially in the twentieth century (of the Gregorian Calendar), clearly demonstrates that the advancement of science in itself does not suffice for human happiness and falls short of yielding peace. Science could only prove beneficial if it were to be complemented with love, inspiration and faith; and these missing values ought to be sought in religion.

It would be inappropriate to combine the mission of Divine Prophets to an individual form of spiritual relationship with God, thereby excluding from it the vast domains of the human individual's relationship with other individual, with human society

at large, with the natural environment, and the human obligations in establishing social and political systems.

We regard all Divine Prophets as assaying this luminous path, and we cherish in faith and love all Divine Messengers: "*We make no difference between any of His apostles*" (Holy Qur'ān 2:285).

Divine religions regard this world as a place where human beings grow and face examination. For divine religions the path of spiritual human growth lies solely in establishing a just world and avoiding consequence of transgression, selfishness, and narrow-mindedness of tyrants as well as the ignorance and passivity of the shortsighted. This is the exemplary world that they have endeavoured to establish. Negligence and abandonment of forces and laws embedded in nature for human growth is to be repudiated just as vigorously as any tyrannical and corruptive undertakings.

A healthy atmosphere in which man should be nurtured, means that man should approach God, his or her own self, fellow human beings and the nature around, with peace. In this encompassing sense, peace is in utmost demand on the course towards prosperity and salvation.

As such, peace ought to stem from faith and wisdom. The Prophets all sought to give reality to this very idea. Silent acquiescence, enforced in parts of the world through intimidation and deceit by agents of arrogance and affluence, utterly contradicts true peace as advocated by the harbingers of human salvation. Peace can only rest on the ground of justice, with full recognition of human dignity and far from the power-mongers of the world.

A silence and submission imposed on a people determined to defend their neglected rights is not the peace called by messengers of true heavenly peace.

In order to attain their domineering ends, throughout history, tyrants and power-mongers, consumed by their extravagant desires, have often attempted to manipulate and to exploit religion and men

of religion. No divine religion has ever condoned this grave intrigue. Indeed, many wars apparently fought in the name of religion have often been rooted in such machinations.

Religion cannot be placed at the service of domineering-policies. Yet it regards within itself the political realm of administering human social affairs, and as a political system based upon love and faith of the people, it combats tyranny.

Many oppressive tyrants and power-drunk politicians deter religion from entering the realm of politics, and they draw an impenetrable boundary that separates the two realms. The irony is that they themselves never respect any such boundary in practice, and constantly transgress their self-defined limit in order to exploit religion.

The world today is faced with moral decay and corruption. Religion can effectively resolve this crisis and provide a way out of the impasse. The precondition, however, is that it should be incorporated pervasively in every aspect of society in order to provide a purifying factor to counter-balance merely economic interests which often exacerbate moral corruption.

Today the establishment of the religion-based political system in Islamic Iran provides the world with an exemplary case. The greatest challenge for this Islamic Republic has been to remove difficulties posed against it by the world's tyrannical powers, such as oppression malice and ever-increasing demands.

Dear friends and participants, should religious leaders truly adhere to being successors of Prophets, then the luminous path of those Messengers of human salvation and happiness lies ahead of them. It is a demanding path replete with impediments, yet, it brings joy and contentment for those who choose to follow it and it eventually leads to attaining God's beatitude. For "*Allah will certainly aid those who aid Him (His cause), for verily Allah is full of strength.*" (Holy Qur'ān 22:40).

Praise be to Allah, Lord of the worlds.

Tawassul

By: Dr. 'Abd al-Karīm Bī-Āzār Shīrāzī

Translated by Sayyid 'Alī Shahbāz

“O you who believe! Fear Allah and seek an approach unto Him...” (Holy Qur'ān 5:35)

Over the last few centuries, the Muslims have been wracked by severe discord and hostility over the issue of tawassul (beseeching or supplicating) to Prophet Muḥammad (ﷺ), the Ahl al-Bayt ('a), the Saints and the Pious, to the extent that those who reject this concept have accused its supporters of shirk or polytheism, while the upholders of tawassul have charged its opponents with enmity and aversion towards the Prophet (ﷺ) and his Infallible Household ('a). The result has led to increasing bigotry on both sides to the benefit of their common enemies who have increased their domination of Muslim lands. This article is an attempt to examine and critically study the issue of tawassul.

Definition of Tawassul

The lexical meaning of *tawassul* is 'nearness' or a 'means' through which to reach a certain goal. For instance, when it is said *wa wassala ilā Allah*, it means to perform a certain act for gaining proximity to God. Accordingly *wāsil* here means being 'desirous of God'.¹

According to the prominent Sunnī scholar, Sayyid Muḥammad Ālūsī al-Baghdadī, *wasīlah* is a means of imploring in order to gain nearness to God through good deeds and abstaining from sins. For example when it is said *wasala ilā kadhā*, it means a thing through which nearness is gained.

As is clear from the wordings of *āyah* 35 of *Sūrah al-Mā'idah*, which we quoted at the beginning of the article, "fear Allah" is a commandment to abstain from sin, while "seek an approach unto Him" is an order to perform worship and acts of devotion.²

Both Rāghib Isfahānī and 'Allāmah Sayyid Muḥammad Husayn Ṭabāṭabā'ī opine that *al-wasīlah* means to reach a certain goal through desire, inclination or willingness, and in fact *wasīlah* towards God means observance of His path with knowledge and worship through adherence to the *Sharī'ah*. In other words *wasīlah* is a means of communication and spiritual link between mankind and God.

According to a narration *al-wasīlah* is a position in paradise which is reserved for only one person, and Prophet Muḥammad (Ṣ) has asked the *ummah* to pray that this status be granted to him.³

a) *Tawassul* to the Prophet and Saints during their Lifetime

In the opinion of the founder of the Wahhābī sect, Muḥammad ibn 'Abd al-Wahhāb, and other like-minded '*ulamā'*' of the past, it is permissible to seek help from fellow humans, as during wars and other affairs, if the person or the group who is being asked or entreated has the power and ability to help.⁴

Ālūsī believes that appealing to people, making them a *wasīlah* or means and requesting them to supplicate to God is permissible without the least doubt, provided that the one who is being requested is alive, whether or not the one who is petitioned is superior than the petitioner, since the Prophet (Ṣ) used to say to some of his companions: "O brother do not forget us in your

supplications to Allah.”

However, Ālūsī is of the opinion that if the one who is being petitioned is not alive, it is not permissible to request him for supplication. But Ālūsī adds that it is permissible to supplicate at the shrine of the Prophet (ﷺ), since the companions of the Prophet (ﷺ) used to stand beside his shrine and supplicate with face towards the *Qiblah*.

b) Tawassul to the Prophet after his Death

The ‘*ulamā*’ are divided whether or not it is permissible after the death of the Prophet (ﷺ) to make him the means of supplication with such phrases as *Allāhumma innī asaluka bi-Nabiyyika* (O Allah! I beseech You through Your Prophet), or *bi-jāhi Nabiyyika* (by the dignity of Your Prophet), or still *bi-ḥaqqi Nabiyyika* (for the sake of Your Prophet). We come across three different opinions in this regard.

1. Opinion on Permissibility

All jurists including Imāmī, Shāfi‘ī, Mālikī, and later-day Ḥanafī scholars as well as others such as the Ḥanbalis, are unanimous on the permissibility of this way of supplication, whether it was in the lifetime of the Prophet (ﷺ), or whether it is after his passing away.⁵

The Abbasid caliph, Manṣūr al-Dawāniqī, once asked Mālik ibn Anas the founder of the Mālikī School of jurisprudence whether he should turn towards the shrine of the Prophet (ﷺ) or face the *Qiblah* for supplication? Mālik answered him:

Why do you want to turn away from the Prophet (ﷺ) when he (Prophet Muḥammad [ﷺ]) is the *wasīlah* (means) for you and for your father Adam, towards Allah on the Day of Resurrection. Turn to him (the Prophet) and seek his intercession (*shafā‘at*).⁶

The Sunni scholar al-Nawawī in describing the manners and etiquette of making pilgrimage to the shrine of Prophet Muḥammad (ﷺ), writes:

The pilgrim should face the shrine of the Messenger of Allah (ﷺ), make him a means (*tawassul*) towards reaching God and seek his *wasīlah* as intercession (*shafā'at*), in the same manner as the Bedouin who visited the Prophet's shrine and standing beside it said:

Peace unto you O Messenger of Allah, I have heard Allah has said:

*...Had they, when they had wronged themselves, come to you and asked Allah's forgiveness and the Apostle had asked forgiveness for them, they would certainly have found Allah Most-Propitious, Most-Merciful. (Holy Qur'ān 4: 64). Therefore, I have come to you for forgiveness of my sins and seeking your intercession with Allah.*⁷

Ibn Qudāmah Ḥanbalī, defining the manner of pilgrimage to the shrine of the Prophet (ﷺ), writes in the book *al-Mughnī*:

Stand beside the tomb of the Prophet (ﷺ), and say: I have come to you for forgiveness of my sins and to seek your intercession with Allah.⁸

The Shāfi'ite scholar Ghazzālī al-Ṭūsī has allotted a special section in his book *Iḥyā' 'Ulūm al-Dīn* concerning the manners of pilgrimage to the shrine of the Prophet (ﷺ) in order to repent and seek forgiveness from Allah. He writes:

The Prophet should be made the means (*wasīlah*) and the intercessor (*shafī'*), and with face turned towards the tomb, the pilgrim should implore Allah for the sake and position of the Prophet with the words: "O Allah, indeed You have said, *Had they, who had wronged themselves, come to you and asked Allah's forgiveness and the Apostle*

had asked forgiveness for them, they would have certainly found Allah Most-Propitious, Most-Merciful (Holy Qur'ān 4:64);

O Allah, surely we have heard Your words and we obey Your command, by coming to Your Prophet to seek his intercession with You for our sins; how burdensome and heavy (are sins) on our backs! We repent of slipperiness, we confess our wrongs and our faults, accept our repentance for his sake, make Your Prophet intercessor for us, and exalt us for the sake of his position and his rights with You.”

Al-Ghazzālī adds:

It is recommended the pilgrim should go daily to the Baqī' Cemetery and after saluting the Prophet (ﷺ), make pilgrimage to the tombs of (Imam) Ḥasan ibn 'Alī, (Imam) 'Alī ibn al-Ḥusayn, (Imam) Muḥammad ibn 'Alī and (Imam) Ja'far ibn Muḥammad (Allah be pleased with them), and also perform the *Ṣalāt* in the Mosque of Fāṭimah (Allah be pleased with her).⁹

2. Opinion on Aversion

The jurist Abū Yūsuf relates from his teacher Abū Ḥanīfah that it is not right for anyone to call Allah except through (the Names and Attributes) Allah, since He says: “*And to Allah belong the beautiful Names, so call on Him thereby.*” (Holy Qur'ān 7:180).

Abū Ḥanīfah, Abū Yūsuf and Muḥammad Shaybānī also feel averse in invoking God by means (*tawassul*) of the Prophet and his position, on the assumption that the creatures have no right on the Almighty Creator, and He showers His mercy on whomever He likes.

Ibn 'Abidīn, however, says in this regard: True, the creatures have no right whatsoever upon the Creator, but the Creator through His favours has given rights to mankind. On this basis, he relates a

ḥadīth concerning the manners of supplication and *tawassul*:

Allāhumma innī asaluka bi-ḥaqqi al-sā'ilīna 'alayk
(O Allah! I beseech you for the rights that seekers have upon
You).¹⁰

Except for this narration of Ibn 'Ābidīn, we find no opinion or view from either Abū Ḥanīfah or his friend Abū Yūsuf in the books of Ḥanafī scholars concerning *tawassul* to God through the *wasīlah* (means) of the Prophet (ﷺ).¹¹

Opinion of Contemporary Ḥanafī Scholars on Permissibility

Here, we will study the legal opinions (*fatāwā*) of contemporary Ḥanafī scholars on permissibility of *tawassul* to the Prophet (ﷺ).

Ālūsī al-Baghdadī quotes Ibn 'Abd al-Salām as saying that it is permissible to invoke Allah for the sake of the Prophet (ﷺ), since Prophet Muḥammad (ﷺ) is the leader of the children of Adam. Ālūsī bases his reasoning on the *ḥadīth* (*ḥasan* and *ṣaḥīḥ*) related by both Tirmidhī and Aḥmad ibn Ḥanbal on the authority of 'Uthmān bin Ḥunayf, which says that:

Once when a blind man asked the Prophet (ﷺ) to pray to Allah to grant him eyesight, he was told to make *wuḍū'* and recite the following supplication:

O Allah! I request you and I have turned to you through Your Prophet, the Prophet of Mercy; O Messenger of Allah! I have turned to you as a means towards My God for fulfilment of this wish of mine; O Allah! accept his (Prophet's) intercession (*shafā'at*) for me.

Ālūsī thus believes that there is no objection in making *tawassul* to God by means of the dignity (*jāh*) and prime position of the Prophet (ﷺ), whether it is in his lifetime or after his death, since dignity here refers to an attribute which is one of the attributes of Almighty Allah. Ālūsī also says that *tawassul* by

means of dignity of a person other than the Prophet (ﷺ) is also permissible, provided that the one who is being considered a *wasīlah* has a station and position of dignity in the sight of Allah.¹²

The famous Sunnī scholar of India, Shaykh Khalīl Aḥmad Saharanpurī in his book *al-Muḥannad ‘ala al-Mufannid* has collected the *fatāwā* or legal opinions of 75 leading Sunnī scholars from different parts of the Islamic world on the permissibility of *tawassul* to the shrine of Prophet Muḥammad (ﷺ). He writes:

In our opinion and that of our teachers, pilgrimage to the shrine of the Master of Messengers (my soul be sacrificed for him) is the most exalted of proximities, the most important of blessings, and the greatest of means (*wasīlah*) for attaining lofty ranks. It could be said that it is an enjoinder almost to the degree of obligations, even if it requires the trouble of a journey to perform it and there is no other option other than to make efforts with life and wealth.

Tawassul to the Prophets, saints, pious persons, martyrs and the righteous during supplications, whether in their lifetime or after their death, is permissible in the following manner:

Allāhumma innī atawassalu ilayka bi-fulān an tujībada ‘watī wa taqḍīa ḥājātī (O Allah! I beseech you by means of so and so a person, accept my supplication and grant my request).¹³

***Tawassul* in the View of Prominent Imāmī ‘Ulamā’**

According to such prominent Imāmī ‘ulamā’ as Shaykh al-Ṭā’ifah Ṭūsī, Shaykh Amin al-Islām Tabrisī, ‘Allāmah Sayyid Muḥammad Ḥusayn Ṭabāṭabā’ī, Imam Sayyid Rūḥullāh Khumaynī and others, *wasīlah* means faith, love and reverence for the Prophet (ﷺ) and obedience to him.

‘Allāmah Ṭabāṭabā’ī writes in his monumental exegesis on the Holy Qur’ān that the word *al-wasīlah* or ‘approach’ as used in

the *Āyah* “and seek an approach unto Him” (5:35) confirms the reality of worship and means turning submissively and supplicatingly to God, with knowledge and practice serving as the requisite instrument for this connection.¹⁴

Furthermore, elaborating on the narration found in the *Tafsīr* of ‘Alī bin Ibrāhīm Qummī that the *Āyah* “and seek an approach unto Him” means seeking Allah’s proximity through the Infallible Imam (‘a), ‘Allāmah Ṭabāṭabā’i, says that this refers to obedience or adhering to the path of the Imam (‘a) in order to reach Allah.¹⁵

It is evident that the Prophet (ﷺ) and the Infallible Imams (‘a) who are considered the practical models of divine law and the finest exemplars of morals and etiquette, are the *wasīlah*, since it is through obedience to them and adherence to their path that one can attain proximity to God. Likewise, as stated by prominent Imāmi or Shi‘ah jurists, the laws of the *Sharī‘ah* are the *wasīlah*, on the basis of adherence to which, proximity of Almighty Allah is attained. Accordingly, some prominent Imāmi jurisprudents like Shaykh Ḥurr al-‘Āmili, Āyatullāh Abū al-Ḥasan Isfahānī and Imam Khumaynī have used the title *wasīlah* for their jurisprudential treatises such as *Wasā’il al-Shī‘ah*, *Wasīlah al-Najāt* and *Tahrīr al-Wasīlah*, respectively. *Wasīlah al-Najāt* or the ‘Means of Salvation’ is the title of over 40 scientific treatises written by Shi‘ah ‘ulamā’.¹⁶

Thus, as ascertained by Imāmi scholars, the Prophet (ﷺ) is the *wasīlah* towards God for Muslims since he is the best exemplar and is in fact the ‘Practical Qur’ān’. So also is the Prophet’s (ﷺ) infallible progeny (‘a), who along with the Book of Allah (Holy Qur’ān), is the immortal legacy of the Prophet and continuation of his path as borne out by the *Ḥadīth al-Thaqalayn* which is unanimously confirmed by both Shi‘ah and Sunnī ‘ulamā’. Muslims, through the *wasīlah* of these two, hold fast to divine laws and strive to attain Allah’s proximity, since good deeds, obedience and adherence to the Qur’ān, the Prophet (ﷺ) and his Infallible Ahl

al-Bayt ('a) are the basis of *shafā'at*. This is better explained by 'Allāmah Ṭabāṭabā'i in his exegesis:

Persons who lack any ability to attain the required perfection are like the illiterate who wants to become the doyen of scholars merely through recommendation, since he neither has any basic learning nor has he the required connection with the one who could intercede. Or they could be compared to a slave who is disobedient to his master, but without coming out of this state of insubordination and disobedience wants to be forgiven through intercession (*shafā'at*). In none of these two cases intercession is beneficial, since *shafā'at* is the *wasīlah* or means for accomplishment of a cause and is not a cause in itself to make him a doyen of scholars in the first case, and in the second case to avail forgiveness from the master in the state of disobedience.¹⁷

Therefore, as it has been clearly mentioned in the Holy Qur'ān, if a person does not fulfill his obligations and adherence to the path of the Prophet (ﷺ) and the Infallible Imams ('a), he will not be considered worthy of *shafā'at*, even if the Prophet (ﷺ) were to intercede on his behalf.

“Alike it is for them whether you seek forgiveness for them or seek not forgiveness for them; Never will God forgive them...” (63:6)

3. Opinion on Non-Permissibility of *Tawassul*

In the opinion of Taqī al-Dīn Ibn Taymiyyah and later Ḥanbalī scholars *tawassul* to the person of the Prophet (ﷺ) himself is not permissible. *Tawassul* has three concepts, of which two are deemed correct, and according to Ibn Taymiyyah, whoever rejects these two concepts of *tawassul* is either an infidel or an apostate.

1) *Tawassul* to the Prophet (ﷺ) to reach God is indicative of

faith and love for the Prophet (ﷺ). For example, when it is said *Allāhumma asaluka bi-Nabiyyika Muḥammad* (O Allah! I beseech you for the sake of your Prophet, Muḥammad [ﷺ]), it means I seek from You on the basis of the faith and love which I have for Your Prophet.

The *Āyah* “and seek an approach unto Him”, is a means of approaching Allah by obedience to Him and His Messenger, as it is said: Whoever obeys the Prophet has indeed obeyed Allah.

This concept of *tawassul* is permissible in the opinion of all ‘*ulamā*’. Ibn Taymiyyah has considered it a pious act and has supported his views by citing reports from certain companions of the Prophets, the first generation of Muslims (*tābi‘īn*) and jurists such as Aḥmad Ibn Ḥanbal.¹⁸

2) The concept of *tawassul* as supplication or intercession (*shafā‘at*) of the Prophet, like the supplication of the second caliph, which reads: “O Allah! Whenever drought afflicted us we made *tawassul* to You through our Prophet (*tawassalnā ilayka bi-Nabiyyinā*), and now we make *tawassul* to You through the uncle of our Prophet, Send down rain for us.”

3) The concept of *tawassul* as making an oath or invoking Allah by the right of the Prophet (ﷺ). According to Ibn Taymiyyah this form of *tawassul* was neither done during the lifetime of the Prophet nor after him by his companions. In this regard contemporary scholars opposed to *tawassul* have quoted Abū Ḥanīfah as saying: Do not say *asaluka bi-ḥaqqi anbiyā’ika* (I invoke You by the right of Your Prophets).¹⁹

Rejection of Ibn Taymiyyah's Opinion

1. The claim that the companions of the Prophet (ﷺ) never supplicated in this manner is the understanding and deduction of Ibn Taymiyyah. How do we know that when the second caliph says “we make *tawassul* to You through our Prophet” does not mean “for the right of our Prophet (*bi-ḥaqqi nabiyyinā*)”, or is not

addressed to the Prophet himself? Most Sunnī 'ulamā' have given the latter meaning and from the wording of the sentence itself the Prophet is being called upon.

2. Suppose none of the companions had made *tawassul* by the right of any of the divine Prophets, it does not mean *tawassul* is *ḥarām* even if some of the companions were to explicitly prohibit such an act. The opinion of the companions of the Prophet (ﷺ) is not binding on the Muslim *ummah*, except perhaps for a few jurists, unless it is related from Prophet Muḥammad (ﷺ) himself.

Justification of the Salafiyyah on Non-Permissibility of Tawassul

Ibn Taymiyyah in *Qā'idah Jalīlah*, Ibn 'Abd al-Wahhāb in *Kashf al-Shubahāt* and Muḥammad Rashīd Riḍā in *Tafsīr al-Manār*, opine that although during the life of Prophet Muḥammad (ﷺ), his companions would address him for their needs, after his death they never approached his tomb for their needs. They even forbade those who intended to supplicate beside the Prophet's (ﷺ) tomb.

Critique

It is interesting to note that a review and analysis of these opinions brings out different historical facts. First of all, the predecessors, whether the companions or the first and second generation of Muslims, never denied *tawassul* to the Prophet (ﷺ), either during his lifetime or after his passing away. It has been mentioned in the narrations of the Ahl al-Sunnah even the first created man, Adam, implored Allah for forgiveness through *tawassul* to Prophet Muḥammad (ﷺ) with the words: "O Allah! for the sake of Muḥammad (ﷺ) I beseech you to forgive my faults."²⁰

Secondly, prominent Sunnī scholars such as Bayhaqī and Ibn Abī Shaybah as well as Aḥmad bin Zaynī Dahlan in his *Khulāṣah al-Kalām*, have cited a *ṣaḥīḥ* (authentic) *ḥadīth*, that during the

caliphate of ‘Umar ibn Khaṭṭāb when a severe famine occurred, Bilāl bin Ḥarth approached the Prophet’s (ﷺ) tomb and said: “O Messenger of Allah, pray to God to send rains for your *ummah*, since we are all facing annihilation.”

The Prophet then appeared in Bilāl’s dream and gave him the tidings of rains.

Similarly during the caliphate of ‘Uthmān ibn ‘Affān, a needy person approached the Caliph and told him of his needs. ‘Uthmān asked him to make *wuḍū’*, offer prayer in the mosque and then supplicate in the following manner:

O Lord! through the *wasīlah* of our Prophet Muḥammad (ﷺ), the Messenger of Mercy, I turn my face to You. O Muḥammad (ﷺ)! through your *wasīlah* I am facing Your Lord and I request you to grant me my wish. The person attained his goal.²¹

***Tamassuk* in the Opinion of Abū Ḥanīfah**

Ibn Taymiyyah says that taking an oath or invoking by virtue of the creatures is *ḥarām* according to the creed (*madhhab*) of Abū Ḥanīfah.²²

Abū Ḥanīfah, the founder of the Ḥanafī sect, also opines that *istidlāl* (rational proof) and *tamassuk* (bond, holding fast) are matters of doubt or anxiety because of two aspects. Abū Yūsuf quoting his teacher Abū Ḥanīfah says: “It is not right for someone to call upon Allah through any other means than Allah. He (Abū Ḥanīfah) was averse to saying *bi-ḥaqqi fulān* (by the right of so and so)”.

Critique

First, Abū Ḥanīfah has approached this issue with aversion and a purely personal opinion, as is clear from the inclusion of *istidlāl* and *tamassuk* in *Bāb al-Karāhah* of Abū al-Ḥasan Qadūrī’s *Sharḥ Karkhī*. Abū Yūsuf quoting his teacher Abū Ḥanīfah says:

It is not right for someone to call upon God through any other means than God. He was averse to saying for the sake of so and so.

Secondly, a closer look at Abū Ḥanīfah's reasoning reveals that he himself has tried to resort to rational argumentation in this regard when he says: "Since the creatures have no rights on the Creator."²³

However, Abū Ḥanīfah's analogy falls short of clear proofs, and does not mean the total negation of any right, since God Himself has considered the right of the Prophets and that of the righteous believers as binding upon Him, as is clear from the following *Āyah* of the Holy Qur'ān:

Ultimately We deliver Our Apostles and those who believe, even so it is binding upon Us that We deliver the believers. (10:103)

The Ḥanafis such as Ibn 'Ābidin accept this right, but they say that the creatures have no obligatory right on the Creator.²⁴

This viewpoint, even if it is considered general, is confined to the followers of Abū Ḥanīfah and cannot be imposed on all schools of Islam.

Salafiyyah Interpretation of *Āyah* 18 of *Sūrah al-Jinn*

Another reason put forward by the Salafiyyah such as Muḥammad Rashīd Riḍā on non-permissibility of *tawassul* to the Prophet after his death is that any *wasīlah* for proximity to God should be a thing which God has determined for mankind such as faith, action and supplication. It was in the middle ages that *tawassul* to the person of the Prophets and pious men became widespread and they were considered *wasā'il ilā Allah* (means to Allah) by people who would invoke God by their names and would supplicate to them at their tombs for their needs, when supplication is a form of worship as God says in the Holy Qur'ān:

“So call you not anyone with Allah.” (72:18)
 “Surely, those whom you call other than Allah are subservient (to Allah) like unto your own selves...” (7:194)

Critique

In answer to this objection it should be said that every supplication is not a form of worship or even the spirit of worship, since the root of *du‘ā* (supplication) is *da‘wat*, a word which along with its derivatives occurs frequently in the Holy Qur‘ān. For instance, “...let us call (*nad‘u*) our sons... (3: 61)” and “Make you not the addressing (*du‘ā*) of the Prophet among you like your addressing one another...” (24:63)

As could be discerned, in most of the *‘Āyas* the word *du‘ā* means to call or address. Accordingly neither every *nidā* (call) is *du‘ā* nor every *du‘ā* is *‘ibādat* (worship). In other words *du‘ā* (supplication) becomes *‘ibādat* when the rules of worship such as servitude and submissiveness to Allah are observed with acknowledgement of the over lordship of the Almighty Creator. What connection does this have with *tawassul* and *tabarruk* to the Prophet (ﷺ) and the Infallible Imams (‘a) and requesting them for help and succour?

Thus, the narration *al-du‘ā huwa al-‘ibādah* (supplication is among the acts of worship), does not necessarily mean that every supplication is a form of worship.²⁵

Salafiyyah Interpretation of *Ayahs* 13-14 of *Sūrah al-Fāṭir*

The Salafiyyah also resort to the following *Āyah* of the Holy Qur‘ān as part of their attempt to discourage *tawassul*:

...And those whom you call upon other than Him, own not (even) a straw. If you call on them they shall hear not your call; and even if they hear they shall answer you not; and on the Day of Judgement they will

deny your associating them (with Allah); and none can (ever) inform you as the All-Aware. (35:13,14)

Critique

This *Āyah* refers to the polytheists who worship idols instead of the One and Only God and supplicate to these man-made objects in their hour of need. Allah says here that these idols do not own even a straw, so how can they grant anything to those who worship and prostrate before them? No matter how fervently these idols are called upon, they do not listen since they are inanimate objects, and suppose even if they were to listen, they cannot answer since they do not have the tongues.²⁶

As is crystal clear for any discerning person, it has no connection whatsoever concerning *tawassul* to the Prophet (ﷺ) and the Infallible Imams (‘a) or saints.

First and foremost, it is a gross mistake to place those who seek *tawassul* in the same category as the polytheists, since idolaters seek their needs from idols and not from the Almighty Creator. But those who make *tawassul* beseech Allah for their needs and regard Prophet Muḥammad (ﷺ) as a *wasīlah* or means for the acceptance of their supplications, since he is the Messenger of Allah. To quote Rashīd Riḍā himself, those who seek *tawassul* are like guests who approach the host for some of their needs, and at times request the members of the household or friends of the hosts who have been appointed to serve the guests, since they consider everything to be the favour of the host.²⁷

Secondly, it is a manifest error to equate with idols the Prophet (ﷺ) who has been sent by Allah as a divine sign and is called *Ḥabīb-Allah* (Friend of God) by all Muslims. Even Ibn ‘Abd al-Wahhāb maintains that Prophet Muḥammad (ﷺ) is alive in his grave and his life in the intermediary world (*barzakh*) is superior to the life of the martyrs, since he hears the voices of those who send blessings upon him.²⁸

Salafiyyah Interpretation of *Āyah* 194 of *Sūrah al-A'raf*

The fifth reason that the Salafiyyah such as Ibn Taymiyyah, Muḥammad Ibn 'Abd al-Wahhāb and Muḥammad Rashid Riḍā have cited as non-permissibility of *tawassul* to the Prophet (ﷺ) after his death, is the following *Āyah* of the Holy Qur'ān:

"Surely, those whom you call other than Allah are subservient (to Allah) like unto your own selves..."
(7:194)

Critique

All exegetes of the Holy Qur'ān have unanimously stated that this *Āyah* refers to the idol-worshippers who associate man-made objects with God in creation and in administering the affairs of the world. In contrast, *tawassul* is made by those who never regard the Prophets as partners of Allah in creation and in running world affairs, and neither do they worship the Last Prophet (ﷺ), since every day several times they bear testimony that Prophet Muḥammad (ﷺ) is the servant and Messenger of Allah (*ashhadu anna Muḥammadan 'abduhū wa rasūluh*). As the Holy Qur'ān says, Prophet Muḥammad (ﷺ) has been sent as *mercy to the entire creation* (21:107) and is a means of acceptance of supplications, so it is natural for us to request him to supplicate and intercede (*shafā'at*) with Allah for us.

Salafiyyah Interpretation of *Āyah* 3 of *Sūrah al-Zumar*

The Chief Mufti of Saudi Arabia, Shaykh 'Abd al-'Azīz bin Bāz, in his exchange of letters with Iran's Āyatullāh Muḥammad Wā'iz-Zādeh Khurāsānī, has remarked:

The polytheists also testified to the Oneness of Allah but as the Holy Qur'ān states, they tried to justify their worshipping of idols by saying:

"...we worship them not but (in order) that they make us near to God..." (39:3). This is similar to the

actions of those who make *tawassul* to those in the graves in order to seek proximity to Allah.²⁹

Critique

‘Allāmah Sayyid Muḥammad Ḥusayn Ṭabāṭabā’i responding to such a reasoning says that according to the books of religions and the testimony of idol-worshippers, hundreds of millions of whom live in India, China and Japan, idolatry is based on the theory that the creation of the universe and even the deities which are worshipped, have as their source the same Almighty God, but since He is beyond comprehension there is no other choice but to worship some of His closest servants such as angels, genies and saints so that they make intercession (*shafā’at*) and people may reach the proximity of God through them. In the opinion of the polytheists, angels are like the builder to whom the owner of the house has entrusted the building and hence intercession (*shafā’at*) is according to His discretion.

But, adds ‘Allāmah Ṭabāṭabā’i, in the Holy Qur’ān *tawassul* to the Prophets is in the manner of an intermediary and is not something independent, and for this reason it has not been considered as *shirk* or polytheism. Similarly, the polytheists have been reproached in the Holy Qur’ān not because of seeking intercession (*shafā’at*) but because of worshipping other than God.³⁰

Salafiyyah Interpretation of *Āyah* 10 of *Sūrah Yūnus*

Shaykh Bin Bāz in his answers to Āyatullāh Wā’iz-Zādeh has also cited the following *Āyah* of the Holy Qur’ān as another instance of non-permissibility of *tawassul*, saying that in his opinion Muslims who uphold *tawassul* to the Prophet (ﷺ) are like idolaters who seek intercession from objects which are of no use:

“And they worship beside Allah which can neither

hurt them nor profit them, and they say: these are our intercessors with Allah..." (10:18)

Critique

First, this *Āyah* has no connection with Muslims since they do not worship any thing or object except Allah.

Secondly, as said earlier, addressing the Prophet is not meant to worship him but to request him for supplication and intercession.

Thirdly, it is a matter of surprise to compare the Prophet to those whom the Holy Qur'ān says "*can neither hurt them nor profit them,*" since the fact cannot be denied that obedience to the Prophet is to the benefit of Muslims and disobedience to him, whether during his lifetime or after his death, is certainly detrimental to them. Similarly, the supplication and intercession of the Prophet for those who are eligible, whether in worldly life or in the Hereafter, is profitable for the Muslims as unanimously confirmed by the '*ulamā*'.

Fourthly, it is a grave error to equate the belief of the Muslims that Prophet Muḥammad (ﷺ) is the intercessor, with the belief of the polytheists "*these (idols) are our intercessors with Allah,*" since God has explicitly rejected their claim as lies.

"...those who take guardians besides Him, (say) we worship them not but (in order) that they make us near to Allah; surely Allah will judge between them about what they differ; surely Allah does not guide the one who is a liar and an ingrate." (39:3)

As is clear from the wordings of the Holy Qur'ān the polytheists who make such claims are liars. They are not conscious of God, neither do they worship Him or prostrate to Him nor have they any faith in their Unseen Creator:

"And when it is said to them prostrate you in

obeisance to the Raḥmān (the Beneficent God), they say: Who is Raḥmān? Shall we prostrate in obeisance unto what you bid us? And it (only) adds to their flight (from the truth).”(25:60)

Non-Permissibility of Tawassul to the Dead

Another claim put forward by the Salafiyyah is that, on the basis of evidences *tawassul* to Prophet Muḥammad (ﷺ) during his lifetime is acceptable but after his death there is lack of evidence to support the view that *tawassul* was ever made to him. ³¹

Critique

The contemporary Sunni scholar Dr. Ramaḍān Būṭi of the University of Damascus, rejects this viewpoint of the Wahhābiyyah sect. He says *tawassul* to Prophet Muḥammad (ﷺ) and things pertaining to him is permissible, whether during his lifetime or after his death, since things or items related to him are not necessarily linked to his lifetime such as *tabarruk* (sacred relics) or *tawassul*, as is confirmed by *Ṣaḥīḥ al-Bukhārī*, Chapter on the hair of the Prophet.

No Muslim would ever attribute to other than the One and Only God the effect of anything related to the person of the Prophet (ﷺ) during his life or after his death. If a person were to hold the opposite view that this effect is independent in itself, he would be considered an infidel. Accordingly, the *tabarruk* of the Prophet (ﷺ) and *tawassul* to him and to things related to him, does not mean attributing the blessed effect to his personal influence independent of God, but is an indication of the fact that as the Last Divine-Sent Messenger he is the ‘Best of Creation’ and is the ‘Mercy of Allah’ for the entire creation. Therefore *tawassul* to him is a means of gaining proximity to Allah and His infinite Mercy for mankind. It was in this sense that the companions sought *tawassul*

to the Prophet and things related to him. Likewise, it is recommended to seek intercession (*shafā'at*) through the pious persons such as the Ahl al-Bayt ('a) of the Prophet (ﷺ).

Sunnī authorities including Shawkānī, Ibn Qudāmah Ḥanbalī, Ṣan'ānī and others are unanimous on this issue as was made clear concerning the request for rain. In view of these facts, Dr. Būṭī calls it a strange confusion by the Wahhābiyyah to make difference between the lifetime of the Prophet and after his death.³²

To quote Professor Ḥasan bin 'Alī al-Saqqāf, polytheism (*shirk*) is polytheism either in this world or in the next, whether or not the person through whom people are seeking *tawassul* to God, is alive. But, he adds, without the least doubt *tawassul* to Prophet Muḥammad (ﷺ) is supported by the general rules of permissibility, and includes both his lifetime and after his death as well as in the Hereafter.³³

Tawassul to the Dead is Addressing the Non-Existent

Muḥammad bin 'Abd al-Wahhāb writes: *Tawassul* to a person who is alive has no objection, but *tawassul* to the dead is to address the non-existent and is an absurd, ugly and despised act.

Critique

1. This statement is a clear violation of Allah's words in the Holy Qur'ān:

“Reckon not those who are slain in the way of Allah, to be dead; Nay! they are alive and are being sustained by their Lord.” (3:169)

2. It is also in contradiction to the saying of Prophet Muḥammad (ﷺ) as recorded in *Ṣaḥīḥ al-Bukhārī*, *Ṣaḥīḥ al-Muslim* and all other authoritative (*Ṣiḥāḥ*) Sunnī works. After the Battle of Badr the Prophet (ﷺ) stood near the well of the same name and

addressed the dead with *āyah* 46 of *Sūrah al-A'raf*. When some of his companions objected that how could the dead hear him, the Prophet (ﷺ) replied: "You are not more hearing than them."³⁴

3. It is in opposition to the statements of Islamic intellectuals such as al-Ghazzālī who writes in *Ihyā' 'Ulūm al-Dīn*: "Some people think death as extinction and state of non-existent, and those who hold such beliefs have no faith and actually mean to deny Allah and the Hereafter."

Ḥāfiẓ al-Nawawī in *al-Majmū' fī Sharḥ al-Muhadhdhab* which says that while standing beside the tombs of Prophets, especially the shrine of Prophet Muḥammad (ﷺ), it is recommended to request them to supplicate to God for our needs, since they are alive and as the Holy Qur'ān says: "are being sustained by their Lord." (3:169)³⁵

Shaykh Khalil Aḥmad Saharanpuri who states his *fatwā* and that of 75 'ulamā' of different Islamic lands as follows:

In our view, Prophet Muḥammad (ﷺ) is alive in his holy tomb and his life is similar to worldly life but without its duties. 'Allāmah Jalāl al-Dīn Suyūṭī writes in his book *Anbā' al-Azkiyā' bi-Ḥayāt al-Anbiyā'* on the authority of Shaykh Taqī al-Dīn Subukī that the proof of the life of Prophets and martyrs in their graves is the prayer offered by Prophet Moses in his own tomb as mentioned in a *ḥadīth*. In this regard Shaykh Shams al-Islām Muḥammad Qāsim has written a booklet titled *Āb-i Ḥayāt*.³⁶

4. Ibn 'Abd al-Wahhāb in answer to Shaykh Ja'far Najafi said that seeking help from the dead is an absurd act. But how could this be called *shirk* since there is no connection between absurdity and polytheism? And if *tawassul* with fellow humans is considered *shirk*, then how could the difference between *tawassul* to the living and *tawassul* to the dead, be ascertained?

5. Here Ibn 'Abd al-Wahhāb has contradicted his own opinion, since as we saw earlier in this article he believed that Prophet Muḥammad (ﷺ) is alive in his tomb and said that this state

of life of the Prophet (ﷺ) is superior than the life of the martyrs. Ibn ‘Abd al-Wahhāb also said that the Prophet (ﷺ) hears the voice of those who send blessings on him.³⁷

6. Farid Wajdi mentions in his encyclopaedia:

In our era God has opened two of the windows of knowledge for us and the proof of this two windows confirms beyond an iota of doubt that man has a soul which without the need of the physical body can lead its own independent life.³⁸

From the 19th century onwards the science of spiritism or contacts with the souls of the departed has been discovered and developed upon by the world’s researchers after precise study and experiments in this regard. In the US and Europe, the summoning of the souls of the departed is part of the world of science.³⁹

The information which modern scientists have discovered after witnessing the summoning of souls, is yet another instance of the fact that the human being has an independent soul outside the physical body that does not perish with death. The connection of the souls of the departed with the living is the finest proof of the independence and immortality of the soul, and most of its capability concerning many works is with the permission of Almighty God.⁴⁰

The souls of the righteous and pious persons which have been released from the mortal world have acquired superior perception and consciousness and in their ascendant journey are free of the limits of time and space. They penetrate with ease the skies and the depths of the oceans to observe the grandeur of God’s creation.

Blocking of Means (*Sadd-i Dharā’i’*)

Some of the Wahhābī ‘ulamā’ such as Dr. Muḥammad bin Sa’d Suway‘ir who is one of the deputies of Shaykh Bin Bāz, say

that *tawassul* and *tabarruk* are permissible for 'ulamā' who are cognizant of the essence of faith, but this is forbidden for the common people, who are prone to drift towards polytheism and who might gradually start believing in the personal influence of the Prophet and saints in the granting of boons and prevention of the detrimental things. Therefore, it is obligatory to stop them from *tawassul* and *tabarruk* in the name of Blocking of Means.

Critique

Āyatullāh Wā'iz-Zādeh rejecting the Wahhābī theory against *tawassul* says:

When the permissibility or recommendation for this act has been confirmed with rational proof, it is not permissible to prohibit *tawassul* for such unfounded fears that the ignorant might give it the colour of polytheism. If such was the case, the Prophet (ﷺ) himself would have prohibited people as a precaution from seeking blessing, visiting the graves or kissing the sacred black stone (*Hajar al-Aswad*) at the holy *Ka'bah*. On the contrary, judicious measures for checking possible deviation is for the 'ulamā' to exercise greater control.⁴¹

Takfir of Shī'ah for Tawassul

Ibn Taymiyyah, despite his extreme and biased approach for prohibiting *tawassul*, has admitted:

This is a controversial issue and to accuse of heresy those who make *tawassul* is *ḥarām* and is a sinful act, since no one has said that a person making *tawassul* to the Prophet (ﷺ) after his death is a *kāfir*. This is an ambiguous issue and there are no certain proofs in this regard. *Kufr* is confirmed when a person rejects any of the tenets of faith deliberately and being fully aware. Therefore, those who

accuse a person of heresy for making *tawassul* deserve the most severe punishment.⁴²

It is unfortunate, that the blind prejudice which the colonial powers had skillfully exploited to create differences among Sunni Muslims as a result of the Wahhābiyyah opposition to the issue of *tawassul*, has been widened to sow discord between Sunni and Shi'ah Muslims and to label the Shi'ahs as *kāfir* (infidel) or *mushrik* (polytheist) on the allegation that they seek their requests from other than God. To quote Āyatullāh Wā'iz-Zādeh, those who do not permit *tawassul* and *tabarruk* are only a fraction of a minority among the 'ulamā' of the Muslim world, and despite their efforts over the past seven centuries, have not been able to convince the upholders of *tawassul*.⁴³

Thus, as should be clear, according to the statement of Ibn Taymiyyah the issue of *tawassul* is a moral one and does not concern the principles of faith, since a *kāfir* is the one who rejects any of the tenets of Islam.

Extreme Form of *Tawassul* among the Ahl al-Sunnah

It is a common sight in many countries to see the Ahl al-Sunnah approach the graves of pious persons to pray and supplicate for their needs. In Egypt, Iraq and Turkey, and many other lands — India, Pakistan, Syria, Central Asia, North Africa— it is an accepted practice by the masses to visit the tombs of saints and holy personages to make *tawassul* and seek blessings. Dr. Muṣṭafā Maḥmūd writes that people in Egypt flock to the tomb of Rifā'ī and Ibrāhīm Dasūqī and cry loudly with such phrases as: *Madad Yā Rifā'ī* (help me O Rifā'ī), *Shifā' bi-Yadika Yā Sayyidi Ibrāhīm Dasūqī* (In your hands lie the remedy, O my Lord Ibrāhīm Dasūqī).⁴⁴

The Egyptians also visit the tomb of Shāfi'ī, the founder of the Shafeite sect, for *tawassul*, while in Baghdad, the Ḥanafis do the same at the tomb of Abu Ḥanifah. In Turkey, the people seek

their needs at the tomb of the Prophet's eminent companion Abū Ayyūb Anṣārī. It is also a habit among people in Egypt and other places to send written petitions to the tomb of Shāfi'ī, and wail and cry at the graves of pious persons for things which none except the Almighty God has the power to grant.

When Wahhābi '*ulamā*' come across such scenes among the Ahl al-Sunnah they brand these Muslims as polytheists and follow the same assumption against the Shī'ah, concerning whom they have little or no information, and sometimes go to extreme by labeling them apostates who should be killed.

Purity of Monotheism in Shī'ah Supplications

The prayers and acts of worship among the Shī'ah have the purest form of monotheism derived from the guidelines of Prophet Muḥammad (ﷺ) and the Ahl al-Bayt ('a). For instance, Shī'ahs do not put their forehead during prostration on carpet, cloth, plastic or synthetic material, since Imam Ja'far al-Ṣādiq ('a) has said:

Worldly people are slaves of victuals and clothing, hence it is not right for a person who is in the act of offering his prayer to Allah to place his forehead on the deity of the worshippers of the world.⁴⁵

Likewise, Shī'ah Muslims recite the supplications taught by the Prophet (ﷺ) and his Ahl al-Bayt ('a) in which all requests are directed to Almighty Allah. The Infallible Imams ('a) have also dissuaded people from being distracted by external appearances and losing sight of the reality and substance of the supplications.

Shī'ah '*ulamā*' have strived to preserve the path of the Prophet (ﷺ) and his Ahl al-Bayt ('a). Grand Āyatullāh Sayyid Ḥusayn Burūjirdī was averse to prostration being made on a clay tablet having the outlines of a dome or structure. In their jurisprudential manuals, both Āyatullāh Burūjirdī and Imam Khumaynī have the following to say concerning prostration at holy shrines:

It is *ḥarām* to prostrate to anyone except Allah. If the act of prostration in front of the shrines of the Infallible Imams ('a) is a form of thanksgiving to God, there is no objection, otherwise it is *ḥarām*.⁴⁶

A Glance at the Supplications of the Ahl al-Bayt ('a)

As acknowledged by the prominent Sunnī scholar Maḥmūd Ālūsī in his exegesis on the Holy Qur'ān, in none of the supplications that have been taught by the Ahl al-Bayt ('a), there is *tawassul* to the person of the Prophet.⁴⁷

If we go through the books of supplications of the Shi'ahs such as *Mafātih al-Jinān*, we find that all supplications of the Infallible Imams ('a) are directed solely at God, and all addresses begin with *Allāhumma*, *Yā Allah*, *Yā Rabb*, and other attributes of God such as *Yā Raḥmān*, *Yā Raḥīm*, *Yā Dhū al-Jalāl wa al-Ikrām*, etc.

Sayyid Muḥammad Ḥasan Mūsawī, writing on the famous *Du'ā' Tawassul* which is directed at the Prophet (ﷺ) and the Infallible Imams ('a), says:

The purpose of *tawassul* to the pious believers is that they are being requested to supplicate to Allah to deliver the person in need from his affliction, since the supplication of these saintly figures is accepted by Allah.⁴⁸

The *Du'ā' Tawassul* which is found in *Mafātih al-Jinān* is the same supplication of *tawassul* which all Sunnī narrators of *ḥadīth* unanimously regard as *Ṣaḥīḥ* (authentic) and relate that the Prophet taught it to a blind man who recovered his eyesight by reciting it.⁴⁹

Conclusion

Therefore, in conclusion we can state with authority the following points, since *tawassul* is an accepted principle in the life

of a sincere and God-fearing Muslim, and whatever disputes that have been fanned are due to bigotry and lack of proper understanding of Islam:

1. Controversy over the issue of *tawassul* is not a matter of discord between Shi'ah and Sunnī Muslims, but it is a difference of opinion between the Salafiyyah sect and the rest of Muslims.

2. Most of the differences of the Salafiyyah Wahhābis are with the extremist Sufis who believe in reincarnation, and with the Sunnī masses who often make emotional *tawassul* at graves and seek their needs from the departed such as Abū Ḥanīfah (and 'Abd al-Qādir Gīlānī) in Baghdad, Shāfi'ī, Rifā'ī, Dasūqī and others in Egypt, Idris in Morocco and Abū Ayyūb Anṣārī in Turkey –as well as Khawājah Mu'in al-Dīn Chishtī and numerous others in India, and Data Ganj Bakhsh and Sufi saints in Pakistan.

3. In fact, the Salafiyyah and the Wahhābis have the least differences with Shi'ah Muslims since Shi'ahs recite the supplications of the Ahl al-Bayt ('a) which contain the purest form of monotheism. However, because of their non-familiarity with the Shi'ahs they accuse them of polytheism and in their ignorance brand them infidels.

4. In all the supplications of the Ahl al-Bayt ('a) the addressee is Almighty Allah alone, even in the famous *Du'ā' Tawassul*, which the Sunnis say with unanimity was taught by Prophet Muḥammad (ﷺ) to a blind person who subsequently regained his eyesight.

5. *Du'ā' tawassul*, where devotion is expressed to the Prophet (ﷺ) and his Infallible Ahl al-Bayt ('a), is not exclusively meant for the Shi'ah but was widely popular among the Sunnis until Ibn Taymiyyah and later Ibn 'Abd al-Wahhāb came on the scene with their weird interpretation. For instance, the poetical composition of *tawassul* to the 14 Infallible found in the works of prominent poets of the Ahl al-Sunnah such as the Persian poet Shaykh Sa'dī and the Sufi Khālid Naqhsbandī – as well as the

famous Spanish Muslim gnostic and philosopher Shaykh Muḥyi al-Dīn Ibn al-‘Arabi.

6. As part of their misinformation campaign against *tawassul*, the Salafiyyah attempt to exploit certain *Āyahs* of the Holy Qur’ān which refer to the polytheists who worship idols instead of the One and Only God and who seek their wants from these lifeless man-made objects. However, it is clear that equating those who seek *tawassul* to the Prophet (ﷺ) with the polytheists and infidels is an erroneous idea, since *tawassul*-seekers, unlike the idolators, address the Almighty Creator and seek their needs from Him by making the Prophet (ﷺ) a *wasīlah* for acceptance of prayer. On the other hand, the idols have no connection with God and are nothing more than inanimate objects made by man, while Prophet Muḥammad (ﷺ) is the manifest sign of Allah, the Messenger of Allah and Mercy to the creation. Allah has also given him power, both in this world and in the next, to supplicate and intercede for his true followers. The Wahhābī contention of the period of *Barzakh* of the Prophet (ﷺ) lacks any rational explanation and is against the view of the ‘*ulamā*’ of all other sects of the Ahl al-Sunnah.

7. Those who wish to make the Prophet (ﷺ) the intercessor without being obedient to the Holy Qur’ān and the Ahl al-Bayt (‘*a*), have been likened by Shī‘ah ‘*ulamā*’ such as ‘Allāmah Ṭabāṭabā’ī, to a wishful person who wants to become the sage of the age without learning or studying anything.

Notes:

1. Refer to the Arabic lexicons *Lisān al-‘Arab*, *Asās al-Balāghah* and *Tartīb al-Qāmūs al-Muḥīṭ* for meaning of *wasala*.

2. Ālūsī, *Rūḥ al-Ma‘ānī*, vol. 6, p. 124-128.

3. Tabrisī, *Majma‘ al-Bayān*, vol. 6, p. 86; *Ṣaḥīḥ Muslim*, vol. 1, p. 289.

4. *Nidā’-i Wahdat*, Ibn ‘Abd al-Wahhāb’s treatise to Shaykh Ja‘far Najafi.

5. *Sharḥ al-Mawāhib*, vol. 8, p. 304; *al-Majmū'*, vol. 8, p. 274; Ibn 'Abidin, vol. 5, p.254; *al-Fatāwā al-Hindiyyah*, vol. 1, p. 266 and vol. 5, 318; *Fath al-Qadīr*, vol. 8, p. 297, 298 and *al-Futūḥāt al-Rabbāniyyah 'alā al-Azkār al-Nabawiyyah*, vol. 5, p. 36.
6. *Sharḥ al-Mawāhib*, vol. 8, p. 304-5; *Wafā' al-Wafād*, vol. 4, p. 1371; *al-Qawānīn al-Fiqhiyyah*, p. 148; and *Sharḥ Ibn al-Ḥasan 'alā al-Risālah al-Qīrwānī*, vol. 12, p. 478).
7. *Al-Majmū'*, vol. 8, p. 274; *Fayḍ al-Qadīr*, vol. 2, p. 134; *I'ānah al-Ṭālibiyyīn*, p. 315.
8. *Al-Mughnī ma' al-Sharḥ*, vol. 3, p. 588; *al-Sharḥ al-Kabīr ma' al-Mughnī*, vol. 3, p. 494.
9. Abū Ḥāmid Muḥammad al-Ghazzālī' *Iḥyā' 'Ulūm al-Dīn*, vol. 1, p.258-261.
10. *Al-Mausū'ah al-Fiqhiyyah*, section 14, p. 160.
11. *Ibid.*
12. *Tafsīr Rūḥ al-Ma'ānī*, vol. 6, 128.
13. Shaykh Khalīl Aḥmad Saharanpurī, *'Aqā'id Ahl al-Sunnah wa al-Jamā'ah fī radd al-Wahhābiyyah wa al-Bid'ah*, translated into Persian by 'Abd al-Raḥmān Sarbāzī, p. 86.
14. *Al-Mizān fī Tafsīr al-Qur'ān*, vol. 6, p. 328-332.
15. *Ibid.*
16. Refer to Shaykh Āqā Buzurg Tehrānī, *al-Dharī'ah ilā Taṣānīf al-Shī'ah*, vol. 25, p. 69-92.
17. *Tafsīr al-Mizān*, vol. 11, p. 15 (Dār al-'Alamī print, Beirut).
18. Ibn Taymiyyah, *Qā'idah Jalīlah fī al-Tawassul wa al-Wasīlah*, pp. 63, 64 & 95, as cited in *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*.
19. Muḥammad Rashīd Riḍā, *al-Manār*, vol. 6, pp. 369-377.
20. Bayhaqī, *Dalā'il al-Nabuwwah*, vol. 5, p. 489 (Dār al-Kitāb al-'Ilmiyyah print, Beirut), cited from *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 24; *al-Mustadrak*, vol. 2, p. 615, Ibn Taymiyyah, *al-Fatāwā*, vol. 1, p. 150, Jalāl al-Dīn Suyūṭī, *Tafsīr Durr al-Manthūr*, vol.

1, pp. 142-149 (Dār al-Fikr print, Beirut, 1983).

Translator's note: Suyūṭī is more elaborate when on p. 147, he says Adam supplicated to Allah by the right of Prophet Muḥammad and his progeny (*Allāhumma bi-ḥaqqi Muḥammad wa Āl-i Muḥammad*) He further quotes the Prophet (ﷺ) on the authority of 'Abdullāh Ibn 'Abbās as saying that the words taught to Adam by God to seek forgiveness were: By the right of Muḥammad, and 'Alī, and Fāṭimah, and Ḥasan and Husayn).

21. *Al-Ṭabarānī, al-Mu'jam al-Ṣaghīr*, vol. 1, p. 183, (Maktabah al-Salafiyyah print) cited in *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 24.

22. *Al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 7, p. 263; *Qā'idah Jalīlah*, p. 51.

23. 'Allāmah Sayyid Muḥammad Ḥasan Mūsawī, *Nidā' Waḥdat*, pp. 260-261.

24. *Al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 14, p. 160.

25. Manāwī, *al-Fayḍ*, vol. 3, p. 540; Ḥasan bin 'Alī Saqqāf, *al-Tandīd bi-man Addada al-Tawḥīd*, pp. 30-40.

26. *Tafsīr al-Jalālayn*; Bayḍāwī, *Anwār al-Tanzīl*, vol. 2, 270

27. *Tafsīr al-Manār*, vol. 1, p. 59.

28. Ibn 'Abd al-Wahhāb, *Risālah Kashf al-Shubahāt*, cited in *al-Rasūl Yad 'ūkum*, p. 295.

29. *Risālatān Bayn al-Shaykhayn al-Ustādh Muḥammad Wā'iz-Zādeh Khurāsānī wa al-Ustādh 'Abd al-'Azīz bin 'Abdullāh bin Bāz*, pp. 32-33.

30. 'Allāmah Ṭabāṭabā'i, *Majmū'ah-yi Maqālāt*, pp. 313-317.

31. *Risālatān Bayn al-Shaykhayn*, p. 41.

32. Dr Būṭī, Ramaḍān, *Fiqh al-Sunnah*, tenth edition, p. 355.

33. Ḥasan bin 'Alī al-Saqqāf, *al-Ta'liq 'alā Risālatayn*, *Risālah at-Taqrīb Quarterly*, No. 17, 1418 AH, p. 69.

34. *Ṣaḥīḥ al-Bukhārī*, vol. 14, p. 111, Dār Iḥyā' al-Turāth, Beirut; *Ṣaḥīḥ al-Muslim*, chapter 51, pp. 76-77; *Musnad Aḥmad ibn Ḥanbal*, vol. 1, p. 26 & vol. 2, pp. 31 & 131; *Musnad Ṭiyālīsī*, ḥadīth 403.
35. *Al-Majmū'*, vol. 8, p. 274, chapter on manners of pilgrimage.
36. Shaykh Khalīl Aḥmad Saharanpurī, '*Aqā'id Ahl al-Sunnah wa al-Jamā'ah fī radd al-Wahhābiyyah wa al-Bid'ah*', translated into Persian by 'Abd al-Raḥmān Sarbāzī, pp. 82-88.
37. Ibn 'Abd al-Wahhāb, *Risālah Kashf al-Shubahāt*, cited in *al-Rasūl Yad 'ūkum*, p. 295.
38. *Dā'irah al-Ma'ārif Qarn al-'Ishrīn* (20th Century Encyclopaedia), under the topic of '*Rūḥ*' (Soul), vol. 14, p. 365.
39. Refer for details to Leone Danny's "World After Death", p.p. 78-82.
40. Dr. Bī-Āzār Shirāzī, 'Abd al-Karīm, *Gozashteh va Ayandeh-ye Jahān*, pp. 96-101.
41. *Risālatān Bayn al-Shaykhayn*, p. 17.
42. *Majmū'ah Fatāwā Ibn Taymiyyah*, vol. 1, p. 106, as cited in *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 14, pp. 163-164.
43. *Risālatān Bayn al-Shaykhayn*, pp. 17-18.
44. Muṣṭafā Maḥmūd, *Asrār al-Qur'ān*, Dār al-Ma'ārif, second edition, p. 77.
45. Shaykh Ḥurr al-'Āmīlī, *Wasā'il al-Shī'ah*, vol. 3, p. 591.
46. Āyatullāh Burūjirdī, *Tawḍīḥ al-Masā'il*, p. 172; Imam Khumaynī, *Tahrīr al-Wasīlah*, vol. 1, p. 150, and also in *Risālah-ye Novīn*, vol. 1, p. 148.
47. *Rūḥ al-Ma'ānī*, vol. 6, p. 128.
48. Sayyid Muḥammad Ḥasan Mūsawī, *Risālah dar Kitāb wa Sunnat*, *Majmū'ah Maqālāt*, *Kitāb Nidā'-e Waḥdat*, Tehran, Chehel-Sutūn Publishers, p. 259.
49. *Sunan Tirmidhī*, vol. 5, p. 569, Maṭba'ah al-Ḥalabī, Egypt, cited in *al-Mausū'ah al-Fiqhiyyah al-Kuwaitiyyah*, vol. 14, pp. 154.

The Foundations of Political Legitimacy

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Section One: Background of the Discussion

1. Legitimacy and Political Necessity

Legitimacy is one of the most important issues in political philosophy.¹ The basic question it tries to answer is “What is a legitimate government?” If we give the matter a little thought we soon realize that the question must be further refined, and especially that the meaning of the term “legitimacy” must be clarified.

Some may imagine that “legitimacy” or *mashrū'iyat* means being legal and permitted in view of the Islamic religious law or the *Sharī'ah*. Thus, the question would be “What government is permitted by Islam or condoned by the *Sharī'ah*?” Undoubtedly, however, this is not the main issue here, though it is quite possible, in a religiously oriented society, that religious acceptability of a government should be considered significant and even connected to the issue of legitimacy.

Another popular interpretation is that legitimacy is the same as legality. The question here then would be “What government is

legal or is prescribed by law?" This interpretation is also mistaken, since the question of legitimacy includes the legal system as well. The law must also derive its legitimacy from some other source. Who says that this or that collection of laws is legitimate? Where does the whole legal system derive its legitimacy from? We must conclude, then, that resort to legality does not solve our problem.

The issue of legitimacy is in fact the issue of "right." What government has the right to govern? Moreover, this right is clearly intertwined with another question: "Why should citizens obey a certain government?" Legitimacy refers to the realization of these two elements.² Now, someone may say that he has another definition for legitimacy and that there is no need for the above definition. The answer would be that we are not arguing here about the precise meaning of particular words. It is rather the case that the fundamental question in political philosophy is "Why do governments have the right to govern and why we should obey them?" These are the central issues in this discussion, irrespective of whether we define them as the question of legitimacy or not. Historically speaking, many of the individuals who have addressed the issue of legitimacy in political philosophy have referred to the questions just mentioned and this historical fact helps to define the meaning of the term "legitimacy" to some degree. The point is, however, that even if such historical considerations did not exist still arguing about the meaning of the word "legitimacy" could not be of great importance and the fundamental task would still be to answer the questions concerning political necessity and the right to rule.

2. Political and Ethical Obligation

As it has already been stated, the issue of legitimacy is in fact a moral question that can be broken down into two interrelated questions:

1. Who has the right to govern?

2. Why is it necessary to obey the dictates of the government?

Are these rights and obligations ethical? Does political obligation find its justification in ethical obligation? Or is it the case that political and ethical obligations are two different things? Some believe that this is so. However, we have not been able to discern a basis for this belief except for the argument that what is meant by political obligation is the necessity to obey governmental decrees that are not based on ethics but are formulated to ensure welfare and prevent harm. In response to this argument two points can be made:

The first point is that obligations one must adhere to due to considerations of expediency can be ethical as well. For example, if one must obey the commands of a despot so as to save one's life (as long as it does not entail harming someone else), his action is ethical though motivated by a desire to avoid harm. This is so because man has a moral obligation to preserve his own life, just as he is ethically bound to save someone else's life. The second, and more important point, is that when we speak of ethical obligations here we are referring to authentically moral obligations and not to those formulated on the basis of expediency. The presupposition here is, of course, that such obligations do indeed exist. This is an issue to be settled in the field of ethics, and the truth of the matter is that such obligations in fact exist. The significant point is that the mere fact of the existence of ethical obligation on the part of citizens to obey the commands of a ruler does not necessarily mean that he has the right to govern, while this is the case in the opposite situation. As it was pointed out in the above example, a despotic ruler may threaten the lives of his subjects, thus forcing them to obey him. In such circumstances every citizen may feel obliged to obey the ruler. This feeling of obligation is both ethical and rational because it is necessary for the individual's survival, but it does not entail a right to govern for the despotic ruler.

At the beginning of this discussion we said that the legitimacy of the government is based on the right of the ruler to govern. This right necessitates an ethical obligation on the part of citizens to obey the ruler, since without such obligation the right of the ruler to govern would be meaningless. Thus, the relationship between the right to rule and the obligation to obey is asymmetric. It follows, then, that if we set aside the obligations forced on the individual by fear and expediency, the only remaining rational option is to assume the existence of ethical obligations. Therefore it is hard to see what those who maintain that political obligation is different from moral obligation mean. At the end of this article we shall point out that religious obligations also fall within the limits of moral obligations.

3. Weber and the Basis of Legitimacy

Max Weber the famous twentieth century German sociologist has his own particular theory concerning the legitimacy of governments. He states that governments that want to be obeyed by their subjects cannot rely on naked and oppressive force, but rather try to justify their power and legitimize it. This is done in three ways: traditional, rational-legal and charismatic. In a traditional system legitimacy is realized through reliance on the part of both the ruler and his subjects on traditions that have a concrete and objective reality. In this system the ruler usually takes on a form of sacredness, and in his government family and personal relationships and closeness to the center of power outweigh individual talent and ability. The rationality of the rational-legal system is in the existence of science, technology and law. In this system effectiveness is the source of legitimacy and the state attains perfect legitimacy when it succeeds in accomplishing its aims. In the charismatic system government is based on the individual and especially spiritual qualities of the ruler. Here, God is the ultimate source of legitimacy, since God is, by definition, legitimacy itself. Weber believes that such a government cannot be permanent or

even last for any significant length of time, since life's daily need for order, continuity and predictability does not harmonize with the steady and continuous presence of divine revelation.³

It is important to note that Weber looks at the issue of legitimacy from a sociological perspective and therefore considers it to be something close to social acceptability. The issue for him is the manner in which different regimes gain this acceptability. The three methods mentioned above are the different ways this acceptability is procured. It is obvious, however, that the problem of legitimacy, as defined earlier, is something different from the acceptability set forth by Weber, for his approach appears to be a descriptive one while the concept of legitimacy, as used predominantly in political philosophy, is normative.

Legitimacy, in the sense of an obligation to obey commands issued by the ruler and his right to govern has nothing to do with the issue of popular acceptance of the government. It may well be that a government lacks popular acceptance but is perfectly legitimate. It is important, therefore, to avoid being confused by identical words used to signify entirely different notions. The legitimacy we are concerned with here is the one political philosophy deals with and not the issue sociology is concerned with. It should be noted, however, that sometimes Weber's views on the subject are presented in such a manner that they are brought very close to discussions we encounter in political philosophy.⁴ However, the fact of the matter is that Weber's description of the three forms of government indicates his descriptive approach to the issue of legitimacy, an approach essentially different from the normative one taken in political philosophy.

4. Theories of Political Obligation

As we have already said, in regard to the issue of legitimacy and political obligation the basic question is as to why a government should be obeyed. The obligations we have in mind here are the truly ethical ones that are accompanied by the right of

the rulers to govern. In response to this question the following five theories have been set forth:

1. The social contract theory
2. The consent theory
3. The general will theory
4. The justice theory
5. The general happiness theory

The first three of these theories link, in one form or another, political legitimacy and obligation to the will or desire of every citizen, while the last two regard it as something connected to the ethical values and spiritual (or even worldly) aims of the citizens, and thus independent of their desire and vote. Theories belonging to the first group are known as voluntarist theories while those of the second group are called non-voluntarist theories.⁵ We shall briefly discuss the voluntarist group in the second section of this paper, while in the third section we shall turn our attention to the non-volunterist category. We shall, for the sake of brevity, call the fourth and the fifth theories "the moral theories," though they possess certain fundamental differences from each other.

Section Two: Voluntarist Theories

5. The Social Contract Theory

The social contract theory is one of the oldest theories concerning legitimacy and political obligation and some forms of it can be found in Plato's "Creto." The theory underwent further development later on through the efforts of many liberal-democrat philosophers. This, however, is not the place to enter into a detailed discussion of it.

Briefly stated, a contract possesses certain characteristics that we must take note of here. It needs two parties who would agree to it. It requires the presence of independent wills that enter into it freely. It should also exist as an institution. The question also arises as to why a contract creates moral obligation. It seems that it

does so because of the principle of "fidelity." In other words, it is based on the general principle that we all have a moral obligation to be faithful to our promises, and the social contract is one example of such a promise or agreement.

Now, just the few points mentioned above gave rise to a number of questions. The first of these concerns the identity of the parties to the social contract. At least three theories have been set forth in this regard.⁶

A: Contract between citizens and government (ruler)

B: Contract between citizens themselves

C: Double contract: one to form a society and one to form a government

According to the first theory a contract is made between the citizens and the ruler. In exchange for enjoying the benefits of living under a government and having security the citizens accept the obligation to obey the ruler. One may say, like Socrates, that the mere fact of an individual's living under a particular government implies acceptance of such a contract, for otherwise the individual should leave his country, society and government, go somewhere else and make a contract of his own choosing. The truth of the matter is, however, that this notion is not so straightforward and acceptable as it may seem at first glance. We shall turn to it when we shall criticize the social contract theory.

In the second theory the citizens themselves are the parties to the contract. They make an agreement among themselves to choose an individual to order their social life and administer their political affairs according to the terms of the said contract.

The third theory takes note of the fact that the very existence of social life signifies a sort of contract. Thus, men make a contract with each other to have a social life and then make another contract to set up a particular political system and choose an individual to manage their political life. This theory is believed to have been expounded by Samuel Pufendorf, a writer who lived

after the famous English political philosopher Thomas Hobbes (1588-1679).⁷

The question as to why human beings live together and make a social contract to organize their political life is an important question that is still relevant today and which has been given different answers by different schools of thought. One of the oldest answers is that man is by nature a social being. But what is the real meaning of this idea? Some interpret it in such a manner that it seems even harmonious with the view of man held by Hobbes, who most certainly did not believe that man is a social animal.

Hobbes believed that man is naturally selfish and seeks his own private interest. Realizing that these interests may not be attained unless the interests of society as a whole are also guaranteed and law and order prevails, men accept social contracts that entail harmony and cooperation amongst them. They then choose an individual or a group of individuals to enact the provisions of these contracts, thus giving structure and order to the social and political life of the community.⁸ In any case, the origin of human society and political society be what it may, the social contract theory maintains that the roots of political legitimacy and obligation lie in a contract that may take at least one of the above forms.

6. A Critique of the Social Contract Theory

The first objection that may be raised against all versions of this theory is that they do not seem to be compatible with objective or historical truth. There has never been a case where citizens have agreed to such a contract. A contract or agreement is something that must be entered into consciously. If a contract is agreed to unconsciously and without awareness then it is not a true contract. The question is: where and when have people agreed to such a contract or contracts? It is clear that a contract in the real sense of the word does not exist in such cases, and this may lead some to suppose that the word is used connotatively and not explicitly,

which would require a number of preconditions. However, such a supposition would still not mitigate the difficulty. It is true that acceptance of such an interpretation would reduce the force of the above objection, but it would also reduce the force and attractiveness of the social contract theory itself. For what makes this theory attractive is the fact that it makes government a matter of commitment, and since being faithful to one's commitments is an ethical and moral obligation and such obligations are powerful ones, the legitimacy of the state is also set on firm foundations. So, if it is maintained that the term contract is used metaphorically, then the commitment to carry out the contract will also become something metaphoric and loses its strength, and as a result the theory also loses its original attraction.

The second objection is that if a group for any reason does not become a party to the contract, on the basis of the social contract theory it would naturally have no cause to obey the government. In such a situation therefore there may be a large number of individuals living under a government that does not have the right to rule over them, or, to put it another way, the government has no legitimacy in their eyes. Thus, we would have failed to ensure the legitimacy of the government through the agency of a social contract. This is not merely a hypothetical situation, for in every state there are persons who oppose the ruling regime and can in no way be persuaded to sign on to a contract that would put the seal of approval on it.

Addressing the above difficulty, Socrates has said that the mere fact that one lives under a particular government implies acceptance of the contract that has brought that government to power. If someone does not accept this contract then he should leave that country. Although such an argument may have been acceptable in his age it is not now. Governments do not allow free entrance to all who wish to emigrate to the countries under their jurisdiction, and men are not free to live wherever they wish

without obeying certain conditions. All parts of the world fall within the jurisdiction of one government or another and in order to enter them one must accept certain rules and conventions. In such circumstances, if, for example, one remains under the jurisdiction of the government in his native land this does not mean that he has freely chosen to be a party to the contract that legitimizes that government. This would be no more than an agreement entered under duress and would therefore entail no legal or ethical obligation.

The third objection is a more fundamental one. If citizens of a country set up a government by means of a social contract and this government in practice violates ethical laws, would it be legitimate? According to the social contract theory the answer must be in the affirmative, while such a government would undoubtedly be illegitimate. And by legitimacy we mean precisely the right to rule and the obligation of the citizens to obey. To make the point easier to understand let us assume that those who are party to the social contract know that the government they are setting up will not adhere to moral principles, but, in spite of this knowledge, have gone ahead and established it. In other words, let us assume that citizens have freely, willingly and knowingly accepted this contract. The social contract theory tells us that such a government is legitimate, has the right to rule and must be obeyed by its subjects. Ethical principles, however, do not do so and we are under no moral obligation to obey the immoral commands issued by such a government. The root of the issue, though, is somewhere else. The obligation to remain faithful to one's commitments is an ethical one and cannot therefore force one to be faithful to a promise that entails committing an immoral act. In other words, this immoral principle is inapplicable to immoral commitments and agreements.

Let us consider a very simple example. Let us assume that one is under a moral obligation to do what one has promised.

Would one, then, have to lie if one has promised to do so? The answer is obviously in the negative, for such a thing would not be ethically acceptable. And if objection is made that we are thus imposing an exception to the application of a general principle, the answer is that this is not so, since the obligation to be faithful to one's promises is a limited one. It is either limited in its application or in its own nature. That is, we either say at the beginning that obligation applies to a particular kind of commitment, or that we impose a limit on the obligation but we do not specify the cases to which it may apply. There is a fine difference between the two forms of limitation but this is not the place to discuss it any farther.

Now, if it is maintained that those who defend the social contract theory accept the above limitation and shall draw up their contract in such a manner as for it not to contain anything immoral, then the answer would be that in such a case we would have to conclude that the legitimacy of governments and the obligation to obey them is not ensured by a social contract alone but is determined by other factors as well. This, needless to say, is precisely the point made by the above objection.

7. The Consent Theory

The existence of certain problems in the social contract theory impelled philosophers to come up with a more refined version of it. The new theory is called the consent theory, and its best expounder and defender is John Locke (1632-1704), the English empirical philosopher. Although Locke mentions the concept of a social contract in some of his writings, still he considers the consent of the governed as the basis of a government's legitimacy, even if a social contract exists. In any case, this theory contends that it is the consent of the ruled to the government and its laws and conventions that gives it legitimacy. This theory does not suffer from some of the problems that beset the social contract theory. For example, it does not claim that there

exists a consciously drawn up contract amongst the citizens so that it leave itself vulnerable to the objection that there are no historical cases of such contracts. Since the only thing being claimed here is the consent of the citizens, the theory is, in this respect, far more acceptable than the social contract one. However, the major shortcomings that afflicted the social contract theory still remain unresolved. For example, what would happen if someone refuses to give his consent to the government? The logical answer will be, according to the consent theory, that the government will have no legitimacy in his eyes and thus he will consider himself to be under no obligation to obey it. This indicates nothing less than the ineffectiveness of the consent theory, since it has been shown to be unable to demonstrate political obligation for all citizens. Moreover, practically speaking, the same chaos and confusion that motivated men to set up political systems in the first place would result. Imagine a society in which 5% or 10% of the people do not feel themselves obliged to obey its rules and regulations. What would happen? Of course, we are not concerned here with the citizens' actions, but rather with the theoretical justification of their obligation to act in certain ways. What this example shows us, however, is the ineffectiveness of the consent theory to formulate the theoretical foundations of political systems.

On the other hand, the problem of the illegitimacy of immoral governments still exists, for such governments cannot claim the right to be obeyed by their subjects even if they have their consent. It is meaningless to maintain that one has a moral obligation to carry out immoral decrees of a government and that it has the right to issue such commands. Since we have already discussed this issue while treating the social contract theory, it need not be rehashed here.

There is still another problem that is specific to the consent theory. Does consent always lead to obligation? If a person consents to a government, would this give that government the

right to claim his obedience? The answer, if not in the negative, is at least unclear. Now this difficulty did not exist in the case of the social contract theory. There, the contract, with its specific conditions, imposed obligation. Consent, however, in its absolute form, is unlikely to have such an effect. It seems that the foundations of many contracts constitute much more than consent alone. Although consent to contents of a contract is a fundamental aspect of all contracts, the question here is whether mere consent, not stipulated in a specific contract, can be legally binding.

The necessity for a contract is in many cases a rational and logical issue; that is, reasonable men would not consider an obligation binding without it. Suppose someone agrees to sell me his book and I am prepared to buy it, but none of us can present a written contract to that effect. Are we under an obligation to carry out this transaction? In most societies this would not be the case and one would not be prosecuted for failing to carry out what he has agreed to. Therefore we are not claiming that consent is not necessary for obligation. We are saying that consent is not equivalent to obligation, and that reason dictates that obligation ensues when a specific contract is made and not on the basis of mere consent.

To sum up, then, though the consent theory does not suffer from some of the faults of the social contract theory, it first of all fails to remove its basic shortcomings, and, secondly, adds a new problem in dealing with the issue of justification of political obligation.

8. The General Will Theory

As a theory concerning political legitimacy the general will theory first appeared in the 18th century, in the works of Jean Jacques Rousseau. It was further developed by such thinkers as Hegel, Green and Bosanquet. However, all versions of the theory suffer from some form of ambiguity.⁹ Before we enter the discussion we should note that when we speak of general will we

are not speaking of the will of all citizens without exception, for no such condition can ever really exist, and there will never be such a time when every single citizen should support a particular government. Thus, what is at issue here is the majority of the citizens. One can then speak of overwhelming or slimmer majorities.

In simple terms, the general will theory maintains that a legitimate government is one that comes to power by having been chosen by the majority of the citizens. The Western democracies have defended and propagated this concept with such vigor and success that it has become a virtual truism, so much so that sometimes the concepts of majority rule and legitimacy are deemed synonymous. In other words, not only do they believe that only those governments that have been voted in by the majority of the citizens are legitimate but go farther and maintain that legitimacy is nothing more than majority rule. The fallacious nature of such reasoning is very clear and has been pointed out at the very outset of this article. If we believe that political legitimacy means being chosen by the majority then the proposition that a government is legitimate when if it is voted in by the majority would be an analytical proposition without any real meaning. It would be like saying that the will of the majority is the will of the majority, or that a legitimate government is a legitimate government. This, needless to say, is not the kind of reasoning any thoughtful person would approve of.

Setting aside the above claim, can we say that vote of the majority is the measure of legitimacy? Can we maintain that the only legitimate government is one supported by the majority of the citizens? We believe that we cannot. For one of the fundamental defects of the general will theory is similar to the one that afflicted the social contract and the general consent theories. What sort of obligation would the choice of the majority entail for those who have not voted for the government? Why should the minority obey

a government brought to power by the majority? There is absolutely no logical reason why they should. Of course those in the minority may do so out of fear, or it may be that their reason dictates it because it deems it expedient. But neither of these obligations would bestow legitimacy on the government because they do not constitute authentic moral obligations that accompany the right of the government to rule and issue decrees. The mere fact that a government is chosen by the majority does not create an ethical obligation to obey it.

The essence of another objection to this theory has already been discussed. If decrees issued by a government are unethical citizens are under no political obligation to obey them, regardless of the fact that the government in question is supported by a large majority of the public. It is unreasonable to believe that we have an ethical obligation to obey immoral governmental decrees. This is an important objection and is applicable to many Western liberal democracies. Sexual promiscuity, homosexual activity and gambling can be made legal in such states. Is obedience to such laws obligatory? This is not compatible with the ethical obligation to respect laws. Since these freedoms are immoral one is under no moral obligation to respect them. Although the general will theory has an attractive appearance the aforementioned difficulties makes its acceptance in the simple form just mentioned very difficult indeed. The acceptance of majority vote may be justified by the argument that the majority is more likely to be right than the minority. For example that thirty million voters are less likely to err than twenty million voters.¹⁰ This argument, however, is patently incorrect, since truth and reality are not determined by the number of votes. First of all, who has taken a survey showing that throughout history the majority has always been closer to the truth than the minority? Secondly, the fact of being less likely to err leaves open the possibility of error. Thus, when the possibility that the majority could make a mistake exists what ethical obligation

compels us to obey the government chosen by the majority? It is strange that Rousseau says "the will of the majority is always right,"¹¹ and as it has been observed, it is improbable that he really believed such a thing or that he meant it literally, since it is clear that the majority is always susceptible to error and may act unjustly.

Section Three: Non-Voluntarist Theories

In section two we examined the major voluntarist theories of political legitimacy. Although we considered these theories in a very brief fashion, we reached the conclusion that on the whole these theories fell short of providing a reasonable justification for political legitimacy and obligation. The common characteristic of these three theories was that they sought the criterion for political legitimacy in something that referred, in one fashion or another, to some sort of voluntary choice by the citizens, and this is why they were labeled as the "voluntarist" theories.

In contrast to the above theories there are others that maintain that the source of political legitimacy lies in something outside the realm of human choice, and this is why they are known as the "non-voluntarist" theories. The most important of these are the justice and the general happiness theories.¹² Although there are fundamental differences between these two theories we shall treat them together under the title of the "ethical theory," and we shall be concerned for the most part with what they have in common.

9. The Ethical Theory of Legitimacy

According to this theory the legitimacy of a government is based on the aims it pursues. The legitimate government is one that pursues ethical aims and values, such as felicity, justice, and, in a word, "human perfection." This is the only government whose subjects are ethically obliged to obey and that bestows upon the ruler his true right to rule. This theory clearly considers political legitimacy to be determined by reality and not by such things as

majority opinion, social contract or general will. Here the legitimate government is one that follows the path leading to the realization of moral values and man's perfection and happiness.

In our opinion this is the most successful theory regarding political obligation, free of the deficiencies that afflicted the voluntarist theories. One of the major difficulties of the general will theory was that it could not justify the political obligations of the minority in opposition. This difficulty, however, does not exist in the case of the ethical theory. Ethical obligations apply to all, irrespective of whether they belong to the majority or the minority. The aim of ethical obligation is the realization of human felicity, irrespective of whether one belongs to the ruling majority or the opposition minority. The same could also be said about all those things that lead man to perfection and realization of the truth.

However, the ethical theory has faced a number of challenges, the most important of which is relativism, both in the ethical laws themselves and in their comprehension. Those who believe in relativism in ethical laws themselves believe that there are no fixed rules and that moral laws may differ from one society to another or even from one group to another. They also maintain that moral laws are mental phenomena that change along with changes in men's feelings and emotions. Those, on the other hand, who believe in relativism in regard to comprehension of ethical values concede the possibility that unchanging ethical laws may exist. They maintain, however, that it is impossible to know what these laws are and that men differ widely in what they consider as good and bad, harmful and beneficent. Moreover, since we should not prefer the views of one group or nation over those of others, we cannot rely on ethical laws concerning the felicity and perfection of man to give us an understanding of the foundations of political legitimacy. Of course relativists express their views in a number of ways, and what we have just said is a simplified version of some of them.

In our view this relativist challenge can be met. Although a full rebuttal would require a detailed analysis that cannot be attempted in this short paper the short and easily comprehensible answer is that some ethical laws are both fixed and discernible, and that the conscience of every human being accepts this without reservation. For example, is it possible to deny that reason condemns as evil the killing of an innocent man? Can reason condone injustice? Some may think so, but when such a point is reached in any discussion then arguments and proofs are useless because here the ultimate judge is man's conscience and inner intuition. Relativism concerning the very essence of moral laws and regarding the possibility of knowing them makes living as a human being an impossibility and drags man down to a subhuman level, since if fixed ethical laws are questioned, how can adherence to relative ethical principles, such as the admonition to avoid injustice be justified. A form of ethical realism is compatible both with our inner and intuitive perceptions and with rational and linguistic analyses. This is discussed in detail in our *Falsafah-ye Akhlāq* (Ethics).¹³

10. Religious Government and the Bases of Legitimacy

Many of those who defend religious government believe that sovereignty belongs to God and that He should choose the temporal and political ruler of society. They maintain that religious belief make it necessary that we follow God's commands in this regard and accept those persons He has chosen to act as our political leaders. They say that the God who has created the heavens and the earth and all the creatures who live upon it is the best person to decide what is the best government and who is the best ruler, and that we should obey His commands in this regard.

Now the question arises as to whether this perspective is compatible with the ethical theory of legitimacy. It seems at first that the answer is negative, since in religious government

legitimacy is derived from divine commands while in the ethical theory it is based on authentic ethical principles and rules. However, a deeper analysis wholly removes this apparent disharmony and places the idea of obedience to divine command quite logically within the framework of the ethical theory of legitimacy. This is so because in the context of a religious society and assuming the existence of faith, obedience to divine commands is necessary. Moreover, reason dictates unconditional obedience, for total obedience to God's commands leads man to true happiness and perfection, and the highest perfection possible for man is to be close to God. Therefore the ethical theory of legitimacy and the religious theory are united in a religious society without there being any conflict between them. From an ethical point of view obedience to divine commands, including those concerning the form of government and the ruler, is obligatory. On the other hand, God has commanded that obedience to rulers must have its ultimate justification in His decrees. Moreover, the obligation to obey divine commands is itself dictated by reason. It thus becomes clear that in the context of religious societies and assuming the existence of faith, both perspectives ultimately refer to the same source.

A deeper examination of the issue will lead to the realization that the source of legitimacy referred to by these two theories is ultimately the same. Furthermore, the validity of this source is by no means limited to religious societies alone. This is so since ethical obligations are objective realities, irrespective of whether we are pious or impious. The existence of God, also, is a fact, regardless of whether we believe or disbelieve. Moreover, man attains true happiness and perfection when he gets close to God. This is also a fact, whether we are aware of it or not. The inevitable conclusion is, then, that from the point of view of the ethical theory of legitimacy, man is in fact obliged to obey God's commands, though he may, because of such factors as heedlessness and lack of faith, not be cognizant of it.

11. Legitimacy and Efficiency

From what has already been said it follows that political legitimacy is something objective and real that may or may not be possessed by a government, and is completely unaffected by the vote of the people, their consent, or a contract drawn up by them. This, however, should not be taken to indicate indifference to the people's right to vote and thus decide their own destiny, for this choosing plays a critical role in the actualization of governments. It is the people who affirm or reject governments through their vote. The issue here is to understand the proper function of voting. It does not show respect for the vote of the people to assert that it is decisive in a field when it is not. If incorrect claims bring respect, then it is a false and empty respect. It is not the vote of the people that determines the legitimacy or illegitimacy of a government, for these are decided by the essential nature of a particular government and whether it pursues the ultimate goals of human spiritual perfection. But it is the vote of the people that can actualize a legitimate or illegitimate government and make it functional.

An example that can shed some light on the issue under discussion is the *wilāyat* of Amīr al-Mu'minin ('a). His right to rule the Muslims was a reality determined by God, irrespective of whether it was approved by the people or not. That mandate was not taken away from him when he was forced into isolation during the years in which the caliphate was usurped. However, that usurpation and forced isolation, brought about by whoever it was, did not allow the realization and actualization of that legitimate government.

Let us consider another example. Actions are either moral or immoral, ethical or unethical. Individuals cannot affect the morality or immorality of any particular act. However, men are free to choose moral actions or immoral ones, but this freedom does not affect the ethical nature of the act itself. In other words, actions are considered good or bad because of their primary or secondary

characteristics, and these are not changed by the act either being carried out or not being carried out. A free agent may or may not carry out a good action. In this sense he is free. This is exactly like the issue of legitimacy in our present discussion. Legitimacy in the sense of "an obligation to obey the commands issued by the government" and "the right of the ruler to govern" is an objective fact, unaffected by the vote or choice of the people, though actualization of a legitimate government is freely chosen.

Despite its clarity the point just made is hard for many to understand. Some of the obstacles to understanding this issue caused by political slogans and propaganda, but others have theoretical origins. One of these is ethical relativism, which was briefly discussed earlier. Another obstacle is the problem of the relationship between the free agent's right to choose and legitimacy and the right to govern. It is sometimes said that when an individual is free to choose a government this constitutes a right for him, and it is therefore not possible to say that he has exercised his right, has chosen a government, but that this government is not legitimate (a position that would make it possible to distinguish between its legitimacy and efficiency.) They say that it is contradictory to maintain, on the one hand, that people are free to choose the government they desire and, on the other hand, that such a government may not be legitimate.

In our view there is no contradiction here at all. The word "right" has many meanings. In addition, the issue of the origin of human rights is a complex and difficult subject. But in any case, this much seems clear that a "right" which is accompanied by moral obligation and legitimacy cannot include unethical actions. Man, in this sense, does not have the right to lie, though he is free to do so. Nor does he have the right to kill himself, though he can do so. This is natural freedom. It seems that in many instances when it is said that man has the right to choose the way he wants to live, in the final analysis this right refers to the same kind of

freedom and not to a right that is accompanied by moral obligations.

To sum up, then, our position is that the legitimacy of political systems is something that goes beyond the vote of the people, and that the choices made by the citizens is effective in realizing and actualizing these political systems and not in legitimizing them.

Notes:

1. Some regard this discussion as the axis of traditional political philosophy in the West, especially in Britain and France. D.G. Macrae, *Max Weber*, p. 75, Viking Press, 1974.
2. D.D. Raphael, *Problems of Political Philosophy*, MacMillan 1990.
3. Macrae, *Max Weber*, pp. 76-77.
4. *Ibid.*, p. 5.
5. John Horton, *Political Obligations*, Humanities Press, p. 19.
6. Raphael, *Problems of Political Philosophy*, pp. 182-189.
7. *Ibid.*, p. 187.
8. *Ibid.*, p. 184.
9. *Ibid.*, p. 192.
10. *Ibid.*, p. 194.
11. *Ibid.*
12. *Ibid.*, pp. 197-202.
13. There has been a noticeable shift in the West, following a period of domination by logical positivism and the ethical relativism that accompanied it (though it is not relativist in the field of experimental science), toward a form of ethical realism.

Muslim Identity in the 21st Century

By: Muhammad Sa'eed Bahman-Pour

This article is an introduction to a collection of articles presented at the International Conference in London on "Muslim Identity in the 21st Century: Challenges of Modernity", organised by the Institute of Islamic Studies, from October 31 to November 1, 1998. The Conference was meant to discuss and put forward solutions for the challenge facing Muslims, as believing people and as people trying to follow a written Shari'ah, on the threshold of the 21st century and amidst the dramatic social, economic and political changes brought about by modern society.

According to Gellner, Islam is the only global faith to maintain its potency in the age of secularization.¹ However, although three general traits of Islam, as identified by Gellner, i.e. egalitarianism, literacy and sense of identity, makes it, "of the three great monotheistic creeds, and the one closest to modernity",² it has proved "to be more resistant to the forces of secularization than the other global religions".³

It was only after the Islamic Revolution in Iran and a high pitched pronouncement of religious identification by Muslims

throughout the world that attention was paid to this very new and vigorous phenomenon. Manuel Castell calls it a cultural-religious revolution.

The 1970s, the birthdate of the information technology revolution in Silicon Valley and the starting point of global capitalist restructuring, had a different meaning for the Muslim world: it marked the beginning of the fourteenth century of the Hijra, a period of Islamic revival, purification and strengthening, as at the onset of each new century. Indeed, in the next two decades an authentic cultural-religious revolution spread throughout Muslim lands.⁴

This is why a definition of the Muslim *ummah* has become very pressing both for Muslims and non-Muslims alike. For Muslims, since *ummah* does not only mean community but also implies a sense of identity, it has become the most urgent priority for Muslim individuals, especially the younger ones, to know who they are; and for non-Muslims, because misunderstanding is always dangerous, and the "degree of misunderstanding between the Islamic and the western worlds remains dangerously high."⁵ However due to the vast diversity of Muslim communities, in terms of ethnic, political and ideological factors, defining the Muslim *ummah* or Muslim identity is not an easy task. More so is to define such an identity in a globalized world with its own values and ethos permeating all aspects of social and individual life and crunching all kinds of resistance put forward by any specific culture and identity.

It is outside the scope of this introduction to give statistical figures about the diversified nature of Muslim communities throughout the world, but with a speedy overview any one could get a sketchy picture about it. Muslims, ethnically, cover a wide range from Slavs in the Balkans to Arabs in the Middle East, to white and black Africans, to Persians, Indians, Malays and

Chinese, each of which embrace in their fold a large spectrum of smaller ethnicities. According to one estimate Islam includes under its banner over 4000 ethnic groups.⁶ Needless to say, each of these groups while adapting Islam to their own culture, give different spirits, meanings and interpretations to it.

Politically speaking, Muslims, except for less than a couple of centuries after the emergence of Islam, have not been a united entity. Some parts of Muslim lands, like Indonesia are so geographically aloof from other parts that would not permit any kind of political identification, and those parts which neighbour each other have been so much emmeshed in constant wars and disputes, that would prevent any kind of unified political identity.

Although the situation is better ideologically but it is not also void of troubles. There are among Muslims, Sunnis and Shi'ahs, Sufis and Wahhabis, each of which includes in itself a wide range of theological and jurisprudential differences.

Therefore, while talking about Muslim identity one should be careful not to ignore such manifold differences and should try to find some kind of definition by which all diversities could be covered.

Identity in one definition, is the way people think and behave, and the history of behaviour and thought to which they belong, or taking Maneal Castells' definition – which goes one layer below this definition – it is the “peoples source of meaning and experience.”⁷ Religion also, in one definition, is “a symbolic structure that generates meanings for people, a world-view capable of providing answers to human problems, and in an ethos telling people how they should act.”⁸ Therefore, religion in itself could confer identity.

But to define Muslim identity (and not Muslim identities) we have to ignore all specifics attached to different Muslim ethnicities and find an all-encompassing source to which all Muslims refer for their behaviour. Keeping this in mind Muslims could generally be

defined as the people who believe in the Holy Qur'ān and the *Sunnah* (practice) of Prophet Muḥammad (ﷺ) as the source of, and as the frame of reference for their belief and behaviour. Of course, the Qur'ān and the *Sunnah* could accept different interpretations and meanings, but as long as all these interpretations and meanings are returned and referred to those sources, their holders could be identified as Muslims.

The most general ideas and the core of all Islamic doctrines elaborated in the Qur'ān and the *Sunnah* in which all Muslims believe and anybody not believing in one of them is not considered a Muslim, are as follows:

1. There is only One God Who is the Creator of the Universe and of all the creatures (*al-Tawḥīd*).

2. All worship should be offered to Him and only to Him (*al-Ikhlāṣ*).

3. All Prophets of God have preached only one religion which is Islam (submission to God alone), and Muslims must believe in all of them and "make no difference between the Prophets",⁹ the last of whom is Prophet Muḥammad (ﷺ) and no other Prophet has and will ever come after him (*al-Nabuwwah*).

4. This life is transient, temporal and instrumental, and there comes after this a life which is the real life, perpetual and everlasting, and is moulded and created by what we do in this world (*al-Ma'ād*).

5. Every Muslim should act according to the injunctions of Prophet Muḥammad (ﷺ), the most important of which are *Ṣalāt* (prayer, five times a day), *Zakāt* (poor-due), *Ṣawm* (fasting) in the blessed month of Ramaḍān, and *Ḥajj* (pilgrimage) to Mecca for those affording it once during their lifetime.

There is a sixth idea which though not very central to and not very explicit in the Islamic doctrine, has occupied the background of every Muslim mind, that is:

6. Acting in accordance with the Islamic laws and precepts would guarantee the prosperity and superiority of Muslims in this world as well as in the Hereafter.

Although the concept of God and the amount of attention and worship which is due to Him has been challenged to a great extent during the past two centuries, but I think it is the last three themes that have caused much problems for Muslim identity in the contemporary era. The idea of instrumentality and transiency of this world has given its place to fascination with it. It has at the same time become the means and the ends. It is the realization of the deceit of Satan when he came to Adam and told him: "*O Adam! Shall I guide you to the tree of immortality and a kingdom which decays not?*"¹⁰ Obviously, keeping with the teachings of the Holy Qur'ān and dealing with a world looked at as such, would not be in conformity with each other and would cause problems in the sense of identity of believing Muslims.

The fifth and the sixth themes have been even more problematic. Until recent centuries Muslims would not have even questioned the validity and credence of such axioms. It was not until the late 18th and early 19th century that Muslims, because of the occupation of their countries by non-Muslims and setback after setback suffered by them from scientific, technological and military advances of the West, started vetting the superiority and rightfulness of their ideas and behaviour over others, and to reconstruct the picture they had in mind about themselves for several centuries.

As 'Alī Pāyā states in his article in this book:

It is only since the encounter of the Islamic societies with modern western civilization in the early 19th century that the symptoms of an acute and comprehensive identity crisis in the Islamic belief – ecosystem – has become evident.¹¹

The defeat of the Ottoman empire by Russia in 1769 and separation of Crimea from Islamic lands, the conquest of Egypt by Napoleon in 1798, France's attack on Lebanon in 1860, the collapse of the Moghul Empire and the gradual subjugation of the Indian Muslim states by the British in the 19th century, the Russian advance into Central Asia in the 19th century, the occupation of Egypt by the British in 1883, the defeats suffered by the Qajarid dynasty of Iran at the hands of Czarist Russia as well as the occupation of Iran's southern islands by the British, and finally and most crucially the fall of the central government of Islam, that is the Turkish caliphate in 1924, all caused the Muslims to rethink and try to revitalize the system of beliefs. As Ḥamid 'Ināyat puts it:

The military defeats by the West shook the conscience of the Ottoman Turks and their leaders who were for several centuries proud of the strength of their territory and the righteousness of their way of life. It drove them to think about the cause of their incapability. Obviously, thinking about how to make up for their military failures, their first exigency was to rebuild and renovate their military apparatus. But it soon became clear that renovation of the army would not be possible without renovation of other aspects of social life, like the system of education, the economic infrastructure and introduction of basic factors for social change. So the wave of reformism gradually permeated into other fields of social life.¹²

These reforms created so much change in the social structure of Muslim societies that completely alienated them from their traditional legal, political and social systems - system which were mainly based on Islamic jurisprudence. However, despite all these changes the belief in Islam persisted, but it was difficult "to be modern and Islamic at the same time,"¹³ and therefore a crisis of identity appeared in full force. This unbearable situation pushed

faithful thinkers and thoughtful '*ulamā*' to try to devise ways by which conformity could be created between the new social structures and institutions on the one hand and Islamic belief and legal systems on the other.

Since such efforts have been, and still are, a very crucial and vital factor in maintaining Muslim identity in the past few decades and will continue to influence the course of Muslim societies in the 21st century, I will elaborate on some instances of such an effort by Shi'ah '*ulamā*'. I have chosen the Shi'ahs because less is known about such intellectual efforts in the Shi'ah world, although I do not discount the enormous amount of efforts made in this field in the Sunnī world. And I have chosen the '*ulamā*' because they are "the formal arbiters of Islamic opinion,"¹⁴ since beliefs and behaviours would not be considered Islamic unless approved by them, and because Muslim intellectuals who have discussed these matters have not been very scrupulous about the *Sharī'ah*.

The first such attempt, as far as I know, was the book "*Tanbīh al-Ummah wa Tanzīh al-Millah*" (Awakening the *Ummah* and Purifying the Creed) by one of the greatest Shi'ah '*ulamā*' of the 19th century, 'Allāmah Sayyid Muḥammad Ḥusayn Nā'inī (1856 - 1936), in which he tried to make conformity between the constitutional system of government and the Islamic legal and political system. The amount of resistance and disagreement which was created by such a book amongst other '*ulamā*' is a good indicator of the difficulty of such efforts.

In his book Nā'inī tried to answer the argument of those who thought that as long as the laws of *Sharī'ah* existed there was no need for a legislating body or parliament for if those legislations were same as what was expressed in the Qur'ān and the *sunnah* then there was no need for the parliament, and if they were contrary to the *Sharī'ah* law or other than it, then these were dubious innovations and ruling according to them was unlawful or *ḥarām*. The most expressive, though not the most prominent, propagator of

such ideas was Shaykh Faḍlullāh Nūri (1842 - 1909), a well known 'ālim of Tehran who "found the idea of constitution unacceptable because it provided for a legislative body, which would infringe on divinely revealed law."¹⁵

Nā'ini answered those arguments with a complex style of jurisprudential circles of his time which makes reading his book very difficult. He argued that the functions and responsibilities of a government such as establishing law and order, fending off the enemies, and regulating the affairs of society are included into two categories. Either they are included in any of the religious texts related to which the practical duty of every one is defined and its ruling in *Shari'ah* is expressed, or they are not included in any religious texts. Because the practical duties of matters included in this latter could not be defined under a specific rule or a special criteria, they are delegated to the opinion and the decision of the ruler.¹⁶

It is evident that contrary to the first type of rules, that is, the "expressed" (*manṣūṣ*) rules that cannot be changed on the spacio-temporal basis and for which no other duty but obedience has been envisaged; the second type, that is, the "not-expressed" (*ghayr manṣūṣ*) rules, are the ones that are affected by time and place and undergo compulsory changes. Even during the time of the Prophet (ﷺ) and the Infallible Imams ('a), the judicial issues, that came across in various parts of the Islamic lands and were specific to the said areas and which did not fall into the purview of the "expressed" rules, depended on the discretion and judgement of the one who was appointed in the specific area by the Prophet (ﷺ) or Imam ('a). Such type of rules during the occultation (*ghaybah*) of the Imam of the Age (may Allah hasten his reappearance) undergo change consistence with the period and place and the discretion of jurisprudents who are deputies of the last Imam or by persons who are authorised by them to do so. These individuals can take into consideration any type of time-fitting legal system, which is in

accordance with social conditions or is not in contradiction to the “expressed” rules.

Having proved this point that was “crystal clear and obvious” in his view, ‘Allāmah Nā’ini deduces several subsequent results out of it.

First, the laws and regulations which could have conformity with religious decrees are restricted to the first type and to talk about such a conformity in the second type is out of context.

Secondly, the principle of consultation which as ordained by the Qur’ān and *sunnah*, serves as basis of the Islamic government,¹⁷ and on the basis of which the National Islamic Consultative Assembly (of the Qājārid era) has been formed. It fits in with the second type of rules, while the “expressed” rules are beyond its jurisdiction and no consultation can be forecast for them.

Thirdly, the rules which are determined on behalf of the Imams (‘a) by those appointed by the Imams (‘a), fall into the second category of rules and are compulsory both during the presence and occultation of the Imam (‘a). This exposes the false claims of those who regard implementation of such legal obligations not religiously compulsory. Denying the implementation of such rules has no other reason but lack of knowledge and sufficient awareness on the part of the objectors about the exigencies of religious principles.¹⁸

Fourthly, most of the social regulations, which have been referred to as ‘*siāsat-i naw‘iyyah*’ (policy of expediency) by the late Nā’ini, are covered by the second type of rules, that is the “not-expressed” rules, and fall within the jurisdiction of the authority of the Master of the Affairs (*Waliyy-i Amr* - the Infallible Imam) and the power of discretion of his special or ordinary deputy. These regulations are bound by time, place and circumstances, and according to the *Sharī‘ah* the council or *shūrā*, under whose jurisdiction the explanation and elaboration of such rules falls, is based on this principle. Such rules, which are formulated through

prudence and wisdom of those elected by the people, would be officially recognized and implemented as obligatory, once ratified by representatives at the National Consultative Assembly (*Majlis*) and duly endorsed by qualified *mujtahids* who are authorized by the authority of the Infallible Imam ('a).

The fifth is that since the second type of rules are categorized under '*siāsat-i naw'iyah*', and do not follow definite order and would change consistent with different interests and exigencies - and this is why they are not expressed in the holy religion - they depend on views and attitudes of related authorities, and are prone to change and abrogation. Contrary to the first type of regulations, that are the "expressed" rules which on no account could be altered irrespective of the time and place, such regulations are transient.¹⁹

Thus, 'Allāmah Nā'īnī, who was among the great fundamentalists and jurists of his age and many contemporary jurists in Iran and Iraq are considered as students of his special jurisprudential school, succeeded in presenting a dynamic solution for harmony between the social changes and the stable legal system of the *Shari'ah*.

'Allāmah Nā'īnī criticized those who could not see such realities of the legal system and wrongly persisted on the unchanging character of all aspects of the legal system of the Islamic society.

It is amazing to see how those in non-Muslim societies who are ignorant of accurate Islamic rulings are actually basing their laws on the precepts called for by Islam. But in Islamic societies, it is a matter of astonishment to see the extent of the plagiarists' ignorance of the requisites and exigencies of the principles of Islam and their mistaken doubts whether any change and abrogation would be a kind of deviation from an obligatory duty towards a forbidden

act, or vice-versa or from a permitted act to another permitted one.

Would it not be a wise idea to take out these misgivings from the sphere of doubts, undue fears and self interests that distort public opinion, and make them conform with the real objective of safeguarding the system and the political affairs of the *ummah* which is obligatory?²⁰

The next *'ālim* after Nā'īnī who has deliberated over the issue was 'Allāmah Sayyid Muḥammad Ḥusayn Ṭabāṭabā'ī (d.1982) who also held the view that communities of human beings cannot be ruled by a single legal system.

In the times when people travelled by-ways and moved from one place to another on foot or by horse, donkey and mule, there was not much need to bother about routes, whereas today many bewildering devices have come up, requiring elaborate and minute regulations concerning urban, land, sea and air transportation. The early man led a simple life... but today due to a complexity of tasks, work has become technical, and as a result has been divided into various specialized branches. Jobs or modes of work have been sub-divided and are characterized by thousands of regulations devised for them.²¹

On the other hand, 'Allāmah Ṭabāṭabā'ī believes that Islam is a religion that can address all requirements of man in all ages.

The invitation by Islam has foreseen certain methods and a number of regulations that guarantee prosperity of the human community in the best possible manner and ensure the various needs of modern life.²²

‘Allāmah Ṭabāṭabā’ī by taking the above-mentioned two principles into consideration, divides the laws governing human community as follows:

The laws, which change in place with time and in tune with progress of civilizations, and concern special status and conditions. And laws which are irrevokable and are related to the unchangeable essence of humanity, which is common between all human beings in all ages, all conditions and all environments.²³

Likewise, Islamic regulations are either revokable or irrevokable. In fact ‘Allāmah Ṭabāṭabā’ī holds the same view that ‘Allāmah Nā’īnī did.

But the problem with the late Tabatabaie and late Nā’īnī was that they took all regulations included in the text of *Shari’ah* as fixed rules, whereas many such rules are related to special status and conditions. For example, one should ask whether fixing a camel, a cow or a sheep as blood-money for man is related to the principle of humanity or is a rule issued on special occasions and conditions. Are *Muzāra’ah* (contract for leasing a farm), *Musāqāt* (letting a farm or vineyard for part of the produce) or *Mudārabah* (limited partnership or selling the goods of others for a portion of the profit) related to the principle of humanity? Is the Arabic formula of marriage or other contracts such as securityship by a mature individual (*Zamān-i ‘Āqilah*), related to the principle of humanity? Such a word looks more like a convincing answer rather than a serious debate.

At any rate, ‘Allāmah Ṭabāṭabā’ī like the late Nā’īnī believes that revokable rules and regulations fall within the jurisdiction of a ruler and are interpreted as *wilāyat-i ‘āmmah*.

This very Islamic principle addresses the transient needs of people in any age, time or place, and caters to their changing necessities without tampering with the fixed and primordial laws of Islam.²⁴

But, according to 'Allāmah Ṭabāṭabā'i, the authority of the *Waliyy* is not more than the authority of the head of a family in his daily decision-makings depending on spacio-temporal conditions, and is not related to the drastic structural and legal changes in society.

A person, living in an Islamic community, can make use of anything (of course on the basis of virtue and through observation of law), and can spend of his property as much as he deems proper in order to improve his life standard. Likewise, the *Waliyy-i Amr* of Muslims, who is duly recognized by Islam, can on the basis of his general authority, determine whatever he deems necessary in the area of his jurisdiction. He can set regulations, for example, concerning roads, passes, houses, residential buildings, bazaar, transportation, labour and relations among various classes of the society, in light of the fixed religious rules. He can issue orders for defence on army mobilization and necessary preliminary tasks, enforce them on time and conclude pacts in the interests of Muslims.²⁵

As mentioned, what 'Allāmah Ṭabāṭabā'i refers to as revokable regulations, are in fact the measures adopted by the *Waliyy* in accordance with spacio-temporal conditions, and are not the revokable legal rules, which are necessitated by changing social structures. To sum up, it is apparent that he has not explained the deep link between legal laws and the social structure. His ideas are quite similar to those of Rashid Riḍā who thought that the community has the authority to create positive and man-made laws, as long as these laws do not contradict and are subsidiary to the *Shari'ah*.

'Allāmah Ṭabāṭabā'i's views were promoted by his student Martyr Āyatullāh Murtaḍā Muṭahharī (d. 1979). In his debates on Islam and time exigencies, Martyr Muṭahharī upholds the view:

The problem with the issue of Islam and time exigencies is the problem of co-existence and coordination between two objects that are against each other in nature. Of the two, one is fixed and irrevokable in nature, while the other is revokable, not fixed and fluid. Since Islamic decrees cannot be abrogated, they are unchangeable and permanent, and since time exigencies or any other issue related to time, including human necessities and living conditions, are not fixed, it is but natural for them to undergo changes. In such a case how can two things, one of which is fixed and permanent by nature while the other is ever changing by its nature, co-exist and coordinate with each other?²⁶

Muṭahharī having raised the question, provides the answer by expressing the same view of 'Allāmah Ṭabāṭabā'i but in another form. He means to say that neither Islam is absolutely fixed and no change could ever enter its rules and regulations, nor the time exigencies and conditions undergo absolute change. In Islam there are both fixed and transient factors, as they are fixed and changing elements in time.

However, the big difference between the views of the student and his teacher is that, as mentioned earlier, the late Ṭabāṭabā'i like 'Allāmah Nā'inī does not favour changes in "expressed" laws of Islam, whereas Muṭahharī breaks this barrier, although it is not a turning point in Islamic thought in the said field. From the view point of Muṭahharī, Islam has a mechanism inside its legal system, which ignites internal changes of its own without the need of any person to bring about such a change.²⁷ It is only for the 'ulamā' to discover these changes.

This mechanism of change in Islam, according to the late Mutahhari, has certain components:

1. Enactment of Laws in Islam fall in the category of factual proposition and not actual proposition. This means that rules are of general nature and do not pertain to specific events.

2. The way the rules are set, open the door for contradiction between certain rules, that is, doing something can be obligatory as much as forbidden. A non-*maḥram* man's saving a woman who is about to be drowned, is an obligatory task under factual proposition, which says that "saving the life of a human being is obligatory." But it would be forbidden under an actual proposition, which says that "touching the body of a non-*maḥram* woman is forbidden."

3. In case of contradiction in the rule, it is advisable to follow the rule, which is more important and ignore the one which is less important, as is evident in the light of the following phrase: "*Idhā ijtama'at ḥurmatān ṭuriḥat al-sughrā lil-kubrā*" (If two issues overlap, leave the less important one for the sake of that which is more important).²⁸

In view of the above-mentioned formula, Martyr Muṭahhari concludes that people's duties might differ in the course of time. It is possible that an issue which might be forbidden during certain time, turns into a lawful and even obligatory issue at another time due to the changed conditions. And this means change in laws and legal regulations under various social conditions. From the viewpoint of Muṭahhari:

This is the point, which prompts jurisprudents and *mujtahids* to be fully aware of time and conditions, in order to make distinction between less and more important things on various times This is a way of harmonizing Islam with time requirements. An evolution in Islamic law but in a way that does not mean abrogation, is something rather allowed by Islam.

Islam has set its rules in a way they could be changed in accordance with the different periods and places.²⁹

But what is the reason behind such laws and why is there such a mechanical instrument in Islam? From the viewpoint of Āyatullāh Mutahhari, Islamic regulations are heavenly as much as they are attributed to the earth. This means that "they are consistent with the interests and exigencies of human beings," and have no secret or hidden aspects. For Islamic regulations, one should not say that "divine injunctions have no connections with such statements. God Almighty has set a law and He himself is fully aware of the reason behind it."³⁰ Since rules are made on the basis of real human interests and exigencies, and since all rules are not defined by the Holy Qur'ān and the *sunnah*, therefore the system of Islamic legislation has kept its door open for commonsense.

Kullumā ḥakama bihi al-'aql ḥakama bihi al-Shar', that means, wherever sense discovers a necessary exigency we get to know that divine law concords with it even if there is basically no word on the issue in the Holy Qur'ān, *ḥadīth* or the expressions of the '*ulamā*'.³¹

But the one, who is authorized to alter the rules is a qualified *mujtahid* – not with the restriction that the late Ṭabāṭabā'ī believed in but with more authority. On the one hand, conformity of Islamic rules with a series of so-called temporal interests (the ones which are related to man and the ones which can be discerned through man's sense and knowledge), and on the other hand the legislative system of Islam, which falls in the realm of factual propositions (the rules which are of general nature and not addressed to specific individuals), present the *mujtahid* a wonderful opportunity to issue, in accordance with Islamic injunctions, different *fatwās* under

various spacio-temporal conditions. It is in fact an opportunity to determine the conditions under which something lawful would become forbidden at certain time, or obligatory or recommended at other times.³²

All these views had been raised before the triumph of the Islamic Revolution in Iran in 1979. But the climax came in the post-revolution era, when Islamic regulations were being practically implemented in the Iranian society, and when some segments of the society refused to accept structural changes in laws and regulations which were feared to be Islamic. This climactic point manifested itself in the late Imam Khomeyni's viewpoint on absolute authority of the supreme jurisprudence.

Absolute authority here does not mean an absolute or despotic form of government, rather it is the manifestation of authority, which the late Ṭabāṭabā'i and the late Nā'ini believed, should be within the jurisdiction of the *mujtahids*, however, not in limited form but absolutely. The late Imam Khomeyni himself often used to say that the concept of *Wilāyat-i Faqih*, has not yet been well understood. In one of his lectures in 1979 he had entrusted the task of restricting private ownership to the government and said "this is one of the things that is related to *Wilāyat-i Faqih* but unfortunately our intellectuals do not understand what *Wilāyat-i Faqih* is?"³³

In fact, *Wilāyat-i Faqih*, in Imam Khomeyni's opinion, is the solution for making Islamic laws and regulations compatible with structural changes in the society in an absolute manner and not simply within the framework of "expressed" Islamic injunctions. A glance at the statements of Imam Khomeyni on the issue would make it fully clear that *Wilāyat-i Faqih* really means absolute authority to devise and make laws and regulations in accordance with social exigencies. His views on these issues are fully explicit, candid and free from any ambiguity. For example, in a message sent to the 'ulamā' on February 22, 1988, he said:

Time and space are two key factors for *ijtihād*. The issue which had a ruling in the past might under go a new ruling in the political, social and economic context of a new system. This means that with clear identification of economic, social and political relations the first subject, which has apparently not differed from its former form, might really be a subject, which warrants a new rule.

On September 24, 1988, Imam Khumayni wrote in response to an *'ālim* who had asked him about his ruling concerning chess:

As per your excellency's inquiry, *Rihān*, *Sabq* and *Ramāyah* and martial arts which were used during battles in the past are exclusive to bow and arrow and horse riding and so on; as is the case with *anfāl* (spoils), which has been considered as stipend for Shi'ites. Can Shi'ites today freely ruin forests with such and such a machinery, destroy whatever that protects the environment, and endanger the life of millions of people with no one having the right to prevent them of such a doing? Based on your excellency's estimation of *ḥadīth* and the sayings of the Prophet and his Household, modern civilization and its amenities should be discarded completely, and people should dwell in ruins or live forever in forests."³⁴

This reveals that Imam Khumayni had been in full agreement with the sociological aspects of law on the issue concerning legal regulations being affected by social structure. The only exception to the rule is that Imam Khumayni lays greater emphasis on the role of government in this regard, i.e. a government, led by a qualified jurispudent. Wherever there is a word on *Wilāyat-i Faqīh*, Imam Khumayni means by *wilāyat* a government system led by a jurispudent, and not the *wilāyat* of a single person. The decisions made at the Islamic Consultative Assembly or the government

cabinet or the State Expediency Council or the Guardians' Council would be considered legitimate through their reliance on absolute *wilāyat*, even if in certain cases they appear to be against some indubitable rules.

Thus, it is the government and not a person that determines which of the indubitable rules of Islam should be momentarily overlooked and in its place a new law should come into force. It is the government which determines practical philosophy of confrontation against blasphemy and idolatry or internal and external problems. The theological debates raised at schools within the framework of theories are not only not practical but could lead us into deadlocks, which would be an apparent violation of the constitution.³⁵

In the face of a government which is manifestation of absolute *wilāyat*, none of the "expressed" rules of Islam can offer resistance. Such a view would undoubtedly create many theoretical problems in the minds of most pious people. When Imam Khumaynī's views on powers of the government system based on absolute *wilāyat* were announced to the Council of Guardians, the then Iranian president (presently leader), Āyatullāh Sayyid 'Alī Khāmene'ī told the Friday prayer congregation that what the Imam meant was the authority of government within the framework of the *Shari'ah* and the indubitable rules. Imam Khumaynī immediately wrote a letter, in which he outlined his views as such:

You are mistaken if you do not believe that the government, which on the principle of absolute *wilāyat* was entrusted by Almighty God to Prophet Muḥammad (ﷺ), enjoys precedence as an important divine commandment over all jurisprudential rules. The comments on my remarks do not at all conform with my view that the government has the authority within the framework of divine rules. If the powers of the government are limited to the framework of the

jurisprudential rules of Islam, then it should be said that divine government and absolute *wilāyat* entrusted by God to Prophet Muḥammad (ﷺ), would be meaningless and devoid of any content. As a token of my remarks I would like to refer to the consequences of such an issue to which no one can adhere. To cite an example, the case of broadening of streets, which requires taking over of a house or part of it, does not fall within the framework of jurisprudential rules. The military service and dispatch of forces to battlefronts, ban against hoarding – except in two or three cases – customs duties, taxes, coding and control of prices, measures against distribution of narcotic drugs, banning addiction in any form other than alcoholic drinks (which are divinely prohibited), bearing of arms in any form, and hundreds of such cases, which fall within the realm of government authority, would be beyond state jurisdiction as per your remarks. What has been or is said results from lack of sufficient knowledge about absolute *wilāyat*. What has been said to the effect that with such authority issues as *Muzāra'ah* or *Muḍārabah* would be forsaken, even if they are presumed to be so, I would like to state explicitly that they are among the authorities of government. There are of course other more important issues, which I do not want to dwell upon now.³⁶

As is evident, Imam Khumaynī had fully in mind the necessity of changing social laws and regulations,, and he sought the solution in absolute divine *wilāyat* in changing or abrogating laws on the basis of special social conditions as was the case when the task was entrusted to the Prophet and after him fell within the jurisdiction of the ideally just government. Imam Khumaynī's reference to issues urged by new social parameters such as military

service, taxes, price coding, etc., reveals the dynamic way in which he dealt with these developments. The reason for the late Imam's emphasis on the necessity of supervision of government affairs by a just jurist, was his refusal to ignore the principled values of Islam. He believed that if a government, enjoying such authorities was willing to be labelled Islamic without restricting itself to the jurisprudential framework of rulings, then it should at least be faithful to the principles that from the viewpoint of Islam ensure the spirit of an Islamic society. And this would be impossible, unless the one, who guides such a system, is himself aware and committed to such principles.

The point worth noting here is that, for the late Imam, the rules devised by such a government are not secondary rules, i.e. it does not mean ignoring of principles due to social exigencies, rather they are the rules which are based on principles. Due to the same reason the late Imam Khumayni was emphasizing that "government rulings are part of prime and fundamental rules."³⁷

Thirty years ago, N.J. Coulson saw this kind of approach to Islamic laws as a radical approach, but also viewed that Islamic jurisprudence should have such a solution in dealing with issues caused by new social conditions. It would not be bad to include his conclusion and final judgement on Islamic jurisprudence, even if it be long.

It cannot be denied that certain specific provisions of the Qur'ān, such as that which commands the amputation of the hand for theft, pose problems in the context of contemporary life for which the solution is not readily apparent. But, generally speaking, the Qur'ānic precepts are in the nature of ethical norms – broad enough to support modern legal structures and capable of varying interpretations to meet the particular needs of time and place. And on this basis it would seem that Islamic jurisprudence could implement, in

practical and modernist terms, its fundamental and unique ideal of a way of life based on the command of God. Freed from the notion of a religious law expressed in totalitarian and uncompromising terms, jurisprudence would approach the problem of law and society in a different light...

Radical though the break with past tradition which such an approach involves might be, it is nevertheless a break with a particular construction of the religious law and not with its essence... Law, to be a living force, must reflect the soul of a society; and the soul of present Muslim society is reflected neither in any form of outright secularism nor in the doctrine of the medieval text books.³⁸

The method which Coulson envisions for jurisprudence is justly speaking, a bold method. And it seems that absolute authority of government or absolute guardianship of jurispudent would set such conditions. If laws are superstructures and are dictated by such deep rooted affairs like economy, culture, the natural and social environment, then one cannot uphold a forceful campaign in such affairs. But an infrastructure can necessitate different superstructures. The thing which a jurispudent does in order to make society Islamic is a framework that he sets on different superstructures and selects the one, which is best fit or suitable.

Imam Khumayni presented a bold and unprecedented method in Islamic jurisprudence that was fully novel when compared with the traditional approach. His views should be considered as more progressive compared to that of the late Āyatullāh Ṣadr, who i regarded as the most enlightened Shi'ite thinkers of the contemporary era. Āyatullāh Ṣadr has referred to the issue in his book "Our Economy" where he speaks of the economic laws and regulations of Islam. After categorizing the economic system in a society as infrastructural, and civil rights and

laws as its superstructure,³⁹ in order to understand the Islamic system, he starts to study its superstructure, i.e. the Islamic civil rights. However, he believes that to study the issue one should not suffice looking at static elements of the legal system, rather he should take dynamic elements into consideration as well. The static elements are those rules that are set by the Divine Legislator and are not open to any change. The dynamic elements in turn are the ones, which fall within what he calls "the realm of legal freedom" which "should be regulated by the guardian, i.e. government, in tune with spacio-temporal needs and exigencies."⁴⁰

"The decisions made by the Prophet (ﷺ) in the realm of legal freedom" were not intended to be everlasting because the Prophet (ﷺ) in such cases had acted not as the propagator of fixed divine rules nor as the political leader and head of Islamic government. Due to the same reason, his decisions should not be included in static elements of the Islamic economic system.⁴¹ According to the view, the Prophet's (ﷺ) move in confirming such rules as *muḍārabah*, *musāqāt* (agreement on fruit trees with common share) and proving claims through *qasamah* (oath-taking), as were valid during his prophethood, or his move in formally recognizing the then existing rules by adding to them or omitting some of them, should not be taken as something made to make a rule permanent. Rather, one should think that the Prophet (ﷺ) had done such a thing within the "realm of legal freedom", and the ones, who assume political leadership or government of the Islamic establishment after him are free to allow or abandon such rules as per spacio-temporal exigencies.

Apparently, all confirmed rules of Islam (i.e. the rules which existed before the Prophet (ﷺ) and were confirmed by him) and some of the ordained rules fall in the same category. Although such a view is bold in its kind within the framework of traditional jurisprudence, it cannot address the legal problems of the society in pace with the view on "absolute guardianship of the jurisprudent"

because as Āyatullāh Ṣadr has said the "realm of legal freedom" could only be extended to an area where it would not contradict the fixed and legislated rules. Therefore, absolute *wilāyah*, which Imam Khumayni considered for government due to structural needs of a society, should be restricted in Āyatullāh Ṣadr's view. It seems that Āyatullāh Ṣadr has neglected the invisible changes in subjects, which have predicate for religious decrees. Imam Khumayni had been fully aware of such an issue.

The same subject that a rule had been issued about it in the past might in a different political, social and economic system, be the issue of a new ruling. This means that a careful look at the economic, social and political relations would reveal that the same subject, that is not apparently different with its former form, might turn into a new issue, which deserves to be subject of a new ruling.⁴²

There were some solutions provided for the challenging problems of how to be a Muslim in a new environment. All of these solutions, after admitting the legal difficulties which has entangled the Muslim society and the need for legal reforms, having one thing in common, that is any change in or abrogation of jurisprudential laws, must be supervised by a jurist who is authorized for this purpose by the Prophet (ﷺ) or the Infallible Imam ('a). This idea is in fact rooted in the Shi'ite belief in the continuity of Imamate.

The idea of the "absolute authority of the jurist" (*Wilāyat-i Faqīh*) is not only the most conclusive of all these solutions, but also is the most progressive of them compared to the traditional approaches. It would not recognize any limit for change in the Islamic legal system as long as it is based on broad Islamic principles. To meet this condition these changes should be supervised by somebody who has both religious commitment and knowledge, otherwise it would end in secularism.

It is interesting to note that a considerable number of laws enacted or reformed after the victory of the Islamic Revolution in Iran are out of the boundaries of traditional jurisprudence. For instance, the laws concerning women are not consistent with the jurisprudential framework of traditional Islamic regulations. For example, the right to choose or be chosen are, of course, offshoots of more general developments in the field of the society's political laws and its economic structure. It should be said that within the framework of Islam, presentation of such rights to women was impossible before the Islamic Revolution.

Even after the triumph of the Islamic revolution and at the time when the said rights were compiled for women, some wrote a letter to Imam Khomeini, opposing that they were against the transmitted texts of Islam.⁴³ Other changes in the field were observed in family rights, especially the right to divorce. The family support law, which had been devised before the revolution by non-Islamic jurists, was abrogated immediately after the revolution, but the social conditions and the structure governing the family institution in the entire society, underwent change to such an extent that the former laws concerning divorce stirred social order and were found not in pace with the change in rights of women in other fields. Therefore, the Supreme Judicial Council in a ratification called on the Public Notary and the Registration Department to put in the marriage register conditions set during a marriage contract.⁴⁴

Excerpts of such conditions are as follows:

1. Transfer of half of the husband's property (the portion gained during matrimonial life) to the wife in case the request for divorce was initiated by the husband and was not due to the wife's refusal to abide by her duties or maltreating her spouse.

2. Irrevocable attorneyship granted to the wife by the husband with the legal right to refer to court concerning matters related to divorce settlement under the conditions mentioned in the

marriage contract, including maltreatment by the husband, refusal to give alimony for a period of six months, engagement in a vocation which is against the interests of family and woman's dignity, addiction, and marriage with another woman without obtaining the permission of the wife.

It is true that the conditions are not compulsory and the bridegroom can refuse to sign the contract but since the conditions mentioned in the register concord with the type of justice accepted by people of his generation, the man cannot oppose them and they are automatically included as conditions of the marriage contract. It is also true that inclusion of any condition which is not against the religious laws is allowed during conclusion of contract, but inclusion of such conditions in the marriage contract as a general rule, to the effect that no official marriage would take place without full justification, is indicative of the changes in the law of marriage and divorce as well as fundamental changes in the marriage contract. In other fields, the laws, ranging from the principle of ownership of property to the labour law, political rights and public rights, that were formulated after the Islamic Revolution fall beyond jurisdiction of traditional jurisprudence.

These adjustments and similar efforts launched by '*ulamā*' in the Sunnī world are all attempts for finding solutions to be modern and Muslim at the same time, that is, to worship God and to take heed of His words while living in societies with structures and institutions completely different with those of the society at the time of Divine Revelation over 14 centuries ago.

However in recent decades the process of globalization has added fuel to the flames and created more problems for Muslim identity. Not only because, in the words of Castells, globalization and identity are two conflicting trends,⁴⁵ and not because of Killner's statement that with the acceleration of the pace, extension and complexity of modern societies, identity becomes more and more unstable and fragile,⁴⁶ but because globalization is

institutionalization of materialism which is in conflict with all religions. With globalization the question is not anymore the adjustment of the Islamic legal system with new social structures, rather it is challenging the whole value system of Muslims. This is why religious fundamentalism, though it has existed throughout human history,⁴⁷ is surprisingly more strong at the end of the 20th century.

This book includes 12 articles which discuss the present situation and the future of Muslims in the face of globalization.

Faced with the ever increasing onslaught of globalization, Muslims theoretically have three alternatives before them. Either to accept the process and undergo in their identity a metamorphosis of the most severe kind, or to resist all aspects of the process and hold fast to their identity and launch a *Jihād* against all aspects of modernity. These are two extremes of the theory put forward as "Mecca or Mechanization."⁴⁸ The third alternative for Muslims is to adapt the process in their own value system and produce, out of this conflict, a new breed of moral modern society.

The increasing fervent of Islamization all over the world even among Muslim minorities living in the West, the Islamic Revolution in Iran, the situation in Afghanistan, Algeria, Turkey and Palestine, all prove that the first alternative certainly and definitely is out of question. The problems and difficulties presently experienced by Muslim societies in economical, political, cultural and social issues establish enough evidence to show the futility of the second alternative. It is only the third way which is open to Muslims and to the West at the same time and which could constitute a viable solution to the problems. This is what I have tried to show in the past paragraphs that the Muslims are willing and able to do so.

In his article in this book, 'Ali Pāyā believes that this process is already underway. He writes:

In the past two decades ... many thinkers have striven to develop more refined models of civil society in which the rights and liberties of the individual are reconciled with a partnership between the state and the society. In such models, great emphasis has been placed on the priority of morality as a method for conducting the affairs of the state and the individual.⁴⁹

This process of mutual understanding and adaptation could be accelerated by co-operation and mutual learning, or else could be impeded by misunderstandings, mistakes and mismanagements, and efforts by each side to globalize its own culture. This is, unfortunately the option which the West has chosen to try. This is why Ḥamid Maulānā claims vehemently that numerous studies during the last several decades have demonstrated that the process of modernization is “a one way traffic from the West,” and “even the dichotomy of ‘Occident versus Orient’ was pushed aside, since the worldwide diffusion of modernization, which was now creating the new world of the so-called ‘globalization’ had rendered ‘East’ and ‘West’ irrelevant”.⁵⁰

According to S. Sayyid in his article in this book, “Mc World, emerges not as a ‘rainbow formation’ where all human cultures find a home, but rather, as an attempt to make the whole world a home for one way of life, one cultural formation. The difference between Mc World and *Jihād* comes down to a matter of scale rather than content, for both projects seem to be about making the world familiar, making the world home.”⁵¹

As long as the West looks upon its culture as the superior culture in all aspects and tries to humiliate other cultures without making efforts to understand them, and attempts to globalize one and only one culture, the world will not come out of its present difficulties. Muslims have tried their best to adopt new scientific, social and philosophical ideas from other cultures, especially from the West, and adapt them to their own value system. They usually

have not seen their *Shari'ah* as "an invariable, rigid command, but [as] a guide to walk towards God, with the adaptations required by each historical and social content."⁵² It is now the West which should participate in this mutual effort of understanding cultural interchange.

Notes:

1. Triston James Mubry, *Modernization, Nationalism and Islam: An examining of Ernest Gellner's writings on Muslim society with reference to Indonesia and Malaysia* in "Ethnic and Racial Studies", p.119.

2. *Ibid.*

3. *Ibid.*, p.113.

4. Manuel Castells, *The Power of Identity*, Blackwell, 1997, pp. 13-14.

5. H.R.H. The Prince of Wales, *Islam and the West*, Oxford Centre for Islamic Studies, 1993, p.9.

6. Bahman Bakhtiari, *Cyber Muslim and the Internet: Searching for Spiritual Harmony in the Digital World*, p. 2.

7. Castells, *Op. cit.*, p. 6.

8. Clifford Gertz, *Religion as a Cultural System: The Interpretations of Cultures*, New York, 1973, p. 90.

9. Holy Qur'ān, *Sūrah al-Baqarah* 2:285.

10. Holy Qur'ān, (20:120). The story in the Bible. It is interesting to note that in the Qur'ānic version of the story, Eve plays no role between Adam and Satan, and it is the temptation for immortality and "a kingdom which decays not" that brings the calamity to Adam and his wife.

11. 'Alī Pāyā, *Muslim Identity and Civil Society: Whose Islam? Which Society*, p. 3.

12. Ḥamid 'Inayat, *Seyri Dar Andisheh-ye Siyāsi 'Arab* (A Review of Arab Political Thought), Tehran, 1358 SH, P.20.

13. James P. Piscatori, *Islam in a World of Nation States*, Cambridge University Press, 1986, p.77.
14. *Ibid.*, p. 98.
15. Dale F. Eickelman and James Piscatori, *Muslim Politics*, Princeton, 1996, P.27.
16. Shaykh Muḥammad Ḥusayn Nā'ini, *Tanbih al-Ummah wa Tanzih al-Millah*, with a preface by Āyatullāh Sayyid Maḥmūd Ṭāleqāni, p. 98.
17. *Ibid.*, p.99.
18. *Ibid.*, p.101.
19. *Ibid.*, p.102.
20. *Ibid.*, p.104.
21. Sayyid Muḥammad Ḥusayn Ṭabāṭabā'i, *Majmū'ah-ye Maqālāt wa Pursish-hā wa Pasukh-ā*, published by Sayyid Hādī Khosrow Shāhi, Daftar-e Nashr-e Farhang-e Islāmi, Tehran, 1371 SH, p.75.
22. *Ibid.*, p.62.
23. *Ibid.*, p.70.
24. *Ibid.*, p.80.
25. *Ibid.*, pp. 80-81.
26. Murtaḍā Muṭahhari, *Islām va Muqtaḍiyāt-e Zamān* (Islam and the Needs of the Time), p.11.
27. *Ibid.*, p.14.
28. *Ibid.*, p.22, on the authority of a ḥadīth from the Prophet.
29. *Ibid.*, p.26.
30. *Ibid.*, p.27.
31. *Ibid.*, p.30.
32. *Ibid.*, p.31.
33. *Ṣahīfah-ye Nūr*, vol. 10, p.139.
34. *Ibid.*, vol. 21, p.34.
35. *Ibid.*, vol. 21, p.98.
36. *Ibid.*, vol. 20, pp. 170-171.
37. *Ibid.*, vol. 20, p.174.

38. N.J. Coulson, *A History of Islamic Law*, pp. 224-225.
39. Sayyid Muḥammad Bāqir Ṣadr, *Iqtiṣādunā* (Persian translation, 'Abdul 'Alī Ispahbodī, vol. 2, p.22, Intesharat-e Islāmī, Tehran 1357 SH).
40. *Ibid.*, p.34.
41. *Ibid.*, p.35.
42. *Ṣaḥīfah-ye Nūr*, vol. 21, p.98.
43. 'Abbās 'Abdī & Samīrā Calhor, *Mabāḥithī Dar Jāmi'ah Shināsī Huqūqī Iran*, Inteshārāt-e Āmūzesh-e Inqilāb-e Islāmī, Tehran, 1371 SH, p.74.
44. *Ibid.*, p.75.
45. Castells, op. cit. p.1.
46. D. Killner, quoted from S.R. 'Āmīlī, *Cultural Globalization and Muslim Identity*, in this book, p.12.
47. Castells, op. cit. p.12.
48. Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East*; New York, Free Press, 1964, p.405.
49. 'Alī Pāyā, *Muslim Identity and Civil Society: Whose Islam? Which Society?*
50. H. Mawlānā, *Covering Islam: Media and its Impact on Muslim Identity*.
51. S. Sayyid, *Beyond Westphalia: Nations and Diasporas*.
52. R. Garaudy, quoted from Castells, op.cit. p.14.



Who Can Enter Into the Dialogue of Civilizations?

In the Name of Allah, the Merciful, the Compassionate

“And speak well to the people” (2:83)

Introduction

In the *Theaetetus*, Plato writes:

Do not conduct your questioning unfairly. It is very unreasonable that one who professes a concern for virtue should be constantly guilty of unfairness in argument. Unfairness here consists in not observing the distinction between a debate and a conversation. A debate need not be taken seriously and one may trip up an opponent to the best of one's power, but a conversation should be taken in earnest; one should help out the other party and bring home to him only those slips and fallacies that are due to himself or to his earlier instructors. If you follow this rule, your associates will lay the blame for their confusions and perplexities on themselves and not on you; they will like you and court your society, and disgusted with themselves, will turn to philosophy, hoping to escape from their former selves and become different men.¹

To enter into dialogue, we, too, must be ready to become different men, just as we must be ready to assist those with whom we engage in dialogue to become different men. If civilizations are to enter into dialogue, it would seem, by analogy, that they should be ready to escape from their former selves and become different civilizations. But is this analogy cogent? I think it is, but I think it is also beneficial to reflect on the metaphor of civilizations in dialogue.

Metaphor vs. Political Analysis

Samuel Huntington² offers a political analysis of the contemporary world as divided into several civilizations with different religions, histories, identities and values. He describes the relations among these cultural groups as the clash of civilizations because the differences in values and other cultural factors give rise to conflict. He also sees Islamic civilization as the main adversary of the modern liberal West. He suggests that policy makers in the US should make a more concerted effort to consciously defend and promote Western civilization. Huntington's book has attracted much attention and provoked considerable criticism, as well. His division of the civilizations has been criticized as being somewhat arbitrary. His analysis has also invited the accusation that he is culturally, if not racially, prejudiced. His view of history has been attacked as inaccurate. Finally, his policy suggestions have been criticized as against US national interests. My concern is not with the details of Huntington's views or whether he or his critics are in the right about any particular point of issue.

One of the most interesting responses to the idea of a 'clash of civilizations' has been articulated by the President of the Islamic Republic of Iran, Sayyid Muḥammad Khātami, who in his address to the 53rd General Assembly of the United Nations, 21 September 1998, reiterated his call for a 'dialogue among civilizations' and proposed that the year 2001 be designated as 'the year of dialogue among civilizations'. Although the expressions 'clash of

civilizations' and 'dialogue among civilizations' seem naturally enough opposed, so that the suggestion of President Khātami appears to be a humane alternative to the clash, the ideas are really so different that they belong in different categories.

The basic idea of the *clash of civilizations* is an explanation for existing conflicts. It is a piece of political analysis. The idea of a *dialogue among civilizations*, on the other hand, is not an analysis at all; rather it is a proposal, in the form of a metaphor, for a way in which we might encounter others. It is as if Machiavelli were answered by Hāfiz. One speaks of *Realpolitik* and the other of *love* ('*ishq*). If President Khātami's proposal is to be any more than a lovely thought, we have to set about trying to understand what is meant by the metaphor.

Cashing Out the Metaphor

Civilizations have neither tongues nor ears. They cannot listen and they cannot speak. People speak and listen and engage in conversations; but civilizations are abstract entities posited by historians and political theorists. Therefore, dialogue among civilizations is impossible. Such is the sort of response a very literally minded person might give to the proposal of a dialogue among civilizations. Literally speaking, of course, the literalist is right. So, if we are to make any sense out of the idea of a dialogue among civilizations we have to find some way to cash out the metaphor. But there are obstacles to dialogue among civilizations beyond the fact that civilizations lack the appropriate body parts, and these must also be considered as we reflect on how to understand the idea of a dialogue among civilizations.

Other and Self

To speak of dialogue is to speak of a means by which the gap between other and self may be bridged. If the dialogue is to be effective for the sort of transformation of which Plato speaks, it

may be a useful reminder to think of bridging the gap from other to self instead of the more common phrase, 'self and other', because dialogue is not a means to impose ourselves on others, but to welcome them. Dialogue requires invitation, and for Muslims there is more than sufficient instruction in Islam about the proper behaviour (*ādāb*) involved in offering an invitation and hosting guests.

In dialogue, however, we are both hosts and guests. The other invites us to partake in the banquet of his own ideas, values and aspirations, and we invite the stranger to ours. When we listen, we must observe the manners of the guest, and when we speak, the manners of the host. This is a very delicate business, for if good manners are breached by either participant, dialogue breaks down.

If dialogue as such is difficult between two persons, the difficulties are multiplied when we try to imagine a dialogue among civilizations. To direct attention to another civilization is to consider the many individual persons of that civilization as a mass in which particular nuances are missed and a common set of socially determined values and attitudes are lumped together.

The alien civilization resists our attempts to engage it in dialogue, because it is incapable of respecting the rules of proper behaviour. It becomes what Robert Grudin calls 'the Mass Other':

[The] Mass Other becomes an incorporated giant, firm in its tastes and unified in its intentions. To this extent, the Mass Other has identity without soul, dominion without compassion. It has dominion because it is a consolidation of social power; it has no sympathy for others because it has no awareness of itself. It is a monster, a cold smug staring face, the brazen image of a self-protective system.

This image speaks but does not listen. Our relationship to it is completely nondialogic, because its power lies in the denial of dialogue. It harangues us with official discourse but shrinks and vanishes at the threat of

response.³

In order for dialogue to take place, we will need to find another other.

Production and Imitation

In a metaphorical sense, all of the products of a civilization may be considered its speech. Civilizations speak through their arts and technologies, through their literature and law, and through the histories of their ideas. Even if civilizations have no minds with which to think, the thoughts arising among the people of a civilization and reflected in their labour and its products may be attributed to the civilization itself. So, there is a sense, after all, in which civilizations *do* have tongues, for as the tongue of a man shows what he thinks, so too, the products of a civilization reflect its thoughts.

If there is to be dialogue among civilizations, however, it is not enough for them to speak. They must also listen. One person shows that he has listened to another when the speech of the other elicits a reaction, in deeds or in words. If civilizations speak through their products, they may be said to listen to another civilization when the products of the other elicit a reaction, in historical events or in its own products. How can the products of one civilization elicit a reaction in another? Certainly, this is a constant occurrence. Art critics point out how the arts and architecture of one culture often influence those of another. Often it takes ages before the products of a culture may be seen to influence those of another, as the styles of an ancient civilization become fashionable in a modern one. There are also cases of fairly rapid exchange, as Japanese technology imitated that of the West, and was soon itself emulated in European and American factories. Through imitation and modification, through montage and even outright purchase, people, cultures, nations and civilizations show that they are listening to one another.

If the products of a civilization are its speech, and its listening is the reflection in those products of the products of others, it would seem that the two essential elements for dialogue, speaking and listening, are present in the metaphorical sense sketched, in civilizations. Here, we are using anthropological analogies to speak of dialogue among civilizations. Let's call this interpretation of dialogue among civilizations *the anthropological analogy interpretation*.

The elements we have identified in the anthropological analogy interpretation are not sufficient for dialogue among civilizations, for true dialogue requires more than mere speaking and listening. Even if civilizations can be brought by metaphor to talk with one another, they cannot be disabused of their lack of manners. Dialogue requires observation of manners indicating a readiness to enter the world of the alien and genuinely welcoming intentions. Civilizations may produce and imitate, export and import, but they do not open their hearts in dialogue.

The Representatives of Civilizations

Even if the metaphor discussed above is judged inadequate for understanding the idea of a dialogue among civilizations, this is no reason to give up on the idea altogether. Perhaps what is needed is a change in the figure of speech. Rhetoricians use the term *synecdoche* for the trope in which a part or individual represents the whole or type, as well as the reverse. So, we might say that a dialogue among civilizations takes place when individuals belonging to different civilizations engage in dialogue.

Of course, more than this is needed if we are to achieve what is meant by a dialogue of civilizations. Not every dialogue among members of different civilizations will count as a dialogue among civilizations. If a surgeon from China discusses surgical technique with a surgeon from Tunis, the dialogue may take place entirely within the framework of Western medicine.

In order for a dialogue among individuals to count as a dialogue among civilizations, the individuals must be taken to represent different civilizations. We could say that there was a dialogue among nations when the representatives of those nations discuss a topic, for example, in the meetings of the Organization of Islamic Conference (OIC). We could say that there was a dialogue among religions when the leaders of various religious sects convened, e.g., the Pope and the Dalai Lama. So, we can say that abstract social entities may engage in dialogue with one another when they have recognized leaders who represent them.

We might call the interpretation of dialogue among civilizations as dialogue among the representatives of civilizations *the representational model of dialogue among civilizations*. The main problem with this interpretation is that civilizations are not organizations with official representatives and leaders. Who could be said to represent Western civilization? The president of the European Union? Who represents Chinese civilization? Certainly not the current head of the Communist Party there. Even if there were free and fair elections held in the lands in which the various civilizations advance and decline, it is doubtful whether true representatives of those civilizations would be elected. The people who would be elected most likely would be political leaders, but to represent a civilization it is not enough to be a shrewd politician or very popular among the people of that civilization.

A civilization is not a political district. There is a difference between the Chinese nation and Chinese civilization. In its primary meaning, a civilization is not a community or collection of individuals, but rather it is a highly advanced state of human society. It seems, however, that the sense in which Prof. Huntington and Pres. Khātami use the term is that according to which a civilization is considered to consist of those people who have achieved such an advanced state of human society. Nevertheless, to represent the people as members of a civilization

is not the same as representing them politically, for to represent a civilization, one must be able to represent the ideas, artistic tastes, spiritual values, cultural attitudes, technology and literature of that civilization. One must be a historian of one's civilization to represent it, but being a historian is not enough. One should also be an anthropologist, sociologist, philosopher, linguist, political scientist, architect, literary critic, film critic, and much more. It is obvious that it is therefore impossible for any one person to represent a civilization.

Perhaps the representational model of dialogue among civilizations can still be salvaged in order to understand very limited forms of dialogue, dialogue among aspects of civilizations, but for anyone to imagine himself as the representative of a civilization would seem to require hubris of tremendous enormity, and perhaps worse.

The very idea that a person could represent a civilization would seem to require an identification with one's civilization that would seem to require something bordering on a type of hysteria usually associated with tribal loyalties. To the long list of politically incorrect attitudes including racism, nationalism and sexism, one might as well add civilizationism. A civilizationist attitude is incompatible with the self-transformative aims of dialogue. When one imagines oneself as the representation of a civilization in dialogue with the representatives of other civilizations, one will be on the defense. Once one stops defending one's civilization, doubts arise as to whether one is really representing one's civilization. There can be no meaningful dialogue when the participants are busy taking up defensive postures.

At the same time that those who imagine themselves to be the representatives of their civilizations confront one another, they imagine the other to fit into the stereotype of the Mass Other, described by Grudin above. It is possible that some sort of polemic

will ensue, but under these circumstances there can be no real dialogue.

The Person as Product

The solution to the problem of how to understand dialogue among civilizations I would like to suggest draws upon elements of both the anthropological analogy model and the representational model. The main problem with the anthropological analogy model was that civilizations are not intentional beings capable of engaging in real dialogue. Recognition of this flaw motivated the idea of finding real human beings to represent civilizations. The two main problems of the representational model, however, are (1) particular individuals are not capable of representing the vastly various aspects of civilizations, and (2) to imagine oneself the representative of a civilization seems to require an arrogance inconsistent with dialogue. One solution to the problem would be to allow that civilizations may enter into dialogue with one another through the dialogues among individuals of different civilizations, but not where these individuals fancy themselves to be the representatives of their civilizations, rather, their dialogues may be seen as expressing the dialogue of civilizations, just as war among the nations of different civilizations may be said to express the clash of civilizations. As in the representational metaphor, we may speak of individuals as representing their civilizations, not in the sense that any individual has the right or ability to speak for a civilization, but in the sense that a civilization may speak through the words of individuals because each person is a product of his civilization.

Persons may become vehicles for the dialogue among civilizations because persons are products of their civilizations. As in the anthropomorphic analogy, we may imagine civilizations to speak through their products, but for dialogue to take place it is

only the *person* as product who can become the instrument of dialogue among civilizations.

Dialogue, History and Identity

When we think of dialogue among civilizations in the manner suggested above, two important complications must be kept in mind. First, in the modern world, people are not the products of a single civilization, nor is it desirable that they should be. Second, the dialogue among civilizations that takes place through dialogues among persons of different civilizations is not only made up of dialogues among many different thinkers discussing a wide variety of topics, it is also a dialogue that is extended in time over generations. It is a piecemeal process of relatively limited conversations that take the shape of a dialogue among civilizations only when seen from a distance.

Consider the second point first. Alasdair MacIntyre writes:

Conversations are extended in time. At later points someone may always refer back to some earlier point with a variety of purposes: to evaluate what has only emerged cumulatively, to examine the consistency or inconsistency of what has been said, to put an old point in a new light or vice versa. Crucial to polemical conversations therefore is how the different and disagreeing participants understand the identity and continuity of those with whom they speak, of how each stands in relation to his or her past and future utterances in what he or she says or writes now. Underlying the conflicts of polemical conversations are the rival participants' presuppositions about continuing personal identity through time.⁴

MacIntyre continues with a discussion of personal identity in Aristotelian/Augustinian traditions. First, part of being a single person throughout one's physical life is having one and the same body. Second, part of my identity derives from my accountability before the communities of which I am a member for my actions,

attitudes, statements and beliefs. An important psychological factor in understanding oneself to be a Muslim, for example, is due to the fact that one's actions, attitudes, statements and beliefs are considered by one to be liable to questioning by other Muslims. For the Muslim, of course, (as well as for the Augustinian) much more important is answerability before God, but this lesser form of liability among community members plays an important role in religious as well as non-religious communities. The third point MacIntyre makes is also not foreign to Islamic thought: life is seen as a quest whose object is the discovery of the truth, including the truth about one's life as a whole. This quest is also considered an indispensable element in a good life. MacIntyre admits that this conception of personal identity is not unique to Thomism, but is a common understanding in traditional societies.

To belong to a civilization is to see one's own personal identity as a part of the identity of one's civilization. The civilization has a physical existence in the temporally overlapping corporeal lives of its members. The civilization is bound together by common themes found in the understanding of its members about how they are to justify their actions, attitudes, statements and beliefs to one another. Thirdly, the life of a civilization may also be seen as a quest or journey (*sayr*) through history in which the individual quests of its members are crucial.

With regard to the quest to discover the truth, MacIntyre asks:

[Through] what form of social engagement and learning can the errors which may obstruct such discovery be brought to light? The first and basic answers to these questions are those proposed by Socrates. It is only insofar as someone satisfies the conditions for rendering him or herself vulnerable to dialectical refutation that person can come to know whether and what he or she knows. It is only by belonging to a community systematically engaged in a

dialectical enterprise in which the standards are sovereign over the contending parties that one can begin to learn the truth, by first learning the truth about one's own error, not error from this or that point of view but error as such, the shadow cast by truth as such: contradiction in respect of utterance about the virtues.⁵

Much of this may be repeated with regard to dialogue among civilizations. The quest for truth and self transcendence found in Plato's discussion of dialogue suggests that a person, as a bearer of a civilization, must engage in the dialogue among civilizations in order to discover the truth about himself as a member of that civilization with which he identifies. It is through participation in dialogue that one's errors may come to light.

To engage in dialogue one becomes accountable to the other. This reaches a rather extreme form in dialogue among civilizations, for one becomes accountable to another who is seen as representing attitudes, values and traditions strange and alien from one's own. To be accountable in a dialogue of civilizations is to be open to having to give an account of what one has either said or done, or of the ideas and practices of the civilization with which one identifies, and then to be open to having to amplify, explain, defend, and if necessary, either modify or abandon that account, and in this latter case to begin the work of supplying a new one in terms the alien can understand, or be taught to understand.⁶

As dialogue unfolds, its participants must be ready to abandon the account of some particular topic they had associated with the civilization they represent, and accept the superiority of the account given by representatives of another civilization. When the dialogue continues, the participants will no longer be pure representatives of their own civilizations. In fact, the idea that there are any representatives of a single civilization, a single unspoiled tradition, ought to be recognized as a potentially dangerous myth in the modern world because it hinders genuine dialogue, promotes

giving excuses for the deficiencies in our own traditions, and blinds one to the vision of other civilizations as potential sources for the enrichment of one's own civilization.

This is especially important for Muslims. Islam came to place dedication to the Truth (*ḥaqq*) above tribal loyalties. We are not to continue in established ways simply because we found our fathers doing so. Like Christian tradition, Muslim traditions are never pure; they always arise from an attempt to reform given cultures through the teachings of God's appointed Messenger (ﷺ).

Similar points are made by the Christian theologian Miroslav Volf about Christianity.⁷ While MacIntyre emphasizes the importance of tradition, Volf observes that Christianity does not call mankind to any particular civilization or tradition, but to a series of interrelated basic commitments—beliefs and practices. These commitments can be developed into traditions, cultures and perhaps even civilizations, as they interact with and reform the societies in which these commitments are made. However, at every step of the way, we can ask whether what has been wrought cannot be brought into better accord with the faith. Much the same could be said with regard to Islam.

Our understanding of the dynamics of dialogue among civilizations will be enhanced through reflection on the differences expressed by Volf and MacIntyre. MacIntyre holds that a coherent moral stand, as well as coherent standards of reason, can only be achieved within a tradition. There is no neutral ground from which we can issue judgments about moral worth or rational acceptability. MacIntyre expresses grave doubts about the direction of modern society which seems to have cut itself off from the traditions which have the most to offer it. MacIntyre's discussions of the importance of tradition are relevant to our considerations of dialogue among civilizations because civilization itself is a social embodiment of one or more traditions.

Dialogue among civilizations is only possible when those who participate in the dialogue understand their own identities and those of their civilizations in relation to the traditions from which they emerge in history. The emphasis MacIntyre places on tradition leads to an assumption that conversation with others will be polemical. We engage in conversation in order to test our own views against those of others. The rivals whom MacIntyre would speak are not alien civilizations, but the modernists and postmodernists of Western civilization.

The complaint raised against MacIntyre by Volf is that the glorification of tradition is both unrealistic and harmful. It is unrealistic because our cultures and traditions "are not integrated wholes and cannot be made to be such in contemporary societies.... precisely because we cannot avoid living in *overlapping and rapidly changing social spaces*. In contemporary societies it is impossible to pursue a coherent system of goods. Instead, we must rest satisfied with holding on to basic commitments."⁸ The ideal of the single coherent tradition is harmful, according to Volf, because it would seem to require "an anti-modern and anti-pluralistic social revolution." Volf comments that such a revolution would most certainly not 'pay off'.

MacIntyre, however, agrees with Volf that traditions are hybrid, and he has explicitly renounced the communitarian politics against which Volf warns. Volf thinks that MacIntyre must want to eliminate the impurity, the hybridity, of traditions in order to make them into the sort of coherent systems from which moral and rational evaluations can be issued.

Against MacIntyre, however, I have argued that a Christian theologian will not necessarily want to get rid of the "hybridity"—he will be much more interested in affirming *basic Christian commitments in culturally situated ways* than in forging coherent traditions and we will suspect that hybrid traditions will be more open than coherent

traditions not only to be shaped by these commitments but also to be enriched by each other.⁹

MacIntyre would no doubt respond that he has no aspiration to the elimination of hybridity from traditions. Indeed, the tradition of which he is most fond, the Thomistic, is admittedly a hybrid of Christian and Aristotelian thought, with strong influences traceable to Muslim thought. Moreover, we should expect that MacIntyre would argue that the 'basic commitments' Volf finds at the essence of Christianity will mean different things to different people depending upon the traditions of thought upon which they draw to interpret them.

This debate enhances our understanding of the dynamics of the dialogue among civilizations because of the importance of hybridity and tradition. We cannot understand ourselves or our civilizations without understanding the traditions that inform them. If we are to hope to understand other persons or civilizations, we must inquire into the traditions of the other, as well. This is what we learn from MacIntyre. What Volf rightly emphasizes, however, is that in order to understand ourselves, our civilizations, our traditions, other persons, other civilizations and other traditions, we have to recognize that none of them are pure, in the sense that none of them represents a single line of thought. All are syntheses of various streams of thought and culture. Yet, it is not mere chaos. There are main streams and there are secondary influences. Within the mix it is still possible to distinguish characteristic features of cultures, civilizations and traditions. Our hybrid thoughts and practices express themselves in ways more or less typical of a tradition or culture or civilization, with strands woven in from other sources. As we step back and look at our conversations we may be able to recognize patterns in which participants from different civilizations utilize the difference in perspective to which they are exposed to transcend themselves in true dialogue.

Islam and Dialogue

The role of Islam in the dialogue among civilizations is rather complicated. Perhaps more than the sources of any other religion, the sources of Islam, the Qur'ān and *sunnah*, address themselves to others. Usually the other is addressed in the form of an invitation to Islam, and for various reasons, this may seem threatening to the outsider. Nevertheless, in its essence the invitation can be read as the initiation of dialogue. The Muslim *ummah* calls on others to join it, and it thereby opens itself to the transformation of self brought on by the inclusion of other peoples, other ways of thinking and living. The *ummah* has undergone major historical transformations as a result of its incorporation of non-Arab peoples. At the same time, the invitation beckons the other to a self-transformation as well. Even if the other ultimately refuses to accept Islam, the invitation sets up the fundamental grounds for dialogue. But Islam itself is not a civilization. Although Islam is a religion, there is the question of Islamic civilization. There is a nice discussion of this question in the introduction to Marshall Hodgson's *The Venture of Islam*:

I plead that it has been all too common, in modern scholarship, to use the terms 'Islam' and 'Islamic' too casually both for what we may call religion and for the overall society and culture associated historically with the religion. I grant that it is not possible nor, perhaps, even desirable to draw too sharp a line here, for (and not only in Islam) to separate out religion from the rest of life is partly to falsify it. Nevertheless, the society and culture called 'Islamic' in the second sense are not necessarily 'Islamic' in the first. Not only have the groups of people involved in the two cases not always been co-extensive (the culture has not been simply a 'Muslim culture', a culture of Muslims)—much of what even Muslims have done as a part of the 'Islamic' civilization can only be characterized as 'un-

Islamic' in the first, religious sense of the word. One can speak of 'Islamic literature', of 'Islamic art', of 'Islamic philosophy', even of 'Islamic despotism', but in such a sequence one is speaking less and less of something that expresses Islam as a faith.¹⁰

The solution suggested by Hodgson is that the term 'Islamic' be used for that which pertains to the religion, and that 'Islamicate' be used to describe the society and culture in which the Muslims and Islam are recognized as prevalent or socially dominant in some sense. To describe something as *Islamicate* is not to indicate the geographical area of its origin, but to that which emerges from the complex of social relations in which Islam was or is prevalent, particularly the lettered traditions grounded in Arabic and Persian historically distinctive of societies of Muslim peoples, societies which included, of course, non-Muslims. Thus, Maimonides may be called an Islamicate philosopher and a Jewish philosopher, but not an Islamic philosopher.

The remarks in the previous sections about the dialogue among civilizations were made under the assumption that among the civilizations for which dialogue has been prescribed are those of the West and of Islam. When we speak of dialogue with the civilization of Islam, we are not speaking of the ideal society prescribed by the religion of Islam for man, but of what has actually evolved among Muslim peoples. So, it would be better to speak of *Islamicate civilization*, in Hodgson's terminology, than of *Islamic civilization*. It is through dialogue among civilizations that Muslims may hope to transform contemporary Islamicate civilization into something more of an Islamic civilization, *in sha' Allah!*

In closing, consider the observation of Hodgson:

Muslims are assured in the Qur'ān, '*You have become the best community ever raised up for mankind, enjoining the right and forbidding the wrong, and having faith in God*' (3: 110). Earnest men have taken this prophecy

seriously to the point of trying to mould the history of the whole world in accordance with it....

Muslims have yet to implement the Qur'anic prophecy fully in all its implications. But they have perennially renewed their hopes and efforts to live the godly life not only as individuals but as a community. In every age, pious Muslims have reasserted their faith, in the light of new circumstances that have arisen out of the failures and also the successes of the past. The vision has never vanished, the venture has never been abandoned; these hopes and efforts are still vitally alive in the modern world. The history of Islam as a faith, and of the culture of which it has formed the core, derives its unity and its unique significance from that vision and that venture.¹¹

Notes:

1. Plato, *Theaetetus*, 167-168.
2. Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (New York: Simon & Schuster, 1997).
3. Robert Grudin, *On Dialogue* (Boston: Houghton Mifflin, 1996), 123-124.
4. Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy and Tradition* (Notre Dame: University of Notre Dame Press, 1990), 196.
5. MacIntyre (1990), 200.
6. MacIntyre (1990), 201.
7. See Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon, 1996), 208.
8. Volf (1996), 209-210.
9. Volf (1996), 211, also see 52.
10. Marshall G. S. Hodgson, *The Venture of Islam, Vol. 1*, (Chicago: University of Chicago Press, 1974), 57.
11. Hodgson (1974), 71.

The Theological Basis of Secularism

By: 'Alī Sa'īdī

Translated by Dr. Delārām Furādī

Theological Aspects of Secularism

Secularism can be examined and studied from a variety of aspects. One of the dimensions of secularism is its theological aspect. What is meant by theological aspect is the ideological base concerning the emergence of secularism and its interaction with religious thought in general. It is thus essential for contemporary theologians, who out of deep belief in religion consider themselves to be defenders of religious thought, to recognize the elements of religious thought (in its historical and collective meaning) which have been the cause of emergence of secularism, as well as the effects of secularism on religious thought.

What is significant for a theological approach to secularism is the answer to the question: Whether secularism is a general theological issue or a matter specific to Christian theological theory? Is secularism an uncontrolled trend which has emerged as a requirement of the modern world and dominates all affairs of man's life in a manner that religious thought and existence cannot escape it? Does the slogan of 'death of God' in the contemporary secular

society of the Western world implies that divinity has been banished for good? Could every religious thought be called matricidal, in view of the rule of the Church during the middle ages when the seed of secularism was sowed in Europe -- whether as a kind of religious reformation or as an aversion to religion? Were external factors responsible for the birth of secularism in the western world during the recent centuries? Has secularism been formed on the basis of a particular religious thought as a rival school?

Two Different Concepts of Secularism

The truth is that, on one hand, because of its exclusive nature similar to Renaissance, secularism cannot be easily defined and on the other hand, because of its complexity of structure compared to mankind's modern life, to quote Abū 'Alī Sīnā "it's the most difficult if not impossible".

In order to find answers to these questions we should focus on the image of secularism and then clarify the historical grounds for the emergence of secularism so that the relationship between secularism and religious thought (including both the concept and materialization of secularism) can be elaborated upon.

Secularism is a social phenomenon that developed gradually and added to its complexity at the same pace in various stages. Since the start of Martin Luther's religious reform movement which sowed the seeds of secularism in the fertile soil of traditional Christianity, to the stage where it was irrigated by Machiavelli and was then reaped by such modern secularists as Alex Inkles, secularism has passed through basic phases concerning its concept and materialization.

The present image of the historical background of secularism during the past two centuries in particular, and predicting its effects in the future adds to the complexity of the case.

A wide variety of interpretations have therefore been given as a result of such a complexity. Everyone has his own definition of secularism taking into account any of its single dimensions. All these definitions are acceptable unless they are presented in a fallacious manner. Two concepts of secularism can be discussed here, namely the original and the modern definitions.

The original concept of secularism meant the use of reason and intellect against the religious dogmatism of the Church Fathers in order to probe the traditional concept of faith.¹ The genuineness of reason in such a concept is not to be compared with the genuineness of revelation or religious faith in general. To make it clear, it is worth noting that the emergence of secularism is sometimes attributed to Machiavelli,² who like many of his contemporary religious intellectuals, believed in the ideology of the Christian Church that the objective of politics is to acquire God's consent. But in search of a criteria for determining what is meant by the consent of God, unlike the Church's traditional belief, Machiavelli presented an independent criterion. He interpreted 'consent of God' to mean 'consent of God's creatures'. This is a religious statement based on a modern interpretation of religious thought. One of the sources of the theory of genuineness of intellect centred around man and his motives in 19th century Europe, is this same modern interpretation of Christian religious thought.

According to the original concept of secularism, the important point was the departure from divinity and the supposed sinlessness or immunity of the Church Fathers from criticism. The intention was to seek a material and rational explanation for religious life. However, the later concepts of secularism actually set religion aside, reduced the influence of religion in society, and bid farewell to the elements of faith and divinity in human life. The trend of the modern government towards laic or irreligious rule, symbolize the modern form of idolatry because of the separation of religion from politics, the philosophical approach to religion,

subjecting social policies and norms to scientific and rational theories³ as well as the separation between ethics and religion (as Freud advocates). Of course, not all these elements constitute the entire identity of secularism. The basic concept of these interpretations is to isolate religion from man's life.

The separation of religion from man's life was actually discussed by the so-called religious intellectuals who advocated the isolation of religion from such affairs for which, according to their mentality, religion was not revealed. It was in some way a revision of the religious mission and what those who were opposed to the interpretation of revelation, expected from religion. As a result the growing gap between religion and other affairs of human life such as politics, economics, science and morals, banished religion from the life of man in western societies. Thus, secularism, whose original concept was a kind of reconstruction of religious thought, that is to say deliverance of Christianity from the yoke of the Church Fathers, was gradually turned into an ideological rival for religious life and thought.

Factors Leading to the Birth of Secularism

Secularism, in the true meaning of the word, is a phenomenon of 19th century Europe. This definition of secularism, although it appears spacio-temporal, includes almost all its characteristics and peculiarities, for it indicates that secularism must, as has been put by Ford, be studied in the light of the changes and events which occurred in the arena of man's life and thought from the middle ages to the 19th century. According to Ford, although these developments primarily occurred in Europe they had global consequences. We will analyse Ford's viewpoint concerning secularism.

The important developments which occurred in Europe and the West include: the Renaissance, religious reformation, the American and French Revolutions, emergence of nationalism and

transformation of Christendom into Christian nations, the Industrial Revolution, progress in natural sciences and technology, the growth and development of medical and human sciences, the birth of democracy, modern and sophisticated weaponry, modern communications, public health programmes, public education, new philosophical trends, arts, religion, human rights, etc.⁴ It is often claimed that these developments led to the birth of the modern man and the 'new world' of secularism.

The factors which influenced the emergence and growth of secularism in Europe and the 19th century can be divided in two categories: Inherent and External. A theological analysis of secularism depends on these two factors. What is meant by inherent factors is a specific religious way of thinking inherited by 19th century Europe from the Middle Ages. It was a fertile soil where the seed of secularism was sowed. What is meant by external factors is the specific political and cultural situation, which helped the growth of this sapling.

The inherent factors can be attributed to the characteristics of Christian religious thought in the Middle Ages, whereas the external factors can be attributed to the Renaissance and all that happened afterwards. In other words, secularism can, as put by psychologists, be viewed as a kind of social resistance to despotism and dictatorship of the Church Fathers in the Middle Ages (inherent factors), that owed its success to the cultural and social situation of the time (external factors). Religious thought in Christendom during the Middle Ages had certain characteristics that not only justified the birth of secularism, but turned secularism into a rival of Christianity.

Peculiarities of Christian Theology

Christian religious thought during the Middle Ages, despite its state-authority, was plagued with pestilence and ailments that

eventually proved catastrophic. These stains on Christian thought included:

1. Absolute Theologism

There was a tendency towards absolute divinity, a concept which Etienne Gilson calls 'theologism'⁵ when elaborating on the characteristics of the philosophical way of thinking during the Middle Ages in Christendom. Divinity and religious thought dominated all spheres of life during the Middle Ages. Not only metaphysics but also all other sciences had a deep theological colour and had been kneaded with religious thought. Sciences, if they were not at the service of religious ideas or did not have Church approval, were considered an innovation and blasphemy. Thus, Aristotle's metaphysics, Ptolemaic astronomy, Galenic medicine and even superstitions which were commonplace, all became part of religious thought in Europe. As a result, Christianity followed the same pattern that the contemporary schools of thought followed, and it became outdated when they were considered obsolete. This situation made religious intellectuals feel concern for the future of sciences and they strove to separate religion from the existing thoughts. Restoration of the religious thought was one such method.

2. Dogmatism

The dominant characteristic of Christianity in the Middle Ages was dogmatism. Religious beliefs were defined by the Church Fathers and any doubts or misunderstandings of these beliefs would imply apostasy and blasphemy. These dogmatic beliefs are not specific to what are called the 'fundamentals of faith' by the Muslims, but also constitute the prime characteristic of contemporary thoughts, and includes such views as the centrality of the Earth, interpretation of man's creation, the circular orbit of the stars around the Earth, man's inherent intellectual shortcoming in

his quest for truth, sins of man, the assumption that every motion requires permanent energy and tens of similar views.

As stated by Professor Martyr Murtaḍā Muṭahhari, the Christian Church, in addition to specific religious beliefs, formulated a series of scientific principles related to the world and man, mainly of Greek and other philosophical origins, that were gradually accepted by prominent Christian clergymen as part of the principles of religious beliefs. Objection to 'official sciences' was thus not only considered a taboo but the Church carried a harsh and relentless campaign against those who dared to object.

The Church made two major mistakes. First it equated with religious principles some of the human scientific beliefs inherited from the philosophers of the past and Christian theologians, and ruled that any objections to them would imply apostasy. The second mistake was that the Church did not stop at apostasy and excommunication from the Christian community, but through a campaign which resembles the modern police regimes, it harboured suspicion on thoughts that people entertain in their minds.⁶

3. Sinlessness, Sanctity and Divinity of the Church Fathers

The theoretical dogmatism of the Church was soon associated with the autocracy of the Church Fathers to influence the social and individual lives of the people. The Church Fathers came to believe that they were the substitutes of God and assumed the role of God in society by forgiving sins committed by people, and in some instances they obstructed the course of divine punishments. They believed themselves to be the superior strata and did almost everything to strengthen and consolidate their despotic rule. They held Inquisition against anyone who rejected the ideas of the Church and punished him. Dogmatism was kneaded with divinity and violence to eventually formed a sinister triangle which demonstrated the ugliest image of the Church in the Middle Ages. According to Professor Muṭahhari, religion which could have been

a harbinger of guidance and affection, turned out to be a tool of suppression in Europe. The people's image of God, religion and faith was nothing but violence, dictatorship and tyranny.⁷

4. Misconceptions of the Church about God and Metaphysics

According to Martyr Muṭahhari, during the Middle Ages when the issue of God became a plaything in the hands of the priests, there appeared a series of childish and unclear concepts concerning God which did not comply with truth in any way and naturally intellectuals and aware individuals were not only not convinced but turned to show hatred for them.⁸ These individuals were then provoked to rise up against the Christian school of thought.

If we assume that the ambiguity of the religious and theological doctrine of the Church was parallel with the ambiguity of the philosophical concepts in Europe, we will realize how materialism and secularism were born in the 18th century. The lack of development in philosophical thought and the theologism of slavery of thought in the Middle Ages, paved the ground for Renaissance in Europe and the subsequent development of human sciences independent of religious thought. These new ideas spelled the demise of the way of thinking of the Middle Ages and made religious and philosophical thought to share the same fate.

Why Secular Messengers Cannot Emerge in Islamic Culture?

As an analysis of the four above-mentioned characteristics of Christian religious thought of the Middle Ages has revealed, secularism was a tendency to exert independence from the Church. To quote Professor Muṭahhari, the reaction of the people against Church control was the negating of religion from daily life and the very basis of it, that is awareness of God. Whenever the religious leaders deceive people and show hostility to them by indulging in corruption in order to satisfy their selfish and personal interests, it

is religion which receive the severest blow and gives way to materialistic tendencies.⁹

One of the reasons why messengers of secularism have emerged in the West, is the theological characteristic of Christianity in that part of the world. Secular messengers are those who similar to Apostles claim that they have a prophetic mission for mankind and consider themselves the harbingers of a religion and ideology. However, unlike divine Apostles not only they have not been sent by God but part of their mission is to induce man that he is not in need of God. As stated by Nietzsche, the messengers of secularism have come to announce the death of gods, and according to the godless existentialist school of thought their mission is to declare that since we came late for God and too soon for existence, we called secular prophets. Such thinkers as Auguste Comte, Karl Marx, Sigmund Freud, Nietzsche and Jean Paul Sartre's, who preached godless existentialism, are considered as secular messengers.

All these self-styled messengers of secularism emerged in the Christian culture. In opposition to Christianity they propagate their secular religion and if they gain some followers -- who in some cases were engaged in a successful struggle with the major religions in the west -- they say that their owe their success to the kind of Christianity in which they have grown. Thus, as it is clear, the theological tenets of secularism are based on Christian religious thought of the Middle Ages, and the mission of secularism is to compete with Church and seek independence from such a religious thought in all spheres of man's life.

In order to discuss Islam and secularism, it is necessary to focus on the major differences between Islam and Christianity, especially the Christianity of the Middle Ages. Islam is a code of life and is a religion of rules and regulations. Faith (*Imān*) as defined in Islam is different from 'faith' in Christian terminology in terms of its inherent structure. In the religious thought of Muslims,

the door of research and *ijtihād* is wide open and is considered the base, since in the domain of thought, *taqlid* (following) is not permitted. In the words of Martyr Muṭahhari, the Principles of Religion, are based on research and not imitation or imposition. This is what Islam says, unlike Christianity which declares the principles of religion a forbidden zone for reason and intellect.¹⁰

In the Islamic culture, although rationalism has been propagated with the emergence of such prominent philosophers as al-Kindī, Abū Naṣr al-Fārābī, ‘Umar Khayyām, Abū ‘Alī Sinā, Ibn Rushd, Khawājah Naṣīr al-Dīn Ṭūsī and Mullā Ṣadrā, even for the most inflexible of philosophers, genuine religious thought is completely distinct from the Greek philosophical school or from the wisdom of the east, and does not share the same fate with them. Therefore, one can say that the school of *tafkik* (dissection)¹¹ has a long-standing background in the history of Islamic culture and has deeply influenced religious clarity. In Islamic thought it has always been the case to differentiate the official sciences and general knowledge from religious beliefs and to avoid the intermingling of philosophical statements with Qur’ānic interpretations. In the era of absence of the Imam of the Age (May Allah hasten his reappearance), except for Prophet Muḥammad (ﷺ) and the Infallible Imams (‘a), none of the religious leaders in the Islamic community are considered infallible.

Prophet Muḥammad (ﷺ), in the explicit words of the Holy Qur’ān, is a servant and messenger of God, and not a son of God or reincarnation of God, as is the concept of Jesus (‘a) in Christianity. Moreover, the phrase expressed by the Prophet on God’s command “Say, I am only a human being like you” (Holy Qur’ān 18: 110) is indicative of the very fact that the position of ‘*ulamā*’ in Islam, unlike the Christian clergy, is neither supra-human nor are they considered the substitute of God. These and other factors, not only prevent the emergence of secularism in the Islamic culture but completely rule out secularist tendencies.

Therefore, one must avoid the mistake of equating or intermingling Islamic theology with Christian theologism when analysing secularism on the basis of Islamic thought, and as has been put by some thinkers such an approach is a methodic misfortune of the contemporary theological thought.¹² Secularism is thus, a basically Christian issue, whether in terms of its fundamental structure or the factors which necessitate its emergence.

Notes:

1. Aḥmad Bakhshāyeshī, *Peydāyesh-e Secularism* (Birth of Secularism), 1374.

2. *Ma'nā wa Mabnā-ye Secularism* (Meaning and Fundamental Base of Secularism), *Kiyān Magazine*, no. 26 (Mordād-Shahrivar issue), 1374, pp. 4-13.

3. *Ibid.*

4. D. Ford, *Introduction to Modern Christian Theology; The Modern Christian Theologians*, vol. 2, edited by Pavia Ford.

5. Etienne Gilson, *Critique of Western Philosophical Thought*, translated into Persian by Aḥmad Aḥmadi (*Naqd-e Tafakkur-e Falsafi-ye Gharb*, p. 42), Hikmat Publishers, Tehran, 1402 AH.

6. Murtaḍā Muṭahhari, *Majmū'ah-ye Athār, 'Ilal-e Gerāyesh beh Māddigari*, vol. 1, (Factors of Materialistic Tendencies), p. 487, Ṣadrā Publishers, Tehran, 1370.

7. *Ibid.*, p. 491.

8. *Ibid.*, p. 479.

9. *Ibid.*, p. 491.

10. *Ibid.*, p. 487.

11. The *Tafkik* School differentiates religious and prophetic teachings from philosophical sciences in order to preserve the purity of revelation and divine learning. Today many thinkers subscribe to this view.

12. Aḡad Farāmarz Qarāmalikī, *Taḡlīl-e Maḡhūm-e Tajaddud dar Kalām* (Analysis of the Concept of Revivalism in Modern Theology), Speech at Imam Ṣādiq ('a) University, 1373.

Introduction to the Ahl al-Bayt ('a) World Assembly

The triumph of the Islamic Revolution in Iran in 1979 under the leadership of Imam Khumaynī, ushered in a new phase in not only the history of Iran, but for Muslims all over the world. For the first time in recent history a system of government based on the Holy Qur'ān and the Sunnah of Prophet Muḥammad (ﷺ) and his Infallible Ahl al-Bayt ('a) was established.

The impact was worldwide, and the need was felt to form an international organisation for the followers of the Ahl al-Bayt ('a) who were scattered in different countries of the world, and who naturally drew inspiration from Islamic Iran for efforts in promoting the teachings and rich heritage of the Prophets Blessed Household.

A central body was deemed essential for safe guarding the rights of the followers of the Ahl al-Bayt ('a), in view of the benefits of modern technology and systems of communications which have greatly facilitated contacts between different associations, big and small, in various countries of the world.

1. Reasons for Formation of the Assembly

- The need for new foundations to create the appropriate grounds for exchanging thoughts, ideas and opinions among the Muslim Ummah in today's conditions.

- The importance of cultural, social and religious organisations in the Muslim World in order to maintain and introduce to the world the common religious and cultural heritage of the Muslims, especially that of the followers of the Prophet's Ahl al-Bayt ('a).

- The role of non-governmental organisations in the cultural, social and religious fields, and their effectiveness in cooperating with each other alongside the Islamic governments, for creating unity among the Islamic *Ummah*.

- The necessity for the existence of organisations in the Muslim World that are able to confront the cultural and social conspiracies of the enemies of Islam and the Holy Qur'ān, by cooperating with each other within the framework of the existing laws and regulations and by using the great and rich resources of Islamic teachings.

Brief History of the Ahl al-Bayt ('a) World Assembly

In view of the reasons mentioned, following the approval of the Leader of the Islamic Revolution, Āyatullāh Sayyid 'Alī Khāmene'i, the first Ahl al-Bayt ('a) International Conference was held in Tehran with the participation of more than 300 '*ulamā*' and cultural figures of the world of Islam, including the followers of Ahl al-Bayt ('a), on the 25th of Shawwāl al-Mukarram, 1410 AH, corresponding to 21st of May, 1990.

At the end of the conference, the participants called on Āyatullāh Khāmene'i to form a centre known as the Ahl al-Bayt ('a) World Assembly, a proposal that was accepted by His Eminence.

Āyatullāh Muḥammad 'Alī Taskhiri was appointed by the High Council as the Secretary General, a position which he held till August 1999, when due to health reasons he was replaced by former Iranian Foreign Minister Dr. 'Alī Akbar Velāyati.

According to the founding principles, the Ahl al-Bayt ('a) General Assembly holds its international conference every four years, with the attendance of all members who are followers of the Ahl al-Bayt ('a) and are among the outstanding personalities of the Muslim world. On this same basis, the General Assembly held its first conference in Tehran from 15th to 18th Sha'bān, 1414 AH (Jan. 30 to Feb. 2, 1994). In this conference, different proposals were presented and decisions made, regarding various issues such as the improvement of the cultural, social, ethical, and legal situation, as well as related topics.

The second conference of the Ahl al-Bayt ('a) General Assembly was held in Shawwāl, 1418 AH (Feb. 1998) in Tehran. Proposals for materialising the objectives of the Ahl al-Bayt ('a) World Assembly were discussed in this conference.

The third conference of the General Assembly will be held soon.

Objectives of the Ahl al-Bayt ('a) World Assembly

Among the objectives of the Ahl al-Bayt ('a) World Assembly, reference can be made to:

- The revival and promotion of the pure Muhammadan culture and teachings, and protection and defence of the Holy Qur'ān and the Sunnah and *ḥadīth* tradition of the Prophet (ﷺ) and his Ahl al-Bayt ('a).
- Defence of the territorial integrity and the rights of Muslims, including the followers of the Ahl al-Bayt ('a).
- Striving to strengthen Islamic unity, in order to confront the different ploys of World Arrogance.

- Safeguarding the Islamic civilisation's cultural heritage and pride.

- Helping the growth and improving the situation of cultural, economic and social reforms, as well as the other dimensions of the life of the followers of the Ahl al-Bayt ('a).

Salient Features of the Ahl al-Bayt ('a) World Assembly

- The Assembly enjoys a transnational structure, and a number of the Islamic World's intellectuals and distinguished personalities, including followers of the Ahl al-Bayt ('a), are among its members.

- The Assembly is a non-governmental organisation.

- The axis of the Assembly's work is based on devotion towards the Prophet's blessed Ahl al-Bayt ('a), an issue accepted by all world Muslims.

- The Assembly has been registered in the Islamic Republic of Iran as a non-governmental organisation according to the existing regulations.

Financial Sources

With regards to the Assembly's financial sources, reference can be made to:

- Donations and contribution from legal and physical entities.

- Religious endowments and payments.

- The benefits resulting from economic sources and activities of the Assembly.

Important Activities of the Ahl al-Bayt ('a) World Assembly in its First Decade

- The holding of two General Assembly conferences in 1994 and 1998.

- The holding of ceremonies on different occasions concerning the commemoration of the Infallible Imams ('a).

- The holding of different conferences concerning different Islamic issues, including those related to the Ahl al-Bayt ('a).
- Distribution of cultural products at world level.
- Participation in international seminars and conferences related to the world of Islam, as well as in international book fairs.
- The establishment of a cultural, social and statistical bank concerning world Muslims.
- Carrying out preliminary measures in line with establishing an information site on the Internet, in order to establish contact among different cultural centres, people, etc., and responding to questions and doubts. (This site will soon be put into operation)
- Annual participation in the *Fiqh* Assembly of the Organisation of the Islamic Conference (OIC) at Jeddah, Saudi Arabia.
- Carrying out projects in the fields of translation and research on different schools of Islam, as well as their publication.
- Carrying out research and writing books about the Infallible Imams ('a).
- Establishing contact with universities and higher education centres in the Islamic Republic of Iran and abroad, in order to exchange views on different issues of the Muslim World.
- Active participation in all conferences and ceremonies held on the issue of women's activities and role in the Islamic society.
- Commemoration of Women's Week every year in Jamādi al-Thānī on the birth anniversary of the Prophet's daughter Fāṭimah al-Zahrā' ('a), with the attendance of a large number of ladies from other countries living in the Islamic Republic of Iran.
- Responding to questions and doubts.
- Preparing video tapes for children, as well as selection, translation and publishing of children's story books, especially in recent years.
- Producing and distributing computer programmes.

Publications of the Assembly

The Ahl al-Bayt ('a) World Assembly publishes magazines and books in fifteen world languages.

Magazines:

1. Risālah al-Thaqaalayn, Arabic Quarterly (Academic)
2. Message of Thaqaalayn, English Quarterly (Academic)
3. El Mensaje de az- Zaqaalayn, Spanish Quarterly (Academic)
4. Yanābi' al-Hikmah, French Quarterly (Academic)
5. Ihl-i Bait, Turkish Quarterly (Academic)
6. Jaridah Thaqaalayn, Urdu Quarterly (Academic - Pakistan)
7. Paygham-e Thaqaalayn, Urdu Quarterly (Academic - India)
8. Message of Thaqaalayn, Hindi Quarterly (Academic - India)
9. Kauzar, Spanish Quarterly (Women)
10. Ma'soom, Urdu Monthly (Children - Pakistan)

Books:

Arabic	62 titles
Urdu	20 titles
English	8 titles
French	3 titles
Turkish	22 titles
Azeri	20 titles

The Assembly has published books in other languages as well, and so far four hundred titles of books have been published. These books are put on display at international book fairs. Posters, cassettes, portraits of holy sites, as well as supplications are among the Assembly's other cultural products.

Special Programmes for Year of Imam 'Ali ('a)

Since the current Iranian solar year, 1379 AH (March 20, 2000 to March 20, 2001) has been designated as the Year of Imam

'Ali ('a) by the Leader of the Islamic Revolution, Sayyid 'Ali Khāmene'i, because of the occurrence of the auspicious Day of Ghadir (18th Dhū al-Ḥijjah) twice this year (March 25, 2000 and March 14, 2001), the Assembly intends to carry out the following programmes in cooperation with other organisations:

- On Dhū al-Ḥijjah 18 of the current lunar Islamic year (1421 AH), a conference will be held with the participation of personalities who have to their credit valuable works, including books, films or other works related to Imam 'Ali ('a). Their works will be evaluated and awards will be granted to them.

- A book fair will be held this year, putting on display the works that have been written on Imam 'Ali ('a) up to now.

- A book-writing competition on the different aspects of Imam 'Ali's ('a) dynamic personality will also be held. Writers from all over the world are eligible to take part in this competition and awards will be given to the best three books.

- An essay-writing competition on the personality of Imam 'Ali ('a) will be held for students across the country, and awards will be granted to 1410 students.

- The book *Nahj al-Balāghah* will for the first time be translated into Albanian, and efforts will be made for translating it into other languages as well.

- A conference entitled "Imam 'Ali ('a) and Human Rights" will also be held.

- The writing, translation and publication of a seven-volume work for children on "The Life of Imam 'Ali Ibn Abī Ṭālib ('a)".

- The translation and publication of the special 13-volume *Nahj al-Balāghah* reference work for adolescents and young adults.

-Research on the "Principles and Ideas of 'Tashayyu'" in the form of school texts and educational books, for elementary, medium and high school grades, as well as their translation into the world's most common languages, in order to be taught in schools.

- The publication of booklets containing Ḥaḍrat Fāṭimah al-Zahrā's ('a) sermons in English and Azeri.
- The holding of the World Day of Women and Children in a number of countries.
- The holding of exhibitions on women and children's artistic and religious works.
- The holding of three recreational and educational camps for women and children.
- The holding of a conference on studying the status of women from Imam 'Ali's ('a) point of view, with the attendance of ladies from foreign countries living in the Islamic Republic of Iran.
- The publication of a selection of Imam Khumaynī's words, in a book titled "Women from Imam Khumaynī's Viewpoint", in English and Arabic.
- The publication of a Gregorian (Christian) Calendar, adorned with words from Ḥaḍrat Zahrā' ('a) and translation into English and Arabic.

Ahl al-Bayt ('a) International University

The efforts of the Assembly for establishing the Ahl al-Bayt ('a) international university in Iran were materialized last year with the approval given by the Ministry of Higher Education. Technical and other aspects are being worked out, and Assembly officials are busy preparing the syllabus and recruiting the teaching and administrative staff.

Office for Islamic Unity

The Ahl al-Bayt ('a) World Assembly has also set up an office for fostering unity between the different schools of Islamic religions and sects. The aims and objectives of the office is remove the misunderstandings of the past among Muslims and to promote peace and friendship between the followers of divine religions.

Congress on Imam Khumaynī and the Islamic Government (Part 2)

In the previous issue of Message of Thaqalayn, a report on the first day's proceedings of the congress commemorating the 100th birth anniversary of Imam Khumaynī was presented to the readers. Here we present a summary of the papers read on the second and third day of the 3-day gathering held at Shaykh Mufid Hall of Qum University, January 26-28.

Second Day's Session

The topics of discussion on the second day centred on *Wilāyat-i Faqīh*, Political Institutions and Civil principles.

Ḥujjat al-Islām Raḥīm Nowbahār was the first speaker of the day. In his paper entitled "*Wilāyat-i Faqīh*, Beyond or Within the Law", he said that from the debate of the council for reviewing the constitution, it becomes clear that the principles of the constitution are the criterion for administering the Islamic Republic system. But in view of the clause on the absolute authority (*Wilāyat-i Muṭlaqah*) of the *Faqīh*, whenever the National Expediency Council is unable to solve certain problems, the matter is referred to the *Waliyy-i Faqīh* for the final solution. But this only occurs in extraordinary and exceptional situations.

In this clause, emphasis has been laid upon the unchangeable character of such issues as the content of the principles related to the Islamic nature of the system, of all laws and regulations based on Islamic precepts, the objectives of the Islamic Republic, the republican nature of the government, the rule of *Wilāyat*, the role of the Leader (*Waliyy*), and the administration of the country's affairs by relying on public vote and the official religion of Iran.

Nevertheless, said Nowbahār, the question arises: Can the *Waliyy-i Faqīh* change things according to his absolute authority (*Wilāyat*)?

Based on the constitution, he added, the Leader is equal to the other people of the country in the face of the law. Can the *Waliyy-i Faqīh*, by citing his absolute authority, ignore the contents of this principle?

Article number 177 has also determined the process for reviewing the constitution. Can the Leader change the constitution by way of another process?

Also, according to articles 107 and 111, the members of the Assembly of Experts choose the Leader and also supervise his performance thereafter. Can the Leader, after being chosen by the Assembly of Experts, dissolve the Assembly by referring to his absolute *Wilāyat*?

In conclusion, he said, it seems that even those who believe that the absolute *Wilāyat* of the *Faqīh* goes beyond laws, should not have absolute belief in such an issues.

Ḥujjat al-Islām Ḥusayn 'Arab then presented his article entitled "The Origin of Legitimacy in the Islamic Government".

He said, based on the authority of the Islamic system there is no contradiction between the *Wilāyat-i Faqīh* and the people. He added that the reliance of the system on the republic means the principle of acceptance of the government by the people, while reliance on Islam means the basis for establishing the government.

He termed the role of the people in the government the role of “fulfilment of duty”, saying, the vote of the people is similar to the knowledge one gains pertaining to events, which means the question of duty does not arise unless one is fully aware of it. The same could be said concerning establishment of government which becomes a necessity when there is awareness about it.

“Discussions on *Wilāyat-i Faqīh* from the Viewpoint of *Fiqh*” was the title of the article presented by Ḥujjat al-Islām Aḥmad Ḥusaynī. He said the theory of absolute authority of the *Faqīh* is one of the late Imam’s most outstanding and brilliant political and religious ideas. Then he elaborated on the different ways for proving the absolute *Wilāyat* of the *Faqīh*. These ways include,

1. Narration: According to the transmitted justifications, judgement and legal opinion (*fatwā*) is indisputable elements of *fiqh*. When the *faqīh* issues a legal opinion or gives a judgement, since it is the requirement of the Islamic government.

2. *Ḥisbiyyah* Issues: Its meaning is very extended. In reality the religious authority would not be willing to neglect the *ḥisbiyyah* issues which consist of safeguarding the system and maintaining security, by promoting good, forbidding evil and supervising civil and market affairs.

3. Logical reasons, based on a series of preliminary issues:

a. The principle that one individual cannot exercise *Wilāyat* over another individual unless it is with an absolute reason;

b. The need for the rule of a government at all times;

c. During the absence of Imam Mahdī (May Allah hasten his reappearance), someone must take charge of the *Wilāyat*, and the one qualified for this is certainly the *Faqīh* who meets all the conditions.

The next speaker was Ni‘matullāh Ṣafarī, who discussed “Election and Appointment from the Viewpoint of Imam Khumaynī”. He first raised the question on whether the legitimacy

of *Wilāyat-i Faqīh* is determined through appointment or election? He then provided the answer by saying that here, the meaning of legitimacy is having religious authority, not political legitimacy. Also the meaning of *Wilāyat*, here, is related to the governmental dimension and pondering on the issues related to the Islamic society. But, on the principles of *Wilāyat*, the Imam definitely agreed with appointment.

Ḥujjat al-Islām Ṣafarī then pointed to the history of the theories of election and appointment, saying, the theory of appointment existed since the beginning of the drawing up of Shi'ite *Fiqh*, and the *Faqīhs* considered the way for materializing *Wilāyat* to be through appointment, although they had differences over its limits. It was only during the 2nd half of the 14th century AH and under the influence of the Constitutional Movement that the theory of election appeared. But, this theory has lost popularity after the Islamic Revolution.

Then, he pointed to the testimonies of these two theories in the late Imam's words, saying, In one of his works, Imam Khumaynī has referred to the supervision of the *Faqīh*, not *Wilāyat* of the *Faqīh*. However, in his other books, we clearly observe the theory of appointment. In some of his interviews with reporters in Paris during the days leading to the triumph of the Islamic Revolution as well as after the revolution, the Imam has talked about the issue of electing the *Faqīh*.

According to Ni'matullāh Ṣafarī, the late Imam's opinion is the same as the theory of appointment. However, the words used by Imam Khumaynī concerning election, are by no means related to the legitimacy of the government, rather they are related to the ranks lower than the leadership.

In addition, the Imam's written works carry precedence over his verbal remarks and the theory of appointment has been mentioned in his written works and is clearly evident.

The next speaker at the congress was Āyatullāh Jawādi Āmuli. He described the late Imam as a personality whose views were fixed on the Islamic system of government and, who in practice, acted with the objective of an Islamic government in mind. In his opinion, Imam Khumaynī followed the tradition of Prophet Muḥammad (ﷺ), by expressing his thoughts in a gradual manner, and that is the reason for the existence of phrases that seem to differ from each other in the Imam's works.

Āyatullāh Jawādi Āmuli said, in the present conditions it is the duty of all to elaborate on the late Imam's thoughts and motives. He said: the Imam made new remarks, saying the relationship between a *Faqīh* and the people is the same as the relationship of the Infallible Imam ('a) with the *ummah*, and that is why he explicitly told the regime of the Pahlavī Shāh: "I am the *Faqīh* who will slap this government in the mouth. Rūḥullāh al-Mūsawī is not the ruler, rather *Fiqh* and religion are the rulers." Thus, if the ruler issues an order, it must be carried out, by him and by the people. If he gave an order but did not carry it out himself, the government would turn dictatorial.

At the end of his speech, the Āyatullāh advised the youths to study the enlightened works of the late Imam and other Islamic texts and to engage in more discussions. He said the concept of *Wilāyat-i Faqīh* was being threatened by the poisonous propaganda which has gradually increased after the passing away of Imam Khumaynī. First, the issue of origin; second, the issue of secularism; third, the issue of pluralism, and fourth and fifth, the issue of cultural onslaught against the *Wilāyat-i Faqīh*.

He considered recognition of doubts a duty, saying that, like the Prophets, the late Imam created changes both in identity and in reasoning.

The next person to take the podium was Ḥujjat al-Islām Ghulām-Riḍā Miṣbāḥī whose article was entitled "A Commentary on the Absolute *Wilāyat* of the *Faqīh*".

He pointed to three theories, in description of the limits of authority of the *Waliyy-i Faqih*.

1- *Wilāyat* over *hisbiyyah* issues.

2 -*Wilāyat* over the general issues of the society which one referred to the ruler.

3 -*Wilāyat* over properties and life.

The first case is agreed upon by all *Fuqahā'* and the third characteristic is specific to the Prophet (ﷺ) and the Infallible Imams ('a). According to Imam Khumaynī and the '*ulamā'*, *Wilāyat* over general issues is also stable for a *Faqih* with all the conditions.

When the Imam says *Wilāyat-i Faqih* is the same as the *Wilāyat* of the Prophet, he is referring to the arena of general issues, and that is exactly what Absolute *Wilāyat* means.

He said, the authorities and responsibilities cited in Article 110 of the constitution have been merely mentioned as examples, not as fixed specifications, otherwise there will be a contradiction between pronouncement, and its consequence, in this law. But this does not mean that a just, ruling *Faqih* can totally set aside the constitution by taking advantage of this fact. Rather, he should try to address issues within the framework of the constitution, in a way to prevent the emergence of problems. But, according to his *Wilāyat*, the *Faqih* is not limited to this framework, although, the logical thing to do is to act within that framework.

The next article was presented by Muḥammad Ḥasan Muwaḥḥidī Sāvijī. The article was entitled "*Wilāyat-i Faqih, Appointment or Election*", in which he criticised and rejected the theory of appointment.

After Muwaḥḥidī Sāvijī's speech, Āyatullāh Ma'rifat rose and defended the Theory of Appointment by pointing out the shortcomings of the Theory of Election.

Ḥujjat al-Islām 'Alī Akbar Zākiri, read his paper entitled "The Conditions for Religious Authority in Imam Khumaynī's Opinion".

The main question raised in this article was whether the Imam considered *a'lam* to be a condition for the *Waliyy-i Faqih*, whether his opinion on this matter had changed since the Revolution, and what the Imam's opinion was about narrations in which the word *a'lam* had been mentioned?

He then elaborated on the Imam's description of *a'lam* in sources related to *Fiqh* and works of ancient *Fuqahā'*, concluding that according to traditions, after granting the rank of *Ijtihād* to their students, the *Fuqahā'* would reiterate that they could take charge of affairs, thus, they considered *Ijtihād* to be a condition. Therefore, we can claim that all the *Faqih*s do not consider *a'lam* to be a condition in *Wilāyat*. Imam Khumaynī opines the same and his ideas are the same before and after the revolution.

At the end, he elaborated on the late Imam's viewpoints according to his written works.

In the afternoon session on the second day a number of thinkers and professors from the theology school and university exchanged views on the viewpoints of the Founder of the Islamic Republic, Imam Khumaynī, on state and politics.

Hujjat al-Islām Dr. Husayn 'Alī Aḥmadi presented his paper entitled "The Status of Social Justice according to *Wilāyat-i Muṭlaqah-i Faqih* and the Constitution". He referred to various interpretations of the concept of justice and stated that 'harmony', 'equality', 'respect for individual rights' and 'putting everything in its proper place' were four definitions of justice. Dr. 'Alī Aḥmadi described justice as a concept against tyranny and discrimination, and said the concept of justice is associated with the fulfillment of any kind of rights including the right of Almighty God upon mankind, the right of the Prophets and of the human beings. In the Constitutional Law of the Islamic Republic of Iran, this concept of justice and the principle of *Wilāyat-i Faqih* co-exist harmoniously and have been outlined as complementary to each other, he noted.

Dr. 'Alī Aḥmadi further stated: "The system of *Wilāyat-i Faqīh* basically relies on justice and is intended to establish and promote justice and that the authority of the *Waliyy-i Faqīh* is restricted by nothing but justice and the fundamentals of divine revelation, since the prime condition attached to leadership and its continuation is observation of justice."

Another speaker on the second day's afternoon session was Sayyid Ṣādiq Ḥaḳīqat who presented his article entitled "Foreign Policy of the Islamic State as Viewed by Imam Khumayni". He raised the question as to what were the theoretical principles of the foreign policy of the Islamic Republic of Iran?

In this regard, he made reference to a few cases of the Islamic Republic of Iran's foreign policy and then discussed the views of the late Imam Khumayni on the subject, saying: "No doubt the Imam's view in political *fiqh* is based on the principle of divine trust and therefore expediency constitutes the major element in both his domestic and foreign policy."

The speaker added: "Unfortunately we have not yet managed to determine the criterion for expediency and its boundaries and this is under circumstances when we are living in the modern world that has imposed on us certain things and we have no other option but to organize ourselves in order to defend our thoughts."

Ḥujjat al-Islām Sayyid Muḥammad Bāqir al-Ḥakīm was the next orator to take the podium on the third day's session, and he elaborated on the dynamism of the late Imam's political doctrine. He said: "The Imam's view concerning Islam and the Islamic state was comprehensive and crystal clear, and he expressed, followed up and effected these views with certainty and bravery. This was one of the Imam's personal characteristics."

Sayyid Bāqir al-Ḥakīm added that another characteristic of the late Imam was his experiences in the various dimensions of social life even before initiating the Islamic movement. He cited verses of the holy Qur'ān and narrations to discuss the basic

principles of the political viewpoint of the Father of the Islamic Revolution.

The next lecturer was Āyatullāh Sayyid Muḥammad Bujnūrī who expressed his views concerning the late Imam's political convictions and the issue of *Wilāyat-i Faqīh* as viewed by him.

He was critical of those who attribute their own tastes to the Imam without presenting any documents and asserted that from Imam Khumaynī's point of view, Islam is a universal religion and its injunctions are binding. The issue of state is one of the primary injunctions and Islam is a religion with a state system, which stresses the rule of the law over people. Āyatullāh Bujnūrī continued: "In Islam individuals never rule the people. Even during the time of Prophet Muḥammad (ﷺ) no individual ruled the people and it was the divine law and the divine school of thought that ruled the society."

He then elaborated on the concept of *Wilāyat-i Faqīh* and said that until before Imam Khumaynī, the authority of the *Fiqh* was discussed within the sphere of *Amr bi'l- Ma'rūf* (enjoining of good) and *Nahy 'an al-Munkar* (forbidding of evil) or in the campaign against tyranny. However, the late Imam was the first *Faqīh* who spelt out the features of the Islamic state on the basis of *Wilāyat-i Faqīh*, said Āyatullāh Bujnūrī, adding that it was on the basis of this view that the Islamic Revolution took shape and became victorious and the Islamic Republic System was established.

He stressed: "*Wilāyat-i Faqīh* is not a subject which could be said that some have accepted it and some have not. It is an injunction and a logical one that every authorized *Faqīh* will accept when it is explained to him. If the term *Faqīh* is deleted then we find that all governments consider *Wilāyat* (authority) necessary for their rulers. Therefore, *Wilāyat* is the pre-requisite for every government and administration."

The title of the paper read at the session by Ḥujjat al-Islām Sayyid Muḥammad ‘Alī Ayāzī was “Defending the Religious Government”. According to him there exist two different conceptions of the religious state. Some define the rule of *Wilāyat-i Faqīh* totally different from other governments while some others describe such governments on the basis of rational issues. He subscribed to the second view on the basis of sources and the essence of constitutional law, and said the state is based on religious precepts but its procedures lie on logical methods and affairs.

He then elaborated on the peculiarities of the religious state and the parasites which threaten it and said: “When we speak about religious government we mean to stress that such a government enjoys certain characteristics which are absent in secular ones. There are three characteristics of the religious state which distinguish it from other forms of government, namely; spiritual responsibility, safeguarding and promotion of ethics and humanitarian values, and internal and external supervision.”

Ayāzī stated that waging campaign against the parasites which threaten the religious state is the pre-requisite for defending and protecting such a state and added: “Since every state is exposed to the threat of annihilation, timely measures should necessarily be taken in order to identify the dangers threatening the religious government and find a remedy to them.”

The audience next heard Ḥujjat al-Islām Muḥammad Kāzīm Raḥmān-Setāyesh on the “Realm of Individual Rights in the Islamic State.” He said the rights of human beings from any point of view cannot be definite and this is natural.

He elaborated on the contrast between the rights of individuals with each other on the one hand, and the rights of the individuals and the society on the other hand, adding that according to Imam Khumaynī’s concept of *Wilāyat-i Faqīh* various ways had been foreseen for doing away with such contrasts. The speaker said

that in the view of Imam Khumaynī *tawhīd* or monotheism is the fundamental basis of rights and freedoms and all citizens are naturally entitled to equal rights since all dimensions and branches of individual rights have been officially recognized. Raḥmān-Setāyesh named seven principles restricting individual rights in the Islamic state namely; public interest, law, principles of Islamic co-existence, misuse of the right of punishment, agreement and social justice. He said it is necessary to overcome these paradoxes and bottlenecks in the way of individual rights.

“Legitimacy of Power and Sovereignty from the Viewpoint of Imam Khumaynī” was the title of the paper presented to the gathering by Ḥujjat al-Islām Sayyid ‘Abbās Nabawī. The author stressed the point that the society is in need of discussing contemplative issues with thinkers of theological seminaries and asked the ‘*ulamā*’ and scholars of the theology school to pay attention to this vital matter. He stated that no system can remain immune from either intellectual arbitration or experimental arbitration, and if we avoid discussing it others will do so.

Laying emphasis on the point that legitimacy must never shun wisdom, Nabawī said: “When we introduce religion as a ‘legitimacy-producing source’, we should then determine what our stance is in the face of other sources of legitimacy. I believe that the basis of legitimacy from Imam Khumaynī’s point of view is a combined legitimacy, based on narration and ration and the result is fully justified.”

The writer of the article elaborated on what he called combined legitimacy as viewed by Imam Khumaynī, and said that from the late Imam’s point of view, religion should set the standards and regulations while the people must choose the proof and evidence.

The second day of the congress was wrapped up after the participants held a meeting under the title “‘*Ulamā*’ and the State”. Assessment of the twenty year contribution of the ‘*ulamā*’ to the

state and its social impacts constituted one of the major topics discussed in this meeting.

Third Day's Session

In his opening speech on the third and last day of the congress, Dr. Abū al-Qāsim Gurjī of Tehran University elaborated on his viewpoints concerning governmental laws in Islamic *Fiqh*.

Mentioning that the main objective and duty of the Muslims is Islam, he said: "We should tread this path by following the teachings of Prophet Muḥammad (ﷺ) and the Infallible Imams ('a), since in Islam, *Fiqh* or jurisprudence is akin to following a particular course or path. The laws of government in Islam are, on one hand, based on the general conditions mentioned in religion, and on the other hand, they are determined according to the time, place and existing conditions."

Dr. Gurjī named justice, respect for rights, moral issues, as well as equality and cooperation, as some of the general criteria of religion in the field of politics.

He also compared the simplicity of leadership in the past with the complexity and extensive domain of leadership today, saying, the opinions of numerous experts are needed today in order to distinguish the expediency, since determining the expediency is related to issues which God the Supreme Lawmaker has not elaborated much upon and has rather chosen to deal with the generalities by leaving them to human discretion. Dr. Gurjī pointed to the status of wisdom in religion, saying, despite the repeated insistence of the holy Qur'ān on wisdom, and the fact that faith in God, the Prophet (ﷺ) and the Qur'ān depend on wisdom, unfortunately the necessary attention has not been given to this issue. He termed wisdom as man's inner prophet or guide, saying, in the general laws of Islam, one should accept an issue when it has been confirmed by all the wise men, and the general law is in fact the law of all wise men.

“The Status of Expedience in the *Shari‘ah*” was the topic of the paper presented by Ḥujjat al-Islām Jawād Fakhkhār Tūsī, who began his discussion with the question: Who is responsible for determining the social and national expediency under the *Wilāyat-i Faqīh* system?

According to him, distinguishing the society’s expediency in its different dimensions, is beyond the capability and qualification of an individual, no matter how wise and capable he may be. Rather, this should be done by a group of different experts, under the supervision of the supreme *Faqīh*. Fakhkhār Tūsī pointed to clauses in the Constitution in this regard, as foreseen by the late Imam Khumaynī. He said, in the Constitution, the need for the Leader to consult with experts of the Expediency Council is evident, if not the issue of holding consultations would be annulled. Therefore, in the Constitution of the Islamic Republic of Iran, the Expediency Council is considered to be an expert institution of the system, and not merely an executive or advisory body. However, due to different reasons related to the *Shari‘ah*, this task should be carried out under the supervision of the *Faqīh*. He argued that due to the diversity of issues, the Expediency Council cannot, and should not, maintain a stable composition, and particular experts should be present for each case.

The topic of the article presented by Ḥujjat al-Islām Sayyid ‘Abbās Ḥusaynī Qā’im-Maqāmi was “The Criteria of *Wilāyat-i Faqīh* and the Process of Distinguishing Social Expediencies”. He said, distinguishing social expediencies in any politico-social system is of high importance, and its importance is two-fold in the *Wilāyat-i Faqīh* system.

He then elaborated on the process of determining expediencies in the *Wilāyat-i Faqīh* system, saying, the *Faqīh* should, on one hand, by depending on his expertise in issues related to *Fiqh*, distinguish between the important and the most important, and, on the other hand, he should have a correct understanding of

human realities. This recognition also requires the understanding of other issues, which should be attended to beyond religion.

Expediency, he said, is not in contradiction with the *Shari'ah*, rather, it consists in abiding by the higher criteria of *Shari'ah* in times of necessity or overlapping of issues in order to determine the most important.

In the afternoon session of the third day, the gathering heard Hujjat al-Islam Ahmad Muballighi read his article entitled "The Imam and the Role of Consultation and Contribution in the Process of Decision-Making". Imam Khumayni, he said, combined consultation and leadership, both from the theoretical and practical viewpoints, and after many years, when consultation had turned into a matter of protocol, he once again revived it in an effective and active manner.

The Imam's art of thought, Muballighi added, was that he gave a new colour to decision-making, through reviving consultation.

He also laid stress on the need to carry out more research about Imam Khumayni, especially in connection with the most important issues of today's world.

The next speaker was Ayatullah Muhammad Mu'min, who dealt with the issue of "*Wilayat-i Faqih* and Governmental Institutions", saying, *Wilayat-i Faqih* is the *Wilayat* of Prophet Muhammad (ﷺ) and the Infallible Imams ('a). It is a task handed over to them by God and is not an issue in which other people are involved. He elaborated in detail on the rational and transmitted proofs for *Wilayat-i Faqih* from Imam Khumayni's point of view, saying: "From this viewpoint, *Wilayat* means having priority and authority and making decisions about the administration of the *ummah* by the *Waliyy*. In Islamic narrations, the *Waliyy* has been referred to as the guardian and shepherd, indicating the status of the *Wilayat-i Faqih*."

Āyatullāh Mu'min then spoke about the relationship between *Wilāyat-i Faqīh* and Government Institutions, saying: "When we consider this meaning of *Wilāyat-i Faqīh*, its relationship with different government institutions becomes clear, and the exigent position of the *Waliyy-i Faqīh* is that all institutions, both judicial and executive, as well as the armed forces, have been based on his command, and carry out their activities under his supervision. The people, too, should act under his supervision.

Our duty is to prove that the same *Wilāyat* that was given to the Prophet (ﷺ), is given to the qualified *Faqīh*, and that the *Waliyy-i Faqīh* has the same authorities for administering the Islamic society. It was on this basis that the *Waliyy-i Faqīh* in the Islamic Republic system, considered it expedient to hand over some responsibilities to others and to the people, and all the Islamic Republic's institutions have been formed based on the expediency felt by Imam Khumaynī."

The paper presented by Ḥujjat al-Islām Sayfullāh Ṣarrāmī was entitled "The Nature of Transgressing Governmental Laws". He said that opposition toward government laws is considered as rebellion and will lead to consequences in the Hereafter for the transgressor, considering the religious nature of the law, whether from the viewpoint of *Ijtihād* or *Taqlīd*.

Thus, apart from these cases, transgressing other government laws is not considered to be an act of rebellion, although, insistence on opposing these laws might be considered insubordination due to breaking of allegiance, disturbing public order or disrupting public livelihood.

The next speaker was Dr. 'Alī Asghar Iftikhārī, a university professor, who delivered a speech on "Expediency in the Position of the Method". Expediency, he said, in its governmental sense, is a discussion outside religion, which was first brought up by Imam Khumaynī, and had not been brought up by the theologians before him.

This new meaning, Dr. Iftikhāri added, which is separate from theological, philosophical and jurisprudential expediency, directly stems from the Imam's adherence to *Fiqh-i Jawāhiri* (*Jawāhir al-Kalām*, the jurisprudential masterpiece of the late Shaykh Muḥammad Ḥasan Najafi) and can help solve problems in an appropriate way.

The gathering next heard Dr. Bahrām Akhawān Kāzimi, speak about "The Theological School and the 'Ulamā' from Imam Khumayni's Theoretical and Practical Points of View".

The late Imam's advise till the last moment, he said, was that the Theology School should pay attention to removing the problems affecting it, and make changes in the methods related to *Ijtihād* and comprehension, considering the factors of time and place.

Akhawān Kāzimi added the Imam also laid stress on the independence of the 'ulamā', their supervision over the government and their need to refrain from getting attached to the world or falling in the hands of the superstitious.

Another participant was Dr. Dāwūd Fayraḥi, who spoke about "Imam Khumayni, *Ijtihād* and Politics", saying, the Imam considered the main objective of political *Ijtihād* to be the way in which one intends to enforce the strong principles of *Fiqh* in the actions of the individual and the society in order to have an answer for the existing problems.

This issue, he said, oversees legislation and the art of administering the country, which is linked to the people's expediency and the citizens' satisfaction, since expediency is constantly undergoing changes and it leads to changes in the laws of *Ijtihād*. In Imam Khumayni's opinion, only a *Mujtahid* who has more practical experience in administering the country, rather than having theoretical knowledge about religion and *Fiqh*, can carry out this task.

Dr. 'Ali Muḥammad Ḥāḍiri next took the podium and elaborated on the issue of "The Convergence of Religion and Science and its relationship with the Islamic Government". He said that an Islamic government, should at least possess three major and necessary characteristics, namely, a theory related to *Fiqh* and epistemology, a group of experts well versed in this theory, and a group of executives who believe in this theory.

He then spoke about the relationship between tradition and modernism in Iran's history of the past 150 years, saying, that until convergence is not created among the first two components, the Islamic Government will be deprived of the third component, that is, a group of executives having faith in the Islamic system and willing to carry out its policies.

Ḥujjat al-Islām 'Abdul Ḥusayn Khosrow-Panāh then dealt with the "The Status of Expediency in the System of *Wilāyat*". He rejected the idea of those who consider that the issue of expediency in the Islamic Government will lead religion to become a temporal formality, and posed the question: Won't the issue of expediency, alongside *Wilāyat-i Faqīh*, lead to secularism?

Expediency in the system of *Wilāyat-i Faqīh*, he said, not only does not lead to secularism, but on the contrary expands the realm of religion. According to the Shi'ite school, expediency is different from the interest-seeking nature of materialistic schools, and in addition, it takes the *ummah*'s interests and expedience, as well as the sublime objectives of religion into account.

The last speaker of the Congress was Parliament Speaker Ḥujjat al-Islām wa al-Muslimīn Mahdī Karrūbī, who reiterated the society's need to engage in deep, transparent, documented and logical discussions on the Islamic government. He termed the discussions held during the past three days as useful and considered them beneficial in confronting the cultural onslaught and the doubts created by the enemies in the system. He pointed to the discussions related to the concept of *Wilāyat-i Faqīh* in the society, saying:

“Imam Khumaynī launched the movement on this same basis. He led the Islamic Revolution to victory with the people’s participation, and established the Islamic system. But what are the reasons and why the need for such discussions is being felt nowadays?”

“Of course, at that time, too, there was opposition to the Imam’s viewpoint of *Wilāyat-i Faqīh*, but the Imam, by relying on the people and on this viewpoint, was able to foil most of the plots of the enemies during the years after the victory of the Islamic Revolution.

“We should see, what has occurred today, that makes this issue to be brought up in a different way, requiring so much discussion on issues related to *Fiqh*.”

Ḥujjat al-Islām Karrūbī then went on to describe Imam Khumaynī’s concept of the Islamic government, saying: “The Imam’s Islamic government is summarized in Islamism and Republicanism. Maybe, the problem is that people feel that the true Muhammadan Islam introduced by the Imam is being harmed; that is, the Islam that fights against oppression, supports the deprived and in which law and justice prevail over the society.

“In my opinion, the Islam that the Imam introduced to the people consists of justice, equal laws for all, the lack of unnecessary protocol, people’s easy communication with the officials, and granting freedom to the people.

“It is a fact that Islam has a government, led by a *Faqīh* with all the necessary characteristics. But the question is, how are we going to carry it out?”

“If we make Islam and the *Wilāyat-i Faqīh* as mere tools of our own desires, it will lead to bitter results. Thus, we should make practicable the Islam in which people can enjoy their rights, in which justice prevails and in which there is no arrogance. The Imam had said our government is not tyrannical, and the republicanism brought up by the Imam is a republicanism which

arises from the heart of the people, which no one else can influence and is determined by the people themselves.

“In our country, parliament was established a hundred years ago, but the republicanism mentioned by the Imam is one in which the people have the right to choose. In the Imam’s opinion, republicanism means that the people themselves can choose. Of course, there is no place in the world that does not have any law and framework. The Imam insisted on giving value to the people.

“We should make a revision from our own side, and it is not yet late. Even if it was late, it can still be rectified, since raising unnecessary hue and cry over this or that issue will not resolve anything.”

After three days of talks and speeches by experts on the different dimensions of Imam Khumaynī’s political thought, the Congress ended its work on Friday, January 28. In the closing ceremony, Congress Secretary, Āyatullāh Muḥammad Hādī Ma‘rifat delivered a short speech, elaborating on the late Imam’s popularity and the importance he attached to the masses.

Āyatullāh Ma‘rifat also praised the efforts and services of all those involved in holding the Congress, especially the members of the Imam’s household, his grandson Ḥujjat al-Islām Sayyid Ḥasan Khumaynī, the Organization in charge of compiling and publishing the Imam’s works, the headquarters for celebrating the one hundredth birth anniversary of Imam Khumaynī, and the centre of documents of the Islamic Revolution in Qum.

To wrap up the gathering, Ḥujjat al-Islām Qāḍī-Zādeh, the official in charge of the scientific committee of the Congress, described the aim of holding this meeting as further familiarity with Imam Khumaynī’s dynamic thought on the practicability of the Islamic government.

Unfortunately, he said, this duty has not yet been carried out as it should have. Qāḍī-Zādeh criticized some of the speakers in the Congress, saying: “The aim of this Congress is for the ‘*ulamā*’ and

experts to raise questions, as well as carrying out more research to expand the horizons of Islamic thought. Thus, there is no problem in bringing up different opinions or even contradictory opinions, as long as the principles of scientific discussions are respected.

To acquire lofty thoughts, requires a bit of pondering and we should know that raising new ideas and viewpoints requires the holding of congresses, rather than bringing up issues of the past.

The life and thoughts of Imam Khumayni, does not mean the repeating of all that is already known about him. Rather, experts should hold discussions and exchange views, in order to explore the dynamism of the Imam's thoughts."

Qāḍī-Zādeh said that the 3-day Congress received 330 scientific articles, out of which 124 have been selected for publication in eight volumes. During the three-day Congress, he added, twenty-two hours of diverse scientific programmes were held, including the reading of 27 articles, delivering of 9 speeches and organizing of two round tables.

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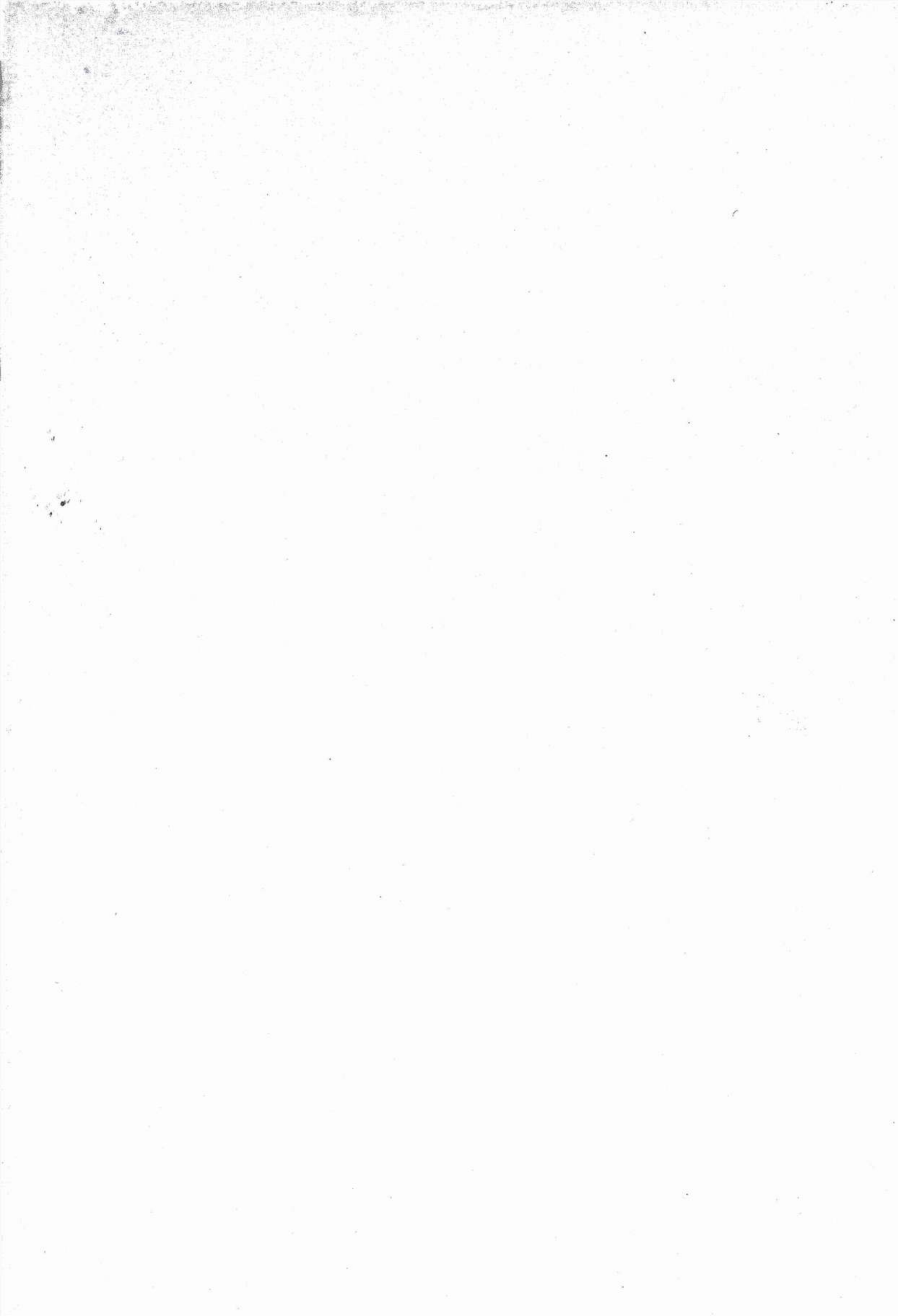
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