

Political Justice of the Qur'an and Traditions' Perspectives: A Reflection on Political Equality

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Abstract

The present study aims to investigate the relationship between political justice based on Quran doctrines and narratives, and the political equality posed by democratic systems. The answer to this question is that the popular equality in democratic systems within three arenas including philosophical (which begins and underlies political equality), political, and non-political (the necessity of political equality) arenas is in line with the spirit of religious teachings. In the meanwhile, the religious interpretation of political equality, as well as non-political equality consistent with political equality, has minor differences from the popular equality in democratic systems. In order to prove this hypothesis, the two theological and jurisprudential teachings (Ibaha or permissibility and non- Wilaya or non-guardianship) are taken as the basis of Quranic-narrative analysis. On the other side of the principle of Ibaha is the legitimization of social agreements of citizens of a religious community to regulate the public rules of the society, and that state laws are legitimate when, in addition to complying with clearly stated religious laws, they come from the will of the people. Moreover, the non-Wilaya principle expresses the maximum participation of a nation in the political administration, the lack of government interference in the private sector, and peoples' monitoring of the political decisions. The Quran verses and narratives consistent with the two aforementioned principles confirm the inherent equality of human beings; they differentiate the political equality of sovereignty from that of government and in the social and economic equalities, religious teachings not only confirm the equality popular in democratic systems, but they also go beyond that and firmly demand a broad extent of responsibilities from both society and government.

Key words: Political Justice of the Qur'an, Political Equality, Traditions' Perspectives

Kuran'ın Siyasi Adaleti ve Geleneklerin Perspektifleri: Siyasi Eşitlik Üzerine Bir Düşünce

Öz

Bu çalışmanın amacı Kur'an doktrinlerine ve anlatılarına dayanan siyasi adalet ile demokratik sistemlerin konumlandığı siyasi eşitlik arasındaki ilişkiyi incelemektir. Bu sorunun cevabı şöyledir; demokratik sistemlerde yer alan ve felsefik, (siyasi eşitliği başlatan ve temelinde yatan) siyasi, ve siyasi olmayan (siyasi eşitliğin gerekliliği) üç alanda yer alan popüler eşitlik dini öğretilerin ruhu ile uyumludur. Bu arada, siyasi eşitlik ve aynı zamanda siyasi eşitlikle uyumlu olan siyasi olmayan eşitliğin dini yorumu, demokratik sistemlerdeki popüler eşitlikten küçük farklılıklar içermektedir. Bu hipotezi kanıtlamak için yapılan Kur'an anlatı analizine iki teolojik ve hukuki öğreti (Ibaha ve non-Wilaya) temel alınmıştır. Ibaha prensibinin diğer tarafı, dini bir topluluğun vatandaşlarının kamu kurallarını düzenlemek için sosyal anlaşmalarını meşrulaştırmasıdır. Bu devlet kuralları, insanların iradesinden gelen ve açıkça belirtilen dini kurullarla uyuyorsa meşru olur. Ayrıca, non-Wilaya prensibi

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bir toplumun siyasi yönetime maksimum katılımını, devletin özel sektöre daha az müdahalesini ve insanların siyasi kararları izlemesini vurgulamaktadır. Kur'an ayetleri ve anlatıları insanoğlunun doğal eşitliğini teyit eden bu iki prensip ile tutarlıdır. Bunlar egemenliğin siyasi eşitliğini devletinkinden ayırt ederler ve sosyal ve ekonomik eşitliklerde dini öğretiler sadece demokratik sistemlerdeki popüler eşitliği teyit etmez ayrıca toplumdan ve devletten daha fazla sorumluluk beklerler.

Anahtar Kelimeler: Kuran'ın Siyasi Adaleti, Siyasi Eşitlik, Geleneklerin Perspektifleri

1. Introduction

The most authoritative source from which Muslims adopt their political principles is the Qur'an scripture. The Sunnah, following the Qur'an is the Prophet's words except those inspired by God, is known as the 'Hadith' or the Sunnah of the Prophet (Khadduri, 2016: 22). Khadduri has rightly pointed out that in the Qur'an and Sunnah, after the existence of the Almighty God, no religious and ethical principles have been emphasized to the extent of the principles of truth, equality, and moderation; it is firstly, because of the inherent value of mentioned principles; secondly, more of a reaction to the pre-Islamic social order, which did not pay any attention to justice or, in other words, paid less attention to it (Khadduri, 2016: 33). The Shi'a scholars agree that the Sunnah of the infallibles (twelve Imams) is identical to that of the Prophet at the level of explanation of the main and subordinate religious teachings.

A fair or oppressive social order in every economic-political system is the consequence of what and how of both wealth and power. In the history of social life of human beings, two phenomena including wealth and power have always played a key role in either the felicity or plight of both societies and human beings, having two diverse positive and negative sides. The Qur'an, as the book of guidance for man for achieving comprehensive worldly and afterlife elation has paid attention to both of these diverse sides, demonstrating the right pathway to follow, from critical and normative perspectives. The Wealth of Qaroon and the power of Pharaoh are both symbols of the undesirable sides of two mentioned phenomena explained in the Qur'an. In this regard, an ideal condition is the one in which the distribution of wealth (charity), the establishment and distribution of power (allegiance and council), the maximum contribution of each man in mentioned issues (the general social enjoyment of wealth and power, goodwill in the community and politics), and finally assigning the power to the right

holders of it would take place.³ Consequently, similar to the Holy Qur'an, the Sunnah of the infallible Imams has explained the normative dichotomy of wealth and power.

Political justice is primarily related to political institutions, as economic-social justice is primarily related to both economic and social institutions.⁴ Hence, in relation to individuals, political justice can be proposed in such a way that "what rights humans as members of society have" (Khadduri, 2016: 15);⁵ it is because political justice would ultimately lead a large majority of individuals to enjoy political rights. It would have a positive impact on people's enjoyment of both the benefits and the results of a political life. Similarly, in the shadow of political justice, political oppression would be minimized with the result that the number of oppressors and political oppression would be reduced. Moreover, when the distribution of economic benefits and the provision of performing minimal level of social services are discussed in the context of political justice, it is only viewed as the non-political necessary foundations for achieving political justice. In other words, it is not a matter of pure interests, but the interests of citizenship is at issue (Pettit, 2004: 150-69).

Considering justice as a rationale behind the right wealth and power, and injustice as a rationale behind the wrong power and wealth, this study seeks to find the Qur'an's criteria for a just political power (legitimate) and an oppressive political power (illegitimate) with some certain assumptions that will now be pointed out. Coordination of religion and wisdom,⁶ attributing a part of the secular-religious orders to the experiences of social historical justice, considering a collection of Divine-religious orders of The Quran and hadith as a set of raw materials for reasoning through religion (*Ejtehad*), and finally the feasibility of proposing the

³ Verses in The Quran about the desirable situation: chapter 2, verse 3; chapter 48, verse 7; chapter 3, verse 59; chapter 5, verse 2, chapter 16, verse 90; chapter 9, verse 71; chapter 4, verse 58.

⁴ Mohammad Taghi Karimi has tried to criticize Western perspectives, including Rawls's theory of justice, in an article entitled "Darāmadi Bar Shākheshāye Edālate Seyāsi Dar Olgooye Eslāmi-Iraneye Pishraft" in an effort to bring political justice in line with individuals and their behavior He addresses private and public life. He has unintentionally mixed theological and jurisprudential debates with sociological discussions and political science. References: Karimi, Mohammad Taghi; (2012), *Darāmadi Bar Shākheshāye Edālate Seyāsi Dar Olgooye Eslāmi-Iraneye Pishraft Dāneshe Syāsi*. N: 4, 25-44.

⁵ The direct proposal of social justice on the social level is in line with God's logic; Allameh Tabatabai has mentioned to the verse 20 of chapter 3, arrested that according to this verse and many other verses, the laws and the laws of Islam are generally addressed to the community. He has even returned the individual jurisprudential argumentation sentences indirectly to the society. References: Tabatabai, Mohammad Hossein; (1992), *Al-Mizan Fi Tafsir Al-Quran*. Qom: The Ismaeli, 121-31

⁶ Dividing divine commandments, there are two divisions of Secular-Religious Orders and Devine-Religious Orders. Part of the Secular-Religious Orders is the guidance of man to the pre-legitimization doctrines obtained by man's inventive or experimental manifestation, while the Devine-Religious Orders are divine schemes that before Devine obligation, man could not able to realize them.

political justice following the duty-oriented ethics as it is proposed following product-oriented pragmatics (Safi, 2010; Eslami, 2008: 34-35) are the most influential assumptions of the present study. According to the broad arena of political justice issues, after defining political justice, the current study will focus only on the components involved in political equality.

2. Political Justice

Due to the fact that politics is a historical-social matter with changeable aspects, political justice may not be defined once and for all. Hence, from the historical point of view, the definition of justice in the past is substantially difference from its modern definition; while being interconnected. The definition of justice has a considerable evolution from Plato and Aristotle of antiquity up to John Rawls of the modern history. Justice has always been considered with various definitions in the classical period of ancient Greece, the middle ages, renaissance, enlightenment era, modernity, and postmodernism (Haghighat, 1996). Therefore, there is no alternative but to consider justice as a permanent issue, based on time and place. In this regard, our issue is that justice in terms of the religious view in its last universally admissible definition should be revisited, so that it is feasible to apply in practice to religious framework.

3. Democracy, New Standard for a Legitimate Government

Nowadays, the most complete political justification theory of a legitimate state⁷ is democracy. There obviously has been a long history of folk religion, but this political idea has undergone an important transformation in the period of modernity through Rousseau argumentations⁸ and consequently the new meaning of it has been formed. In this view, democracy is linked with the general will of the social contract. In a democratic system, the legitimacy of the government stems from the fact that people play an essential role in building governments whose fate in society depends on the decisions of those governments, as well as in the replacement of governments. It is argued that albeit democracy is considered to be contrary to finding the truth and individual rights, but is superior to any other kinds of assertion

⁷ Legitimacy in political Science has two aspects including sociological and philosophical approaches. In the religious tradition, legitimacy is related to the legality of the state, a religious government is justified by the principles of the religion. On the other hand, within the religious approach, both politicians and scholars have often substituted justice and legitimacy. Refer to: (Khadduri, 2014, 24-25)

⁸ The French philosopher Jean-Jacques Rousseau is the first theorist focused on the issue of political rights, and has distinguished between legitimate and illegitimate governments through a social agreement based on the public wills. Refer to: (Jean-Jacques Rousseau: 1965)

for the assurance of the veracity of political claims in the public domain, and in protecting the rights of individuals. (Shapiro, 18-19).

Therefore, almost all governments of all ideological spheres in all parts of the world are trying to put themselves under the grip of democracy, which identifies the key role of democracy as political legitimacy. Today, there is no governor (liberal, conservative, meritocratic or egalitarian, monoculture or multicultural, nationalist or cosmopolitan, [a secular leader or religious one]) define itself outside the scope of democracy, although in practice it avoids democracy, or protests against a particular type of it, or attacks the existing democracy (Shapiro, 203-204).

4. Principles of Democracy

In today's sense, democracy involves three basic principles of equality, liberty and the majority rule. The current study deals only with the first element, equality. Some scholars believe that the origin of equality has been taken from Christianity which regards equal the souls of all human beings; some scholars refer its origin to the philosophy of Aristotle (the equal rationality of all human beings), or Rousseau (the natural liberal birth of all human beings) or Descartes (equality of all persons in the logic or dialectics). The result of mentioned philosophical principles in the political dimension in the eighteenth century in France was that, as humans are logically equal, they have the equal right to rule over their affairs. In order to overcome the kind of environment which makes people unequal, they emphasized general education to preserve this equality (Jahanbakhsh, 2002: 10-9). James Bryce believes political equality is the condition in which all citizens have equal parts in the administration of their society, and are treated equally to qualify for political positions. Besides, he considers other issues following the political equality including age, education, and lack of any criminal record (Shapiro, 11). Many scholars consider political equality as the right to vote equally, not the equal decision-making right, which is not practically feasible and is granted only to specific individuals. Some interpreted equality as the majority rule, in which the feasibility of each individual's influence is regarded to the extent of his participation in elections. Anthony McGan has separated the concept of 'equality in voting' from that of 'equality in decision making', and analyzed each term independently. In the first sense, he regards equality as proportionality and the second concept as majority rule (Anthony McGan, 2006: 35 and 60). Numerous theorists have argued that political equality requires relative equality in income, wealth, and social status. (McGan, 11-12). Moreover, the general belief is that equality is the achievement of liberty,

which is itself another principle of democracy (McGan, 12). In order to adapt the equality to the Qur'anic-narrative teachings, we will first propose two theological and jurisprudential frames in order to come up with a discussion framework.

5. Guiding Principles

Before beginning to talk about the Qur'anic arguments and evaluating the equality principle, we will take the two theological and jurisprudential guiding principles as our appropriate theoretical framework:

Principle of Permissibility (*Ibaha*): The author has explained this principle in several writings in the forms of essays and books; thus, there is no need to raise it again. Here are the main claims of mentioned principle. Principle of Permissibility is a pre-jurisprudence principle which has been of interest to both classic (Sheikh Mufid, Sheikh Saduq, Sayed Morteza and Sheikh Tousi) and modern (Imam Khomeini) Shi'ism scholars on different occasions. This principle is a general rule against the principle of initial prohibition that many classic and modern Mu'tazila have tended to adopt. According to the principle of permissibility, it is claimed that as God has created human beings and granted them free will, human beings are free regarding religious laws, which is 'lack of duty'. In other words, at the first stage of divine legislation, which is a Preserved Tablet God, i.e. the Book of Allah's Recorded Knowledge, has specified all affairs in the divine legislation besides the incipient fate and legislated for free will not for duty. In contrast, Mu'tazila scholars, who believe in the authenticity of initial prohibition, claim that God created human beings liable and responsible for any creature and phenomenon, and that is no mankind is free from pre-determined duties.

Believing human's life is free of pre-determined divine duties in any dimension as a general principle of divine legislation, one can argue that different religious rules including Islamic ones are exceptions to the original principle of 'lack of duty'. In other words, the five-obligated-decrees (necessity, sanctity, recommendation or *Istihbab*, hatred or *kirahat* and permissibility) and all other religious orders (like validity (*heli'at*), ritually unclean (*najis*), possession, slaveholding, etc.) do not seek to constrain free social-historical expression of the will of mankind in different individual and social realms, but are merely as specific principles of guidance that, in addition to incipient gifts such as reason, emotion, affection, instinct, nature, etc. that internally guide human beings to choose the best, guide human beings

externally in order to have superior choices for both their individual and social life with all internal and incipient, and external and legislative potentials.

The most significant consequence of the *Ibaha* principle is that in a religious system, the regulation of individual and social life and the optimal planning for the management of society will only be legitimate with the will of its people. According to the divine will, through the aim of a better life, human beings are able to achieve any of subsequent mandatory commitments and agreements continuously; determine any details of their social life through their collective will. No mandatory rules would be formed unless the people of a community already consented or at least agreed on the overall mechanism of that rule. Within this point of view, the concept that "God is the exclusive lawmaker" is the same issue which asserts that God has freed human beings for the way of managing their historical and social life, at the level of their fate. Moreover, being the exclusive lawmaker is in line with sending of profits and their religious laws. Compared to original law of the 'lack of duty', these sets of religious laws are the only exceptions to the general principle of 'lack of duty'.

According to the current perspective, to the extent to which the rules of a political society are attributable to the will of its people, are as well consistent with the will of God; to the extent to which the previous consent of the people eliminated in such rules, such rules would be equally far from divine will. The only exception is that the free will of the people in construction of rules of a political life shall not be in conflict with secondary divine disciplines in this field.⁹ In the reasoning field based on this rule, a collection of rational and narrative reasons are considered by Shiite scholars. Accordingly, justification of this rule through the Qur'an verse of creation (all creatures are created for the sake of human beings), the narrative of validity (*heli'at*), and absolute nature of all creatures is recognized among Islamic scholars.¹⁰

Principle of Non-Wilaya: Regarding Shiite jurisprudence, the two basic principles of "Non-wilaya" and "Wilaya" are simultaneously considered by jurisprudents. Principle of non-guardianship (*Non-wilaya*) explains that no one has the right to dominate the other, even as an

⁹ The author has followed this discussion in details in several papers including: Shafiee, Mahmoud; (2012), *Jāmeae Shenāseye Seyāseye Iran: Mobtani Bar Koneshe Ertebāti*. Tehran: Imam Sadiq University. In the first chapter of this book, the Communication Theory is described. In order to rebuild the theory in the second chapter, a series of religious discussions has been considered.

¹⁰ Here are some of the most significant verses and narrations. The verses are as follows: chapter 2, verse 29; chapter 45, verse 13; the narrations are as follows: ص 313، ج 5، الكافي، الكليني، الكافي، ج 5، ص 313 (و كل شيء لك حلال حتى تعلم انه حرام بعينه) الكليني، الكافي، ج 5، ص 313 (كل شيء مطلق حتى يرد فيه نهى) (الشيخ الصدوق، الفقيه، باب وصف الصلاة، ص 317)

instance of guardianship; human beings are created independently. In practice, God calls human beings as self-governing, thus they are able to manage both their individual and social life in any dimensions of their own will. Particular guardianships such as that of father on the child, that of a man on his wife, that of lord on the servant, and any other religious guardianships are exceptions to the rule of *Non-wilaya*. The exclusion of these cases is not absolute. It is to say, even in cases of legislating *Wilaya*, the *wilaya* is limited in quantitative terms to certain boundaries expressed in the religious laws; from a qualitative point of view, the *wilaya* in the same limited cases shall be effected so that leads an individual (who is under another's guardianship) to be neither weak nor disabled, but to make him able and independent so that he will not be under any other guardianship. Hence, from an Islamic political point of view, *Wilaya* is to be minimized, rather than maximized. Consequently, the more limited a government is regarding the power, the more in line it is with the principle of the *Non-wilaya* principle, and the more expanding the power of the government, the more it will violate the principle of *Non-wilaya*; if there is no specific defensible law, it is an illegitimate and non-religious *Wilaya*. In qualitative terms, the government is legitimate so long as contributes to the growth and independence of its citizens, whereas it is illegitimate as long as it contributes to their citizens' disability and lack of socio-political development.

According to the principle of *Non-wilaya*, within the public domain, each and every individual has the highest participation; on the other hand, within the private domain, individuals are free from interference of others in the management of their private life. In a *Non-wilaya* system, that there is public administration domination over the whole society on one hand and individuals' management of their own lives on other is the other side of the coin. Therefore, as long as the political ruler and government are under the social supervision of the Islamic citizens, that is, the distribution of power (not the accumulation of powers) is fulfilled, the *non-wilaya* principle will be more likely to achieve. In short, *Non-wilaya* is the condition in which the government is limited, there is no concentration of political power, there is public participation in the public domain, there is control over the ruling system and political power by people, and there is a wide scope of private sectors as well as individual and collective self-regulation in this area.

Relying on two fundamental principles including the universality of the social and political life, and ensuing universal guarantee of socio-political governance; in accordance with the principles of democratic systems (equality, liberty and the majority rule, among which in

this article only equality is considered) current research deals with raising political justice in the framework of the Qur'anic-narrative teachings.

6. Equality and the Qur'anic-Narrative Teachings

As mentioned before, equality in democratic systems is remarkable in three phases including foundations, direct political results and indirect economic and social consequences. At the first level, democracy refers to the equality of human beings in possessing God's spirit, and in reasoning as well as birth free from domination. At the level of direct political results, the concept of equality was defined as the people's equal right in self-governing, equality in political participation, equality in the qualification of individuals to obtain political positions (while considering a number of constraints such as age, education, and lack of criminal record), and equal suffrage (not equal in political decisions that are practically impossible).¹¹ At the level of indirect economic and social consequences, some scholars believe that political equality requires relative equality of individuals in income, wealth, and social status. We may consider the three above-mentioned issues, in the framework of the Qur'an.

6. 1. Political Equity Principles from a Qur'anic-Narrative Viewpoint

The inherent equality of human beings in creation, the internal and external blessings of reasoning, feeling, and discretion are indisputable religious principles which have been proved by many of the Qur'an verses and narratives. Equal respect for all human beings (Shokani, 1993: 290), their being addressed by God equally (Makarem Shirazi, 1995: 300), their being equally created with both their negative and positive attributes either internal or external, simultaneous inclusion of the Qur'anic concept of 'soul' for both men and women (Taleqani, 1982:15), and the implication of this verse on the unity of each individual in the real human world (Tabatabai, 1992: 134), as well as its implications for the social unity of mankind (Makarim Shirazi, 1995: 245), and the equal persuasion of all human beings for reasoning¹² are only a small part of the divine teachings about primary equality of all human beings.

¹¹ The author, in a detailed article, focuses on the dimensions of this principle and its relationship with the principle of *Wilaya*; presented at the conference of the *Hokoamate Alawi* in the year 2013, held at the Mofid University. Numerous jurists and theologians have added various rational and transactional arguments to it including verses and narrations. Some of mentioned arguments are as follows: chapter 33, verse 6; chapter 2, verse 30; chapter 33, verse 72; The famous narration in this case is: لا تَكُنْ عَبْدَ غَيْرِكَ وَ قَدْ جَعَلَكَ اللهُ حُرًّا

¹² For example, the following verses, about four claims made in this paragraph, are remarkable: chapter 13, verse 70; chapter 15, verse 26; chapter 16, verse 4; chapter 23, verse 12; chapter 55, verse 14; chapter 70, verse 19;

The inherent equality of human beings is considered in infallibles' teachings, expanded in various ways. Similar to the Qur'an, inherent equality is in the social teachings of infallibles' (Al-Harani, 1983: 34-27). In a hadith of the Prophet which referencing origin of all the human beings to only one God, the father of the unit, and the first element of the earth, he denied any discrimination in the human existential (Al-Harani, 34) in the same source, the message has been given to the audience to be sent to all the absentees¹³. The well-known prophet of Islam also mentioned the same theme in *Am Al-Fath* (Al-Harani). The book 'introduction to the Islamic Human Rights', authored by Mohammad Ali Hallo, has mentioned the above hadith (<https://fa.wikisource.org/wiki/>), basing Islamic human rights on the fundamental of Islamic equality.¹⁴ Elsewhere, the Prophet Muhammad resembles human beings to comb's jags (Nuri, 1986: 340; Ibn-e-Babawayh, 1983:379). Imam Ali referenced the nature of human beings to their equality in spirit, intellect, religion, and dignity.¹⁵ Moreover, in his letter to Malik al-Ashtar, he explicitly declared the entire human homology in the essence of creation and that homology is the basis of the denial of any violence outside the rational procedure of the ruler of an Islamic society (Nahj al-Balaghah, Letter 53).

In the following, while justifying the principle of *non-wilaya*, Shiite scholars consider the issue of inequality including of equality of servants in servitude, equality of human beings in the principle of creation and humanity, lack of preferring one individual over another, and natural creation of individuals in a free and independent way etc. (Shafiee, 2013). In fact, according to principle of creation and what God has mentioned in the word of revelation, that is a kind of propelling for human beings in order to gain natural understanding of mankind condition, religion and philosophy are in harmony. In the next part, this research tries to shed light on the consequences of fundamental equality in the political arena.

chapter 76, verse 2; chapter 95, verse 4; chapter 96, verse 2; chapter 32, verse 7; chapter 4, verse 28; chapter 21, verse 37; chapter 36, verse 77; chapter 4, verse 1; chapter 40, verse 67.

¹³ The hadiths are as follows: "ان اكرمكم عندالله اتقاكم" و ليس بعربي ايها الناس ان ربكم واحد و ان اباكم واحد كلکم لادم و ادم من تراب "ان اكرمكم عندالله اتقاكم" و ليس بعربي ايها الناس انکم من ادم و ادم من طين الا و ان خيرکم عند الله & على عجمي فضل الا بالتقوى الا هل بلغت؟ قالوا نعم. قال: فالبليغ الشاهد الغائب. و اكرمكم عليه اتقاكم. الا ان العربيه ليست باب والد و لكنها لسان ناطق فمن قصر به عمله لم يبلغ حسبه

¹⁴ Among the first article of the Charter that says: All human beings are born free and equal in dignity and rights. They all have the gift of reason and conscience, and everyone must behave towards each other, like brother and sister. The Prophet in the Declaration of Conquest of Mecca, regarding the equality of all human beings asserted: "انَّ النَّاسَ مِنْ عَهْدِ آدَمَ إِلَى يَوْمِنَا هَذَا مِثْلُ أُسْنَانِ الْمِشْطِ لَا فَضْلَ لِلْعَرَبِيِّ عَلَى الْعَجَمِيِّ وَ لَا لِلْأَحْمَرِ عَلَى الْأَسْوَدِ إِلَّا بِالتَّقْوَى". There are 34 articles in this charter, all relating to the legal equality of human beings in various areas of social life, and the basis of these rights is the recognition of the equality of human beings from a religious perspective.

¹⁵ "صل الانسان ليه و عقله و دينه و مروته يجعل نفسه و الايام دول و الناس الى آدم شرع سواء" (بحار الأنوار الجامعة، ج1، ص 83)

6. 2. Political Equality in the Quran and Islamic Narratives

It was pointed out that direct result of the equality principles is the attempt to achieve equality in political arena. Political equality involves the rule of individuals, political participation, equal suffrage, and equality in competency -considering specific conditions- in order to gain political status. Due to mentioned explanations, authenticity of the *non-wilaya* principle is a sign of not only political autonomy but political participation. The authenticity of the *non-wilaya* principle may also be used to justify a universal equality for post-political agreements, as well as to determine the general rules at the scope of politics and government. In this regard, it can be argued that these two guidance principles are generally in line with the doctrines of political equality. Considering such an assumption, how to prove, reject, modify, correct, or verify above claims from the perspective of the Qur'an and narratives is explored in the following.

The verse of caliphate¹⁶ is the most influential reference for the equality of human beings in political life. Allameh Tabatabai explains the sons of Prophet Adam associated with him in the caliphate of God on earth; it does not exclusively belong to him (Tabatabai, 1992: 116). In this regard, three other verses¹⁷ explicitly confirm the concept of public caliphate.

Allameh Sadro al-Mutawla'in also publicized the caliphate and believed that mankind has been placed on the earth for being God's caliphate, he has a detailed discussion of the reason of superiority of people on angles, ultimately in this regard he addresses the aim of mankind, that is to be connecting to God, he clarified the illusion that man was preferred over angles for his apparent appearance or substance (Sadr-ol-Mote'allehin:313-299). Maraghi believes that God's caliphate is the successor of God in order to perform God's commandments among people; consequently it is asserted that mankind is the successor of God (Maraghi: 80; Zahiri, 1997: 127). In the interpretation of mentioned issue, this verse is related to the leadership, command, and human's caliphate on the earth. That God has put all the blessings on the earth to man, it turns out that such a creature has wisdom and intelligence, perception and talent (Mālik Shirazi, 1995: 171-2). In this regard, with the verse based on the content of a hadith,

وَ إِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَ نَحْنُ نُسَبِّحُ بِحَمْدِكَ وَ نُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ
مَا لَا تَعْلَمُونَ

Chapter 2, verse 30.

14 وَ يَجْعَلْكُمْ خُلَفَاءَ الْأَرْضِ النَّمل/ 62. إِذْ جَعَلْنَا خُلَفَاءَ مِنْ بَعْدِ قَوْمِ نُوحٍ الْأعراف/ 69، وَ ثُمَّ جَعَلْنَاكُمْ خَلَائِفَ فِي الْأَرْضِ يونس
Chapter 10, verse 14; chapter 7, verse 69; chapter 27, verse 62.

caliphate belongs to the mankind, not intended to a particular person (Tabari, 1993: 157). Although Sunni community consider this verse as the irrevocable reason of establishment of a caliph, it is not obligatory for some of the Mu'tazila to regard the caliphate; they consider community as qualified enough in order to be governed through *wilaya* laws (Zahili, 30-129). Elhami, one of the contemporary of the Qur'an scholars, explains the most significant political aspect of this verse, in line with the principle of *non-wilaya*, as follows:

"In this verse, God grants mankind sovereignty, so that they are the ruler of their own destiny, nobody has any kind of domination over anyone else. According to this verdict, nobody has the right of any other's *wilaya* in the Islamic society; the principle asserts the *non-wilaya* of individuals against each other. This principle denies the authority (domination) of each person on another. One of the significant effects of mentioned principle is lack of authority of the people in a community on one another, except in specific cases where there is a clear and definite reason for the *wilaya*. According to advice of the jurists and Islamic juristic people, in every case in which there is doubt about the nature of the *wilaya* or its boundaries, only the minimum certainty of *wilaya* should be taken into consideration" (Elhami, 1979: 30).

Elhami analyzes the trusteeship verse¹⁸ in order to perform a confirmation of his views. He states: "Most of the Qur'an's addresses are to the masses of the people and the believers." Such statements and other related issues also indicate that the caliphate was given to a human type; everyone, as the trustee of God and his caliph, are to participate in representative sovereignty"(Elhami, 1979).

Through combination of two symmetrical principles of individuality and society, it can be argued that "nobody has the right of domination over the others', in the Islamic society; it is not feasible to maintain a system without forming a government". Thus, it can be concluded that the domination of any individual or group of people shall be made on their own will and they shall choose the government; it is because the government inherently belongs to God for the purpose of establishing justice and executing judgments. Therefore, the people are to set up a government in their own will in order to carry out their duties. Moreover, two famous hadith¹⁹ of the Islam Prophet related to the mutual responsibility of the public and the need to focus on the Muslims' affairs confirm the over mentioned issue. In order to supervise each other and be

¹⁸ "انا عرضنا الامانه على السموات و الارض و الجبال فابيين ان يحملنها و اشققن منها و حملها الانسان" (احزاب/72) Chapter 33, verse 72.

¹⁹ "كلکم راع و کلکم مسئول عن رعیتہ" "من اصبح و لم یهتم بامور المسلمین فلیس بمسلم"

responsible for others, Muslims shall have the authority to establish or govern the state. Therefore, in an Islamic society, the government may not base on force and power, but on the basis of the powers that people of the community have given to their responsible government. In the same manner, Imam Ali, in one of his speeches recognizes the only legitimate government as the one which is established based on the will of the nation; it is because God is always with the congregation²⁰. He added “you are the treasurers of the people²¹ and the representative of the nation.” Based on the viewpoint of the public political caliphate, it is clear that if the result of the equality of human beings in creation is equal to the political right, then from Shi'a point of view, how *Imamah* (a Shi'a doctrine) in the period of presence, and Guardianship of the Islamic Jurist in the period of absenteeism is explainable. In this regard, it is advised to separate the two categories of sovereignty and governance and perform an independent analysis of each one.

7. Sovereignty's Right versus Government's Right

In the realm of governance, there are two types of rights belonging to two separate groups. Governance is a social phenomenon that derives from the special relationship between citizens in a community. The nature of this connection is related to claiming the possession of property and life. While ruling, the ruler seizes possessions and lives. Based on a Qur'an verse that asserts “everything on earth is created for you”²² and other verses, the ownership of public good belongs to the public. While the public property (that is an external matter) belongs to them, their lives will be preferred to be in their own possession. As government is to rule the property and lives of the society; therefore, based on the definite rule of reason and religion, it is not permissible to seize an individual's property without his consent. Thus, in the issue of governance, the first right belongs to those who are supposed to be ruled. The concept of right in this sense is to own something due to ownership of that thing. People are the rightful owner of both their own life and property. The right of people on their own life and property is established both before the enactment of the government and after the enactment of it. Obviously, before the enactment of the government, such a right exists in the social domain potentially without use; after enactment of the government this right exploits actually.

²⁰ الزموا السواد الاعظم فان يد الله مع الجماعة. (شريف الرضى، 1414، 31)

²¹ فانكم خزان الرعيه و وكلاء الامه

²² و خلق لكم ما فى الارض جميعا

There is another right related to the ruler's merit for governance, social commitment, including the purposeful, rational, human, and legitimate capture of dignity and property. It is not an ordinary duty. To fulfill such position, an individual shall have both physical and mental adequate capability²³ in order to perform political management of a society; as well as mastering the principles of customary and religious legitimate laws. Imam Ali has interpreted two mentioned characteristics as the two conditions of power and knowledge of a ruler. In this regard, it can be asserted that the governance belongs to the qualified politicians and they have such a right. In this sense, the concept of right equals to the ability to perform a particular act that derives from both inherent and acquired skills, and also requires a collection of political, customary, and religious information. A qualified person has such a right both before and after the governance enactment. Prior to the governance enactment, his qualifications does not work and he neither is beneficial for himself nor for the others; while after the governance enactment, this competent person performs his actual skills, while others, in proportion to his skill in governing, would be benefited.

For example, overlapping the two different types of ruling rights is similar to the condition of having and driving a shared bus. Consider that a group of people share the ownership of a bus, on the other hand, only one person or certain people are qualified to drive it; thus, there would be two different kind of rights. The former is the right of the owners of the bus which is due to their possession; therefore, the authority to seize it, is due to their own will. While the driver's right is due to his skill, competence, and ability to drive; thus, the leadership of the bus belongs to the driver's right; obviously, others who lack such ability do not have such a right. Logically, such a situation is only feasible through the agreement of both parties. Consequently, both sides will be able to benefit from their rights in practice. In such a situation, the occupancy and leadership of the driver would be illegitimate without the consent of the owners, as the leadership by the owner(s) of the bus may result in the risk of destruction. Thus, ownership does not lead to qualification.

Regarding over explanations, the correct analysis of the nature of governance requires separation of the two types of rights, namely sovereignty and the right to rule both before and after the governance enactment. In the realm of the governance, sovereignty belongs to people, as it belongs to the rule of life and property which is belonging to its people; in contrast, the government belongs to those who are adequately qualified and deserve to rule. They are the

.....ان احق الناس بهذا الامر اقراهم عليه و اعلمهم بامر الله فيه(ابن ابى الحديد، 1404، ج9، 29-328)

ones superior to others in terms of physical, spiritual, and knowledge of the politic and religious laws. From Shi'a perspective, such people are the infallibles in the period of their attendance, and qualified religious scholars (Sharia scholars) in the absenteeism period.

Therefore, the appointment of infallibles for the governance during the time of their attendance; and the appointment of qualified jurists in order to rule the government during the period of absenteeism, do not take the peoples' right of rule at both two stages of before and after the governance enactment. Accordingly, it can be argued that political equality is one of the most significant Shiite underlying political theories of *Imamate* and *wilaya*, of which the practical result is that without the consent of the people (on the basis of discretion, not coercion), the government does not have religious legitimacy.²⁴

Two Quranic concepts including allegiance (in the political terms, not in any different kinds of allegiance), and consultation (in the political arena, not in other areas of life) are in line with the over mentioned theory. The former represents the freedom to express each individual's consent for establishment of the government; the latter expresses the right of continuous participation of people in the area of performing every-day political decision-orientations (not political decision-making).

"According to meaning of the concept of "allegiance", it can be considered that through the agreement and satisfaction of both sides, as people swear allegiance to the ruler, it can act as a means in order to establish a legitimate government. Similarly, the Arab tribes used to be gathered when they needed a qualified ruler to maintain their tribal system and defend it against their enemies. Terms and conditions used to be primarily discussed, after satisfaction of the parties to the content of the agreement; they used to shake hand as a sign of allegiance"(Montazeri, 1984: 523).

Regarding the status of the allegiance as a necessity for legitimization of a religious government, Imam Khomeini asserted that without the will of the majority of a society, peoples' affairs shall not be ruled out; he added that political allegiance at the Early Islam was carried out, with the same purpose. In response to a question on the qualifications of the Guardianship of an Islamic Jurist, he stated as follows:

²⁴ This distinction is also explicitly outlined in Article 56 of the Constitution of the Islamic Republic of Iran.

“*Wilaya* can have diverse forms; thus, being accountable to the Muslims’ affairs (*Tawallâ*) and formation of a government depends on the votes of the majority of the Muslims. This issue has also noted at the Early Islam, and has performed through swearing allegiance to the Muslims’ ruler" (Imam Khomeini, 1998: 459)²⁵. Imam Khomeini distinguished between the two concepts of *Tawalli* (governance in progress) and *wilaya* (qualification for governance), like the distinction between ruler and government. Therefore, the status of a legitimate religious ruling system, considering the fact that it is not only theoretical but practical, may not achieved only through analyzing both the *tawalli* and *wilaya*. A legitimate religious ruling system would be achieved through both legitimate *tawalli* and legitimate *wilaya*. Legitimate *wilaya* performed through the political leadership of religious and customary qualified individuals; legitimate *tawalli* achieved through the people’s consent in order to establishment of the government.

According to the triple consultation (*shura*) verses²⁶, governance is one of the social phenomena that establish common rights, according to which every citizen is equally entitled to be given the opportunity to formulate daily political decisions through any feasible and appropriate manner. In a more precise view, any decision is the outcome of the will of the public through feasible ways and socio-historical capacities.; accordingly, the rulers have the duty not only in such a process, but also provide its long-term and short-term backgrounds; establish bilateral political condition in the Islamic society in a long time period. The consultation (*shura*) verse preferred a government based on the people’s will over a single-minded one.²⁷

Besides over mentioned verses of allegiance and consultation, a set of narratives are also in line with the distinction between *tawalli* and *wilaya*. One of the narratives pertained to Islam’s Prophet about *tawalli* and *wilaya*, appointed the *wilaya* to Imam Ali and the *tawalli* to

²⁵ Such separation in the modern political thought is also exists in various forms. In a new political philosophy, in some respects, sovereignty belongs to people and the rule derives from the rule of the people. Hossein Bashirieh R. (2007). Political Knowledge Training. Tehran: Contemporary View, 29-28. The difference between a modern political thought and a religious political thought is due to the independent analysis or dependence of the state. In the modern thought, the essence of the state comes from sovereignty, while in the religious thought of a state independent of sovereignty, albeit interconnected, it has an independent nature, and sovereignty is different from the right of the state. The other difference between the modern political thought and the religious political thought is that the rulers of the government should have the right to be elected, without which people, their rule is not legitimate.

²⁶ فيما رحمه من الله لنت و لو كنت فظا غليظ القلب لانفضوا من حولك فاعف عنهم و استغفر لهم و شاورهم في الامر فاذا عزمت فتوكل على الله ان الله يحب المتوكلين. آل عمران/ 159 و نيز آيات شورا/ 38 و بقره/ 233 Chapter 2, verse 233; chapter 2, verse 38; chapter 3, verse 159.

²⁷ The author has explained the Responsibilities of the Democratic Government Regarding Political Participation of People from the Perspective of the Qur’an *Olome Seyāsi* N: 66.

the people: "O, son of Abu Talib: You deserve to rule my people. So if the people elected you for the government, with the consent of the soul and agreed to you with consent, then take their political affairs; and if they disagreed about electing you, then leave them in their own situation."²⁸ Accordingly, it can be concluded that Imam Ali deserves of the wilaya for the Muslim, but this merit shall be carried out through the people's election in order to be legitimate. While people do not take any action in this regard, a qualified person, even Imam Ali, shall not rule them without their will. Imam Ali, who has undoubtedly a divine elected ruler of the Muslim, has made serious statements of which the correct interpretations require separating *tawalli* from *wilaya*, in line with the practical interpretation of the Prophet's narrative.

Regarding the authority of the government after allegiance Imam Ali asserted: "O, I swear to the God who broke the seed and created the living beings; if there were not a large presence of adherents with me, and the divine fate would prove to me by the help of comrades, and that God forbade the scientists not to keep silent about the oppressors' over-eating and oppressed' hunger, I would have left the kingdom and caliphate, and then they would have saw that this world was with worthless than a goat's snivel"²⁹ (Mousavi Jazayeri, 2015: 59). In this statement, he has appointed the external incumbency of the governance to the presence of the people.

Moreover, at the time of the people's allegiance, he made a speech in the mosque, in which he explicitly recognized the right to rule from the people, and asserted that any formation of the government shall be depended on their own will: "O people, this government is related to you, It's yours, and nobody has any right to it unless you choose him for government. We were separated somewhere yesterday, while I felt abomination of ruling you, but you, after all, insist me to rule the government."³⁰ Elsewhere he declared: "People swore allegiance to me without neither reluctance nor coercion, but satisfaction and will."³¹ Accordingly, it could be

²⁸ "يا بن ابى طالب؛ لك ولاء امتى فان ولو ك فى عافيه واجمعوا عليك بالرضا فقم بامرهم و ان اختلفوا عليك فدعهم و ما هم فيه" (ابن طاروس، 1375، 9-248)

²⁹ "اما الذى فلق الحبة و برأ النسمة، لولا حضور الحاضر و قيام الحجة بوجود الناصر و ما اخذ الله على العلماء ان لا يقاروا على كظة ظالم ولا سغب مظلوم لألقيت حبلها غاربيها و لسقيت آخرها بكاس اولها و لألفيتم دنياكم هذه ازهد عندى من عطسة عنز" نهج البلاغة خطبه 3

³⁰ "ايها الناس ان هذا امركم ليست لأحد فيه حق الا من امرتم و قد افترقنا بالامس على امر و كنت كارها لامركم فابيتم الا ان اكون عليكم" (مجلسى، 1403، ج 32، 8)

³¹ "بايعنى الناس غير مستكرهين و لامجبرين بل طائعين" نهج البلاغة، نامه 1

claimed that in a religious system, political assurance can still be formally defended. A numerous democratic scholars believe that political equality would not be feasible practically without the relative equality in other scopes of life, especially in the social and economic scopes. Therefore, political equality requires relative economic and social equality which is to be discussed in the following.

8. The Socio-economic Requirements of Political Equality: The Quran and Narrations

The third issue of equality, is the one without which political equality is problematic in practice. As noted above, many believed that political equality requires relative equality of individuals in income, wealth, and social status. As a consequence of this doctrine, the formation of welfare states in various western and eastern countries in order to help various social groups to have equal access to minimum living standards occurred (Qāri Sayed Fātemi, 2003: 53). In a situation in which the society is both economically and socially needy, the political justice in terms of equality will not be practically feasible. From a social aspect, providing free health services, public education and access to social facilities; and from an economic aspect, having the minimum living standards in the housing, food, clothing and living appliances establish the appropriate fundamentals of a socio-economically equal state, in which political equality in terms of establishment of a state, political participation, the expansion of the private life, and monitoring the political decisions are feasible.

In this regard, various ideas may be inferred from the Qur'an and the narrations. Abundance³² and poverty have been introduced as two unfavorable heads of a spectrum in any society, each of which is in violation of the principle of economic justice and shall be prevented. (Hakimi, 2000: 22). Abundance is a Qur'anic term that is characterized by greed and monopoly of wealth in a society (Hakimi). The ultimate goal of the religion is to find the right platform for prosperity (Hakimi). Hakimi considered capitalists, luxury lovers, and aristocrats³³ as multiplicative of formation of abundance; asserted that such economic oppression is prior to political and social one (Hakimi, 22-3). In such a situation, the society faces the phenomenon of political tyranny, instead of Islamic state and Islamic ruler; thus, the role of the prophets,

³² One of the negative aspects of life, in line with play, adornment, and trick, introduced in Qur'an. Chapter 57, verse 20. Elsewhere, Quran has led to neglect and multiplication of people. Chapter 102, verse 1.

³³ Chapter 11, verse 116; chapter 17, verse 16; chapter 23, verse 34; chapter 34, verse 34; chapter 43, verse 23.

righteous, reformers, scholars which is a revolutionary move towards the benefits and rights of the lower class of society would be significant (Hakimi, 23). Hakimi, referred to verse 146 in chapter 3, "How many prophets who have fought many comrades in accompany" that mentioned God has notified the significance of combating against political oppressors and their accomplices (economic oppressors) to the extent of the fight (Hakimi, 24). Moses³⁴ prevention of the cultural upheaval, Haman's misleading of people and helping Pharaoh are resembles of cultural oppressor (Hakimi, 24), who fought against Pharaoh (a political apostate) and Qaroon (an economic apostate). The main point is that the unparalleled efforts of the Qur'an in order to remove poverty are due to the people's primary life requirements at its minimum level (housing, clothing and food) consequently to achieve other goals of life (Hakimi, 25).

In the monotheism religious point of view, in which all human beings considered to be the same as the family of Allah, of which the best are philanthropists³⁵; poverty of the poor is not accepted, their share is considered to be in the wealth of the rich; thus, if poverty, hunger, and homelessness remains in the society, the rich would be criminals and would be subjected to the divine punishment.³⁶ In a such religious system, the mandatory of *khums*, *zakat*, and other financial obligations are only represented the normal state of the social system, and in the comprehensive view of Islam, charity or *infaq* (an Arabic word meaning spending, disbursement simply to please God without asking for any favor or hoping for a return) regarded as a common matter, by which any poverty in the society would be eradicated. Discussion of the concept of charity in the Quran is expressed in an extensive, comprehensive, legal, and moral manner. It is neither limited to mere jurisprudential matters, nor bounded to finite certain obligations. According to the Fia³⁷ verse, the most significant socio-political objective of Islam in the field of economics is to prevent the wealth transferring only in hands of the wealthy people; to prevent depriving the poor from enjoying the state's property. One of the duties of the government is to recognize the private properties as legal and legitimate, as well as to

³⁴ Chapter 20, verses 24 & 42; chapter 79, verse 17.

³⁵ This hadith has been considered in various ways and in various sources of narrative of Imam Sadiq and quoted by the well-known prophet.

³⁶ Imam Sadiq has said that God has taken into account a portion for the poor in the estate of the wealth (Hakimi, 2001, 4, 550).

³⁷ و ما افاء الله على رسوله منهم فما اوجفتم عليه من خيل و لا ركاب و لكن الله يسلط رسله على من يشاء و الله على كل شىء قدير 6 ما افاء الله على رسوله من اهل القرى فله و للرسول و لذى القربى و اليتامى و المساكين و ابن السبيل كى لا يكون دولة بين الاغنياء منكم و ما اتاكم الرسول فخذوه و ما نهاكم عنه فانتهوا و اتقوا الله ان الله شديد العقاب. الحشر/ 6-7
Chapter 59, verses 6 & 7.

prevent concentration of wealth at the high society and consequently occurring the social gap through adopting adequate economic tricks for state-owned assets (Makarem Shirazi, 500-2).

In the description of his ruling period in Kufa, Imam Ali asserted “I had such a ruling period that in Kufa all people enjoyed the minimum standard level of living in terms of food, housing, and drinking” (Ibn Shahr Ashoub Mazandarani, 1999: 99).

It is noteworthy that in line with the principles of today's democracy and fundamentals of Islamic teachings, the provision of the government services for citizens at the economic field and consequently their empowerment for political and non-political rights has been particularly entrusted to the government from the Catholic bishops. They believe that, in addition to the duty of the society and various social groups, it is a moral must of the government, to practically go beyond the minimum standards of living, especially for vulnerable classes such as the unemployed, the poor, the disabled, and the disadvantaged in order to empower them (Us Bishops, Economic justice for all, 1986: 27). Therefore, it can be argued that not only the firm message of Islam, but the spirit of all the monotheism religions are all about political, social, and economic equality. Finally, a number of significant research results are mentioned in the following.

9. Conclusion

- 1- From a religious point of view, political politics is not a phenomenon apart from innate rational requirements. In this regard, the spirit of equality both rationally and religious stems in the inherent equality of human beings in various aspects including rational, emotional, physical, and spiritual.
- 2- From a religious point of view, political justice represents the equality in the area of human sovereignty, which is one of the dimensions of equal sovereignty in a political form. Equal sovereignty requires a legitimate government at both establishment and continuity level, based on the will of the people.
- 3- From a religious point of view, political justice does not confirm the political equality of all human beings' qualification in the scope of governance. This qualification drives from a collection of religious and customary conditions. Therefore, equality in a religious sovereignty varies with equality in a non-religious sovereignty. A non-religious sovereignty

does not include religious qualification conditions, its boundaries are determined only through both the will of the people and the rational understanding of it.

- 4- From a religious point of view, political justice confirms that political equality requires relative economic and social equality. It can be argued that the religious effort on relative economic and social equality is far beyond the minimum standards of life that are now posited in democratic systems.
- 5- From a religious point of view, political justice is more consistent with minority governments than it is with the majority ones. The smaller the realm of the government and the wider the private realm of life, the more religious justification the government will have and the closer to political justice it will get accordingly.
- 6- From a religious point of view, political justice would be achieved through general supervision of people on the state, maximum political participation in decision-making processes by giving related suggestions, further distribution of political power among political institutions, and increasing political growth of the people, rather than keeping people at the level of political poverty. There would be more religious justification to the extent to which the politics are far from single minds and come out of the common wills. Any denial of the community members of political information, leads the state away from religious political justice.
- 7- One of the governments' duties is to provide a set of economic and social services for each citizen, especially for vulnerable classes. The main goal of enjoying all of the minimum standards of living is to make people able in order to achieve their own goals. From the perspective of this research, the ultimate goal is to provide citizens sufficient physical and mental abilities in order to achieve political rights; by which, a comprehensive prosperity of the worldly and the afterlife could be achieved.

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