

The State in Mirza Na'ini's Political Thought

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Received: 2021/08/08 * Revised: 2021/09/28 * Accepted: 2021/10/19 * Published Online: 2022/01/10



Abstract

In the contemporary Iran, the state has undergone important changes in the external reality, and various theories have been proposed for it. Apart from the absolute sultanate that has been dominant in Iran since long ago, there came about an important change in this form of theory of state in the constitutional movement, and the constitutional monarchy became the subject of discussions. Ayatollah Mohammad Hossein Na'ini was among the important personages, in constitutional period, who dealt with the theoretical discussion on the state. Na'ini composed his treatise entitled *Tanbīh al-Umma wa Tanzīh al-Milla* and took an important step in theorizing on the state and justifying the goals of constitutional movement. However, the main question is as follows: "What is the central axis and the point of focus in Na'ini's discussion in *Tanbīh* as one of the most important treatise published in the constitutional period?"

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* Lakza'i, SH. (2022). The State in Mirza Na'ini's Political Thought. *Journal of Islamic Political Studies*, 4(7), pp. 77-104. DOI: 10.22081/jips.2022.73515

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This article claims that Na'ini's effort in his *Tanbīh* is focused on theorizing about the state and his main effort is dedicated to a comprehensive look at the state. To explain the state as he had in mind, Na'ini entered a dialogue about the necessity and nature of the state, types of state, goals and duties of the state, limits of individual's freedom and power of the state, review of the rival views and identifying the rival state, especially the people's role in the state. Besides, considering the sophistries posed in this regard and explaining some of the concepts such as freedom and equality have also been proposed in that theory. The present article makes use of descriptive and analytical method to discuss the aforementioned claim and offer a short description of Mirza's theory of the state.

Keywords

the state, possessive state, authoritative state, limiting sultanate, constitutionalism movement, Mirza Na'ini.

1. Introduction

In the contemporary Iran, the subject of 'the state' has always been a line of discussion and dialogue among thinkers, and of course, is still so. Accordingly, it has not been fixed in the form of an ideal theory, it has not been agreed upon theoretically, and has not been realized practically. Indeed, the contemporary state has experienced many evolutions, from tobacco movement and constitutional movement under the Qajars to Shahrivar 1320 SH and occupation of Iran by the Allies, Mordad 28, 1332 coup, Khordad 15, 1342 uprising under the Pahlavi dynasty, and the war imposed on Iran by the Iraqi Ba'ath party, which lasted for eight years, under Islamic Republic of Iran. Among these events, discussion about the state, especially since the constitutionalism movement, started by the scholars in a serious manner. In other words, the constitutionalism era is the era of entrance of concepts crystalized in the form of western civilization and their meeting with the political concepts in the Iranian society (Heydari, 1399 SH, p. 355). And important personages have theorized in this regard by presenting related discussions. Ayatollah Mohammad Hossein Na'ini, known as Mirza Na'ini, was one of the influential thinkers in that era. He composed the treatise *Tanbīh al-Umma wa Tanzīh al-Milla* and took a long step in offering Islamic political thought and explaining the issues related to the state in that era. It may be said that the abovementioned treatise is the most important work in the whole constitutional period, the work that must be considered and discussed from the viewpoint of the concepts of political thoughts including political philosophy and political jurisprudence as well as the new questions and needs, especially the 'theory of the state'.

Thus, the question of the present article is posed as follows: "What are the features of the theory of the state in Mirza Na'ini's political thought, and what are its pillars and components?" In the introduction section of the book *Theories of the State*, the author has spoken of the

criteria of classification of the state, including the necessity of the state, the nature of the state, the end of the state, limits of individual's freedom, and the authority of the state as well as the source for legitimacy of the political power (Vincent, 1987, p. 7). This, indeed, refers to the framework and generality of a theory of the state. In view of the complementary statements I added to that view, this article claims that Na'ini, firstly, has attempted in his treatise entitled *Tanbīh al-Umma wa Tanzīh al-Milla* to make theorizations on the state. Secondly, his efforts are focused on explaining the pillars and main components constituent of the state in the constitutional movement, including the following ones: necessity and nature of the state, goals and duties of the state, limits of the individual's freedom and the state's power, review of the rival views in discussions about the state, and especially explaining the two theories of 'possessive state' (*dowlat tamlīkiya*) and 'authoritative state' (*dowlat wilāyatiya*); and finally, the result of all these items is considering the people's role in the state, which is revealed from the discussions presented about the state and can show the depth of the theory of the state. It seems that the whole discussions offered in *Tanbīh al-Umma wa Tanzīh al-Milla* have made it possible to propose the theory of the state in Mirza Na'ini's view. This idea has not been considered by researchers and, thus, no effort has been made for presenting Na'ini's theory of the state. The present article deals with formulation of that theory, which is an innovation of this article.

As stated before, Na'ini's theory of the state has not been discussed in detail so far; however, some related points have been discussed in various works (see: Firahi, 1399 SH; Abadiyan, 1385 SH). As far as the author of this article knows, none of them claims to present Na'ini's theory of the state in a complete form. Therefore, the idea offered in the present article is not merely restatement of what has been mentioned in various works; rather, it is a reconstruction of Na'ini's theory based on the aforementioned criteria regarding the theory of the state. Thus, we

have attempted to deal with all discussions needed in the theory of the state and present a modern perception of it. In this perception, the state is a collection of institutions whose result of activities is the management of the society. Thus, the mission of this article is the analysis of the features, elements and pillars of the state, although Na'ini has some discussions about the characteristics of the ruler and the agents of the state, with which we will deal indirectly. The collection of Na'ini's discussions helps us in theorizing about the theory of the state in the present time. In this section, especially in delineating the relationships between the state and the people, Na'ini's theory has been mentioned, which – in my view – is an important and reliable point. Besides, emphasis on the presence and activities of people and their political and social rights as well as their role in the society along with adjustment of their relations with the state cover an important part of the related theories, and we may deal with such discussions by founding them on Na'ini's view.

Among the aforementioned discussions, the freedom and limitation of the state and absolute sultanate and moving towards constitutional sultanate or authoritative state seems to be one of the most important goals pursued by Na'ini in *Tanbīh al-Umma wa Tanzīh al-Milla*. Accordingly, we may say that *Tanbīh al-Umma wa Tanzīh al-Milla* is a treatise about the freedom and limitation of sultanate as the most important feature of the state in Na'ini's view. Regarding the motivation in composing that treatise, Na'ini himself speaks of the oppression imposed on God, the Infallible Imam and the people. He asserts that according to the right hadith, the Prophet said, 'Whenever, heresies are revealed in my nation, the scholars must reveal their knowledge (and struggle with them); the scholar who does not so will be cursed by God.' And Na'ini concludes that "silence in such atheism and playing with the clear religion and not assisting the sacred religion in rejecting this opposition and clear oppression are opposed to

religious obligation, and even it is assisting [the oppressors] in that oppression. Therefore, I as the least servant of the brilliant religion in the position of performing this obligation and rising to establish it, consider it necessary to reveal the opposition of that atheism with the necessity of Islam.” (Na’ini, 1393 SH, p. 38). This necessity and obligation is a theoretical attempt for explaining the limits of individual’s freedom and authority of the state. Anyway, the present article makes use of the descriptive and analytical method and the approach of political philosophy to deal with a discussion on the aforementioned claim.

2. The necessity and nature of the state

In his introduction to *Tanbīh*, Mirza Na’ini states the necessity of the state and shows with this statements that he considers the existence of the state necessary for performing the expectations and wishes of the society. The most important point in his view is that the necessity of the state is not merely a religious affair, but a rational one, which is – of course – supported by the religion as well (Na’ini, 1393 SH, p. 39). Indeed, what Na’ini has adduced for necessity of the state is a rational affair defended by all human beings, and the basis of the system of universe and human life is founded on existence of the state and politics. This is while defending the necessity of the state in *Tanbīh* does never mean that the ideal state for Na’ini must rule; rather, in his view, the mere existence of the state for establishing order is fundamentally necessary and important; and the existence of a defective state is much better than absence of state. Thus, Na’ini defends a political structure in the society that can minimally take over a part of social duties and realize them. Na’ini, therefore, has asserted later in his discussion that the state “whether depended on one individual or collective group, whether headed rightly or by usurpation, by force, or through inheritance” (Na’ini, 1393 SH, p. 39) is – nevertheless – necessary. He has also mentioned various formulations

of the state and apart from the defects of each, he maintains that the existence of each of these states is superior and preferred to absence of state. Na'ini's most important reason for existence of the state is that because of the state "establishment of the system of universe and human life" is realized. It is possible that this is done by one individual or by a group. Taking over that position may be right or through usurpation. And finally, this action may be done by force, through inheritance or election. Anyway, the society needs a structure in the form of the state that can organize and manage its public affairs.

One of the influential consequences of the absence of the state, in Na'ini's view, is the decline of religion and independence and identity of the nation (Na'ini, 1393 SH, p. 39). In Abbas Heydari's words in his book entitled *Andīshay Siyāsī Nā'īnī* ("Na'ini's Political Thought"), the first principle is that the world's affairs not be let alone to go towards disorder and anarchy. Indeed, God has created the universe and granted it order, continuing it according to His knowledge and power. As a result, in human affairs, the same principle is running, which is created and realized by the state (Heydari, 1389 SH, p. 85).

Further in his discussion, Na'ini considers all consequences of "establishment of the system of universe and human life" as founded on two most important principles in the political arena. These two principles are in the domestic and foreign spheres (Na'ini, 1393 SH, pp. 39-40). We may understand that "establishment of the system of universe and human life" is dependent on the necessity of the state who must be active in two spheres: first in the internal sphere wherein it must make efforts to protect the domestic systems of the country, educate citizens, give rights to their owners, and prevent transgression of citizens to one another. The second is the foreign sphere wherein it must make efforts to protect the country against foreign interference and common tricks and, in another word, preserve the country's independence and prevent the interference from the foreigners,

equipping and reinforcing the martial and defensive forces for protecting and defending the country's borders against possible attacks from foreigners. In sum, Na'ini points out this has been called, in the language of the religious people, "protecting the egg of Islam" and in other nations "protecting one's homeland". Besides, Na'ini maintains that there are two duties on the shoulders of "the political and civilizational laws" in the purified *Shari'ah* (i.e. religious law) as well as the practical philosophy (Na'ini, 1393 SH, p. 40), which consists of three parts: purification of morality, management of the house and policy of the cities. Thus, the political and civilizational laws of the religion and prophets as well as the practical philosophy and the philosophers must take over the responsibility for theoretical and practical policies needed by the state to realize the two main duties that cause the state to be necessary. Thus, both the prophets and philosophers are considered the sources for practical policies for realization of the state's duties (Na'ini, 1393 SH, p. 40). And this is considered as an important point in promoting the position of philosophical discussions and philosophers regarding the state.

Anyway, although the nature of the state has not been dealt with elaborately in *Tanbih al-Umma*, considering the necessity of the state we may find out Na'ini's view on its nature as well. Thus, the state serves as a tool constructed volitionally by the man (Heydari, 1389 SH, p. 85). It takes action in both domestic and foreign spheres in policy making and doing adjustments in the public domain. Accordingly, the order is established in human societies. Indeed, the mechanism created leads to generation of order in the society and prevents disorder in the system of human life. Of course, in this regard, in terms of the goals and values of the society or according to the rulers' wishes, the state may have various orientations based on which a variety of states will emerge. Of course, its main task is generation of order in the society on the basis of values accepted. Besides, regarding the necessity of the

state, we must say that he justifies this necessity with a variety of reasons. Among them, he maintains that both the intellect and the practical philosophy as well as the religious law and the transmitted accounts along with the wise persons in the world have stressed on the necessity of the state and asserted that societies require a structure named the state for performing their public affairs, which are common in all societies.

3. Types of the state

Although we may name a variety of states in Iran up to the constitutional movement, Na'ini has formulated states in a different form. He has spoken of two types of states (or as he calls, two types of 'sultanate'), each of which is on the opposite side of the other. By establishment of each of them, the society will be affected by that one. Indeed, two states are on the opposite sides and the presence of one means the absence of the other. From another perspective, we may say one of these two types of the state is supported by Na'ini and is somehow his theory of the state. This type must deal with creating order and managing public affairs in the constitutional period. Another type is the non-ideal and represents the rival theory. The first type is *tamlīkiya* (possessive) and the second type is *wilāyatiya* (authoritative). To the former type, Na'ini refers by terms such as *istibdādiya* (dictatorial), *tasaluṭiya* (dominant), *taḥakkumiya* (imperative), *istiḥābiya* (slaveholding), and *iḥtisāfiya* (movement without guide and going astray; behaving without contemplation and policy). However, he calls the authoritative state as his own ideal state under the titles including *muqayyadiya* (constrained), *mas'ūliya* (responsive), *ādila* (just), *maḥdūda* (limited) and *mashrūṭa* (conditioned). The concepts asserted in explaining the two types of the state and the distinction of them are very clear and illustrative. However, in order to analytically investigate them and their distinctive features, we deal

with the discussions presented by Mirza Na'ini in his *Tanbīh*. He maintains that “the quality of dominance and tenure of the sultan in the country can be in one of the two forms in view of its being restricted to possessive or authoritative, with no third form” (Na'ini, 1393 SH, p. 40). Although Na'ini's view in restricting the state into two types can be criticized, it seems that in this formulation of the state, Na'ini has considered the scope of the state's interference and tenure and those of the ruler on the one hand, and the level of people's freedom on the other hand, and has classified types of the state on that basis. Apart from what we mention about the distinctive features of these two types of state in *Tanbīh*, it is quite clear that this view in formulation of the state in *Tanbīh* refers to the limits of individual's freedom and the state's authority, which we will elaborately deal with in the next section of the article.

3-1. The possessive state

The specific feature of the possessive state lies in the personal look at the state and creating personal relations with governmental institutes. Na'ini considers this relation as a personal ownership (Na'ini: 1393, p. 41). Na'ini's metaphors and allegories in stating this feature go on and all what may be running about the personal properties of a person are also running in the relationship between the ruler and the existing affairs in the country as well. Among other features asserted by Na'ini in explaining the possessive state is that the state and the ruler “will seize anything they want from its owner and will grant it to their associates, and any right they want they will give to or withhold from its owner; and they will be free in any occupation and seizure” (Na'ini, 1393 SH, p. 41). This is while – as we mentioned in the former section – for Na'ini, one of the most important rational reasons for necessity of the state is that it must take action for giving all citizens their rights, not giving rights arbitrarily or violating whatsoever.

Indeed, the state is equally responsible for giving all citizens their rights, and it must take actions in this regard. But in the possessive state, anything “is contingent upon the ruler’s wishes and desires” (Na’ini, 1393 SH, p. 41). In effect, the state and the rulers as the agents of the state are absolutely free to do anything and the public affairs must be running in line with their interest and desires.

According to Na’ini, “Since this type of sultanate is arbitrary and based on the dominance of all owners on their personal properties and according to the sultan’s personal desires, it is called *tamlīkiya* and *istibdādiya* and also called *istiḡbādiya*, *ightisāfiya*, *tasalluḡiya*, and *taḡakkumiya*. And it is clear that these names are proper for their referent. And the owner of such a sultanate is called absolute ruler, sovereign, owner of people, cruel oppressor and the like” (Na’ini, 1399 SH, p. 42). It seems that the adjective ‘absolute’ here is a complete summary of all features of this type of state. Such a state is among the absolute states in its political sense; that is, a tsar who takes action in an absolute form and governs according to his desires. This state, having all moral vices, is morally rejected as well, because in Na’ini’s words, “doing whatever it wants, and governing however it wants, not accepting responsibility for what it does, ownership of people and the like are among the divine attributes specific to God and His exalted essence” (Na’ini, 1393 SH, p. 43). Thus, such a state claims even to be God, as the Pharaohs in Egypt did (Na’ini, 1393 SH, p. 43). This type of governance in the form of absolute state has no limit and accepts no supervision, and the ruler seizes people’s properties as far as he wishes.

An important point in Ayatollah Na’ini’s discussion is the origin and reasons for emergence of such a state, asserted clearly by him. Indeed, if we want to summarize Na’ini’s view in one sentence, we may say that whenever the nation is insensitive to determining its social and public fate, then the absolute state or the possessive

sultanate is formed and considers itself the owner of people, interferes in people's personal lives upon any excuse and dominates over them (Na'ini, 1393 SH, p. 43). Thus, for understanding the origin of absoluteness and dictatorial nature of a state, we must not ignore the role of citizens in accepting this type of state; and considering Na'ini's view, we may say that people play the greatest role in emergence of such a state.

3-2. The authoritative state

According to what we mentioned about the possessive state, the authoritative state and sultanate is in the opposite point. Therefore, the most important feature of the authoritative state is that it is not an interfering and tsar-like state in interaction with its citizens. Thus, the state's interferences in public affairs of the society in various spheres is not as the possessive state does. That is, the state is not in the "position of ownership, sovereignty, tsar, and arbitrary governance" (Na'ini, 1393 SH, p. 43). Indeed, its power is limited and specified, and it is responsible in proportion to its powers. Based on what Na'ini stated about the necessity of the state, limited and conditioned interference and responsibility are among the main features of the authoritative state (Na'ini, 1393 SH, p. 43), and accordingly, the scope of political freedom is broadened and the citizens' personal properties are also protected from the state's arbitrary interferences.

We may say that the ideal state supported by Na'ini is the authoritative state wherein the basic duties of the state, especially in the domestic and foreign spheres, are paid attention to. Thus, "its real truth and its core is authority over establishment of duties pertaining to order and protecting the country not the ownership, and consumptions, not in one's own passions" (Na'ini, 1393 SH, p. 44). Such a state enjoys various degrees and orders, but the important point is that the behavior of this state in the society is based on creating order and protecting the country. Thus, he asserts that "the size of the sultan's dominance is

limited in proportion to his authority over the aforementioned affairs, and his tenure – whether right or by usurpation – is contingent upon not transgressing that limitation” (Na'ini, 1393 SH, p. 44).

While the scope of this state's tenure must not be such that it shows its arbitrariness and its absoluteness as well as its ownership, one basic feature of this state is that all individuals – including the ruler and the ordinary citizens – participate in all affairs and are equal to the sultan (Na'ini, 1393 SH, pp. 44- 45). Thus, apart from the equality of all individuals with the sultan in financial and non-financial affairs, the foundation of the state and the sultanate – unlike the possessive state and sultanate – is considered a trust. Of course, it is not clear how this can be right if the state is usurper. The trusteeship nature of the state is inconsistent with its usurpation; and Na'ini has not offered any analysis for this. We may say that the state that is formed through usurpation but is not absolute in its actions and interferences is preferable – for Na'ini – and is naturally better than the possessive state wherein the ruler is absolute and owns the people's lives.

Another important feature of the authoritative state is that “all members of the society are – in proportion to their participation and equality in rights – able to pose questions and objections and are free and secure to do so, not having the bonds of being subordinate and subject to sultan's personal wishes and those of other officials” (Na'ini, 1393 SH, p. 45). This feature is also considerable, and such a view can lead to spreading freedom of expression and critique and objection and, consequently, expansion of political freedom in the society, which includes all citizens. Of course, referring to what we mentioned, this section also is not consistent with the usurpation of authoritative state. However, on the one hand, such an atmosphere – in Na'ini's words – makes the state and the sultanate “restricted and limited, just, conditioned, responsible and imperative” (Na'ini, 1393 SH, p. 45). These concepts are the main elements and basic features of the

authoritative state inside themselves, and in formulation of the authoritative state, these concepts are considered as the fundamental and important pillars of this state. These restrict the state and expand the domain of the freedoms and prove people's participation and presence in public affairs in a broad way.

In addition to the aforementioned features for the authoritative state, Na'ini maintains – on the truth of this type of state “from the perspective of authority and trust and like other types of authorities and trusts” – that in such a state, we will not see any transgression, negligence and oppression, because it is – opposed to possessive state – limited and conditioned in its powers (Na'ini, 1393 SH, p. 45). However, what this limitation is and how it is produced is, for Na'ini, both internal and external. Na'ini proposes this discussion under the ‘infallibility’ as the protector of the authoritative state and sultanate (Na'ini, 1393 SH, p. 45). What is important here is that Na'ini considers ‘infallibility’ or ‘internal supervision’ as specific to Imams, and for others he refers us to external supervision as the force substituting the protective faculty of infallibility. Thus, the authoritative state – in addition to the supposed internal supervision to which the rulers must commit themselves – must include a type of external supervision as a result of which they will not exit the title of being authoritative. Thus, the foundation of this external supervision is based on ‘watchfulness, reckoning and responsibility’ (Na'ini, 1393 SH, p. 46). Therefore, infallibility needed by the agents of the authoritative state is not restricted to the internal infallibility; rather, they must be equipped with external supervision as a substitute for the internal infallibility and – meanwhile – the state must be preserved as the authoritative entity, not going out of its right path, which is creating order in the society. Such an infallibility in external supervision is realized – as stated in Na'ini's *Tanbih* – through two ways: first, compiling constitutional law and second, formation of national assembly or National Parliament.

“Having order” or constitutional law – which was among the most important discussions on constitutional movement and generated various theoretical discussions, indeed, clarified the limits of governance. Therefore, it well restricts and specifies the ‘necessary’ affairs wherein the state is allowed to interfere and those affairs wherein the state is not allowed to interfere. Similarly, the constitutional law involves duties and degree of the ruler’s dominance and the nation’s freedom as well as the discernment of all rights of the classes of society in accordance with the official religion. Na’ini rightly asserts that the constitutional law is “in political and typical systems like the practical [catechism] treatise in worship and transactions” (Na’ini, 1393 SH, p. 47). Thus, protecting and looking after the state and not violating its duties are based on the constitutional law; and thus, according to Na’ini, “it is called code or constitutional law” (Na’ini, 1393 SH, p. 47). Besides, as for the rightness and legitimacy of such a law, “no other condition will be valid except non-opposition of its articles to religious laws” (Na’ini, 1393 SH, p. 48).

The National Assembly as the second pillar along with the constitutional law serves as the supervisor over the executive power (i.e. the state), and the external supervision along with the constitutional law as the theoretical dimension, serves as the practical dimension. Accordingly, expectation from the MPs increases considerably, because performing one’s supervising duty is a heavy duty that cannot be oversimplified or ignored. In Na’ini’s view, the parliament has been constituted from “the wise men and the benevolent members of the society, who are aware of the international common rights and the political duties and requirements of the age for calculating, watching out and supervising in establishment of the needed typical duties and preventing any kind of transgression and negligence” (Na’ini, 1393 SH, p. 48). From this, we infer that the parliament’s status is very high in Na’ini’s view and he considers a weak parliament with non-expert

members as a path to turning the authoritative state into possessive state. Thus, the national parliament deals with the supervision on executive pillars through aware and knowledgeable representatives, but the parliament itself will be “under watching and responsible for all members of the nation” (Na’ini, 1393 SH, p. 48).

4. The state’s goals and duties

From what we stated up to now, we may find out in short that among the most important goals of the state in Na’ini’s view are establishing order and social discipline, protecting the country against foreigners, expanding justice in society, and preventing trespassing people. Some of these goals are, of course, more fundamental, and preventing trespassing people helps us in establishing order and discipline in society. Thus, Na’ini’s stress on the state’s prevention of trespassing people and not being owner of people can be a foundation for realizing other goals that the state must make effort to realize them.

In the first chapter of his treatise *Tanbīh al-Umma*, Na’ini mentions the truth of the state and sultanate for the religions and the wise persons. Thus, he refers to repetition and explanation of what he has dealt with in the introduction to that treatise and writes, ‘the main goal of the establishment of sultanate and state, and especially creating various institutes of the state, is establishing and preserving order in the country’. Na’ini concludes that “Thus, inevitably, the sultanate in any religion – whether it is taken rightly or usurped – is ‘trusteeship and authority over the order and establishment of other duties pertaining to guarding’” (Na’ini, 1393 SH, pp. 69-70).

Na’ini considers this perception of the state’s main goal as opposed to the view that looks at the state from the viewpoint of dominance and ownership and governs the society arbitrarily. Accordingly, in addition to the introduction of *Tanbīh*, he emphasizes that the goal is “balancing between the right-holders and giving any right-holder his

own right; not because of arbitrary possession and the appropriation of the responsible person” (Na'ini, 1393 SH, p. 70). This goal is indeed the essential element of creating the state, and thus, is of great importance for Na'ini, and is considered as a goal and duty for the state as well.

In addition to what we mentioned of Na'ini's discussions, in the second chapter of *Tanbīh*, he discusses the limitation of sultanate in the Occultation Period.¹ And in the third chapter, he reemphasizes the limitation and constitutionalism of the state. The summary of his view in the early part of chapter three reminds us of the goals of the state and sultanate. We can say that the Islamic state, for Na'ini, is created with consultation and participation of the wise people and the public, which can be regarded as a kind of public acceptability (Na'ini, 1393 SH, p. 83). In the third chapter, he explains the consultation in the Quran and then refers to the Prophet's way of life in consulting with his companions and stresses on Imam Ali's seeking consultation. Indeed, these emphases are because we may achieve the state's goals when there is an atmosphere of participation and consultation and the state has a public acceptability.

5. The individual's freedom and the state's power: a reflection on sophistries

From what we stated in the discussion on types of the state based on Na'ini's view in his treatise *Tanbīh al-Umma wa Tanzīh al-Milla*, we may find out how the spheres of individual's freedom and the state's power are. In sum, considering Na'ini's view, the foundation of the possessive state is “on slavery of the nation and ownership of their lives”. But the authoritative state is founded on “freedom from that slavery and participation and equality of all members of the nation”. Thus, we can find out the distinction of these two states in the

1. The period when Imam Mahdi, the twelfth Shiite Imam is absent.

individual's freedom and the state's power. Here, in addition to what we mentioned on the distinction between possessive and authoritative states, most discussions are proposed in relation to individual's freedom, and the sphere of the state's authority is assessed on the basis of it.

According to Na'ini's view, the authoritative state – in addition to two pure principles of freedom and equality – is founded on consultation, and the pillars of that state are established in view of constitutional law and supervision of the National Parliament (Na'ini, 1393 SH, p. 96). Accordingly, the sphere of freedom and equality is spread out and people participate and interfere in public affairs accordingly and will be influential in their own fate.

On the contrary, considering what was mentioned before, and considering Mirza Na'ini's view, the basis of the possessive sultanate is founded on slavery and discrimination and, thus, we cannot show a sphere wherein the individual's freedom is acknowledged. Thus, in the possessive state, considering the fact that there is absolute ownership and arbitrary performance and the citizens are under the state's and the sultanate's will, there is no participation in the process of public affairs, and public participation in various spheres is not possible. Consequently, there is no equality between the people and the sultan in financial and non-financial affairs.

Unlike the possessive state and sultanate wherein there is no way for people's free participation in their fate and the society's public affairs, and the slavery and discriminations are dominant there, the foundation of the authoritative state and sultanate is based on the freedom and equality. Na'ini asserts that the authoritative state "is founded on freedom of people from that damned slavery and their participation and equality with one another and the sultan in all typical affairs of the country, including financial and non-financial; and the nation's right to reckoning and watching out and the official's

responsibility is among the subsidiary items of that principle” (Na'ini, 1393 SH, pp. 49-50). To explain that issue, he deals with some of the events in early Islam that denotes the nation's freedom and equality with the rulers, and continues his discussion with an analysis and formulation of the condition of freedom and equality throughout the history of Islam (Na'ini, 1393 SH, pp. 50-51). This formulation is important because it shows a comprehensive historical analysis about the condition of governance from the early Islam to the constitutional period based on a Shiite scholar's view regarding the freedom and equality. In this analysis and formulation, what is more important is giving maximal emphasis to the two principles of freedom and equality that could have led Muslim nations throughout history on the basis of Islamic values and teachings. As a result, whenever these two principles were violated and declined, Muslim nations were going backward and, in Na'ini's words, this backward movement was indeed a return to ignorance before Islam. The main factor in that return was deviation from principles of authoritative state based on freedom and equality towards the possessive state based on slavery and discrimination.

In his discussion in *Tanbīh*, Na'ini puts emphasis on necessity of freedom and equality and calls these two principles – as the foundations of governance – “two blessed principles” (Na'ini, 1393 SH, p. 90) and “two pure and clean principles” (Na'ini, 1393 SH, p. 96). Thus, it seems that the strengthening pillars of the state for him are freedom and equality; and, in his view, such a look is axiomatic from the perspective of Islamic law and especially the Imamiya denomination (Na'ini, 1393 SH, p. 90). This view leads simultaneously to limitation of the state and – considering what we delineated in types of ideal state – the state must manage the society on the basis of freedom and equality as well as public participation and consultation.

Mainly in chapter four of *Tanbīh*, Na'ini shortly answers the sophistries posed on some of the concepts propounded on the

constitutional period. The most important sophistry is about the two principles of freedom and equality, but Na'ini also speaks of other sophistries and answers them, sophistries directly related to the limits of individual's freedom and the state's power.

5-1. Freedom

As mentioned before, Na'ini's authoritative state is founded on freedom from slavery and bondage (Na'ini, 1393 SH, p. 96). Thus, the subject of freedom is much discussed in *Tanbīh al-Umma*, and – on the other hand – the basic distinction between the possessive state and authoritative state is freedom. However, freedom in the constitutional movement is one of the most disputed matters among various views. Na'ini, who was one of adherents of freedom, and his view of the state is basically assessed from this viewpoint and his ideal state – i.e. the authoritative state – is also based on freedom, maintains that a part of the literature proposed by the opponents and critics regarding freedom is somehow a sophistry, and of course he considers sophistry about freedom as “greatest sophistries of the world” and maintains that “discovering its truth is the most important and the most necessary task” (Na'ini, 1393 SH, p. 96). Na'ini clearly regards people's conflict with the state as a conflict on 'freedom' and confirms such a conflict in favor of freedom and for weakness of the possessive state. Accordingly, freedom from slavery and bondage to the possessive state – which is in effect the usurper oppressor sultanate – is an important and basic point in change of the states.

This change of the states from possessive to authoritative has no contradiction, in Na'ini's view, to religion and denomination. Accordingly, based on Na'ini's words, it seems that he presents a very deep view on freedom, especially freedom in its negative meaning. He continues to assert that such a goal as freedom from slavery and bondage of such state is the goal of any nation, whether they are

religious or not (Na'ini, 1393 SH, p. 97). It seems that the view presented by Na'ini is a point to rely on in defending the expansion of freedom in the authoritative state, because the opponents adduce the religious teachings for their opposition, and Na'ini does not basically regard the origin of such a conflict to be religious; rather, he regards it to be what the whole nation wants. Indeed, they all wish to decide for their fate and society and manage it. In effect, as Na'ini asserts, the conflicts here return to the usurper and possessive state, not to the creator and owner Lord. Thus, he stresses on the fact that basically such a conflict was the task of the prophets in facing with Pharaohs and tyrant rulers to free nations. This was the reason for their struggles, because the prophets sought to turn the states from possessive into authoritative and, thereby, the nations achieve the blessing of freedom (Na'ini, 1393 SH, p. 97).

In addition to references to the conditions of Iranian society and Iranians' awakening, Na'ini asserts that "the truth of despotism of the usurper state is its usurpation, and its constitutionalism is its being separated from usurpers" (Na'ini, 1393 SH, p. 98). Thus, a change from the absolute state to constitutional state means people's freedom from bondage and their movement from possessive state to authoritative state. He enumerates such a change in the state in the present era among the requirements of this period, emerged due to people's growth in awareness. Therefore, he considers – in a very important statement – a return to the past path, i.e. the existence of possessive state as the owner of people's lives, an impossible idea (Na'ini, 1393 SH, p. 99).

Tendency towards the nation's freedom from slavery of the state and making freedom consistent with religious teachings is – of course – what was considered by Sayyid Jamaluddin Asadabadi before Na'ini. Thus, apart from the effects Na'ini received from Kawakebi's important work on the nature of despotism, we may consider his relations with Sayyid Jamal to say that this intellectual proximity

between these two and their associations, especially their link with Mirza Shirazi, the great figure of Tobacco Movement and the jurist who sanctioned tobacco and considered Iran's way to independence, prepared the grounds necessary for supporting the constitutional movement and defending freedom and the authoritative state in Na'ini's thought (see Lakza'i, 1385 SH).

5-2. Equality

Apart from the freedom, another subject that prepared the ground for expansion of freedom and people's participation in the public arena and limitation of the state was equality, which was – however – like freedom, entangled in many sophistries that overshadowed its principality. Thus, Na'ini has clarified this issue in his *Tanbih*. The pure principle of equality, in Na'ini's words (Na'ini, 1393 SH, p. 99) – just like the blessed principle of freedom – deals with limitation of sultanate and the state, and it is a step towards the state's becoming authoritative and far from being possessive (Na'ini, 1393 SH, p. 100). This principle, indeed, means expansion of people's public activities in an equal way. In effect, for Na'ini, the principle of equality has many capacities in generation and emergence of the ideal state, which cannot be ignored.

Na'ini's statement denotes that not only is equality the wish of all Muslims, but also it is a wish of all people of the earth, and it is both a religious and a rational principle defended by all nations. But the principle of equality has been introduced in a way that all people may hate and deny it. This is while he considers the principle of equality as the second pillar of “the asset of the national felicity and life in officials' responsibility” which prevents them “from arbitrary preferences and despotic transgressions”. Thus, the principle of equality can help us in modifying the relationships between the nation and the state and make them run in facing with laws, judgements and

penalties in an equal form. According to what we state up to now, in Na'ini's view, understanding equality is axiomatic and needs no reasoning (Na'ini, 1393 SH, p. 101).

He, then, puts forward a detailed discussion about equality in Islamic teachings (Na'ini, 1393 SH, pp. 101-102). The important emphasis he puts on the discussion of equality is that "the foundation of justice and spirit of all political laws is equality, and Islam's necessity for no permission of violating it is among the axiomatic ideas" (Na'ini, 1393 SH, pp. 102-103). This look is found in Principles of Religion from the Shiite viewpoint as the principle of justice (*ādā*), which shows its importance.

5-3. The constitutional law

Another component that can – in Na'ini's view – lead to limitation of the state and turn the state from possessive into authoritative and can lead to expansion of the sphere of freedom in the society is the constitutional law. This is while, for the first time, it was possible to enjoy a constitutional law showing the lines of movement and map of the way of a country and the mode of governance was doubted, but Na'ini defended the '*dastūr asāsī*' or the constitutional law. In Na'ini's view, the principle of constitutional law is for limiting the oppressors' oppression (Na'ini, 1393 SH, p. 106). Thus, Na'ini has attempted to propose the necessity of constitutional law and defend it.

The most important point stated on rejecting and denying the [importance of] constitutional law, however, is that the constitutional law is some sort of heretical innovation in the milieu of Islamic life. In answering the discussion for explaining the idea of heresy, Na'ini maintains heresy is where there is a system confronting the Sacred Legislator, presenting what is non-religious as divine law. For him, however, "no commitment and obligation will be heretical without nearness to the aforementioned title" (Na'ini, 1393 SH, p. 107). Such an issue may be personal, like sleeping, eating, waking up, and the like. It may

be typical including a small group of the people in a family, or a village of a city, who act in a special way for adjusting their affairs; or it may include a large group who act in a special way for adjusting their affairs. Anyway, in Na'ini's view, these have nothing to do with heresy, whether they are based on aforementioned adjustment or the booklet of constitutional law (Na'ini, 1393 SH, p. 107). Another point proposed by Na'ini in criticizing the opponents of constitutional law is the discussion on 'preamble to an obligatory action' (Na'ini, 1393 SH, pp. 107-108).

5-4. The supervising committee and the National Parliament

Na'ini's discussion about the supervising committee and the National Parliament is one of the most detailed points discussed in the fourth chapter and in rejecting the sophistries posed. The importance of this discussion is due to the fact that in case it is realized, limitation of the state is definite, because one of the most important activities of the supervising committee and the National Parliament is supervising the state's institutions to prevent them from going beyond the limits specified in the constitutional law, and thus, this limitation and supervision is realized and secured through public freedom and equality. In Na'ini's view, it is due to this importance and the role of this committee that opposing it is offered more severely (Na'ini, 1393 SH, p. 110). However, questioning this issue and challenging it has been done through four sophistries:

- 1. The nation's interference in imamate:** in this sophistry, the following question is emphasized: "What do the people have to do with interfering imamate and sultanate of his majesty Imam Mahdi?" (Na'ini, 1393 SH, p. 110). Na'ini's answer is as follows: "Neither Tehran is the Sacred Area nor is Glorified Kufa; neither the usurpers of the position are those great personages nor do the representatives of the nation have any duty except preventing

usurpation and oppressive domination for another purpose.” (Na'ini, 1393 SH, p. 111). Thus, there is a basic discrimination and in Na'ini's view, one cannot negate the supervision and limitation of the state with such analogies.

- 2. People's interference in *hisbiya* affairs¹:** in this sophistry, not limiting the state is emphasized, while Na'ini is going to argue for limiting the state (Na'ini, 1393 SH, p. 112). Indeed, Na'ini asserts both the conventional affairs regarding the people's presence and supervision and the religious affair which he regards obligatory as forbidding evil. As a result, in Na'ini's view, one cannot hinder people's supervision and their watching out the state using such sophistries. In completing this discussion, Na'ini refers to two points: one is no necessity of the jurist's charge and the sufficiency of his permission for rightness and legitimacy, and the other is the hierarchy of charge of *hisbiya* affairs wherein if the general deputies are not able to perform their specified duties, it is the believers' turn to take action; and if it is not possible, all people must do that, and in Na'ini's words, “it is incumbent even on the evildoers among Muslims along with all Imamiya jurists” (Na'ini, 1393 SH, p. 113).
- 3. Non-conformation of the supervising committee and the religious lieutenancy:** the third sophistry refers to the discussions pertaining to “proving non-conformation of appointment of supervising committee and the religious lieutenancy”. In Na'ini's words, this sophistry is ‘ridiculous’. Besides, it refers to paying tax and conventional meaning of lieutenancy (Na'ini, 1393 SH, p. 114).
- 4. Heretical nature of validity of majority's opinion:** the fourth sophistry for non-legitimacy is considering the validity of

1. In jurisprudence, *hisbiya* affairs are all those good and recommended affair that the Islamic laws want to be enforced but do not determine any certain person for enforcing them. / translator.

majority's opinion as heretical. In answering, he regards the corruption and invalidity of this sophistry as evident from the former discussions and in stating the truth of legislation and heresy. However, he asserts other matters as well (Na'ini, 1393 SH, pp. 15-116). He continues the discussion and adduces the Prophet's behavior in Ohod Battle and Imam Ali's behavior in Seffin Battle to prove the validity of the majority's opinion and acting accordingly (Na'ini, 1393 SH, p. 117). With this discussion, thus, Na'ini confirms the validity of majority's opinion, which means somehow the limitation of the state so that it may not act without the majority's opinion.

What was emphasized here is the institutional and individual expansion of individual's freedom and limitation of the state's power, which was emphasized by Na'ini in the form of validity of the majority's opinion, validity of the supervising committee and the National Parliament, people's presence and interference in *hisbiya* affairs and their interference in public affairs, which completes his theory of the state.

6. Conclusion

The present article discussed the subject of the state in Ayatollah Mohammad Hossein Na'ini's political thought and sought to introduce his theory of the state using a descriptive-analytical method in a brief and comprehensive form based on the synoptic look in the introduction of *Theories of the State*. Although paying attention to the theories of the state in such a short article seems to be insufficient and needs detailed research, discussion and comparison with other thoughts in the constitutional movement, it seems what we mentioned in previous pages was able to offer a general perspective of the theory of the state in Mirza Na'ini's political thought. Na'ini was among the influential personages in the incomplete movement of constitutionalism

in Iran. He composed the important treatise *Tanbīh al-Umma wa Tanzīh al-Milla* to offer his view about constitutionalism, and especially the concepts proposed there. Of course, what the author claimed was that the treatise was Na'ini's important step in explaining the theory of the state in contemporary Iran, and that treatise must be reread from this perspective. Thus, it seems that other instances of rereading in this regard are deviating and do not show the author's main purpose. In the present article, it has been explained that Na'ini has expanded the theory of the authoritative state by criticizing and negating the possessive state; and in the time when God, the Infallible Imams and people are oppressed, two kinds of oppression fade away from them by proposing the idea of authoritative state in the constitutional movement, and consequently, by relying on the constitutionalism and its realization, one can limit and control the state and prepare the ground for manifestation of people's role. What distinguishes the theory of the authoritative from other views about the state is Na'ini's most important defense of the extent of people's presence and role as the basic pillars of the theory of state in the time of the Infallible Imam's occultation. Thus, freedom, equality, validity of majority's opinions, constitutional law, limitation of the state, etc. are especially important in theory of the state in Na'ini's political thought. This importance is doubled due to the fact that Na'ini presents evidences from the Quranic verse and traditions as well as the way of life of the Prophet and Imams and attempts to justify and rationalize his view on the state by philosophical and religious thinking.

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