

Ayatollah Na'ini's "Right and Obligation" Approach to Supervising the State

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Abstract

The present study aims at answering the following basic question: "Based on what thought Ayatollah Na'ini believes in the people's right to supervise the state, while other opinions such as no right to supervision (based on people's religious competence) or supervision based on natural rights (substantive) in the Western thought are proposed in this atmosphere and have some followers?" The research method is argumentative and philosophical analysis and the study claims that Na'ini has used his own divine anthropological foundations and believes in innate/divine rights on the one side and in existence of a right-obligation relationship on the other hand, believing in a right for people to supervise the state. The results suggest that for Na'ini, the human – due to his being human – enjoys some pre-religious rights, and he considers them as the essentials of the human's life, survival and perfection, believing that as long as the members of the society do not enjoy them, the society is afflicted with laxity and indolence. Through the conscious presence and supervising the state, people can prevent the

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emergence of despotism and autocracy as well as oppression and injustice, and can remove obstacles in the way of just system to prepare the ground for flourishing of the individuals' talents.

Keywords

right, obligation, supervising the state, innate rights, Iran, Ayatollah Na'ini.

Introduction

Ayatollah Na'ini is a personage who lived his scientific and intellectual life and had his political and social activities in the contemporary Iran. In its intellectual, political and social atmosphere, the contemporary Iran observed the entrance of Western modernist as well as philosophical and political-social thoughts to the extent that it made its intellectuals entangled in conceptual chaos and the struggle of tradition and modernity. The intellectual and political-social milieu of Iran before its encounter with the new Western thoughts was a milieu wherein, regarding an issue such as the relationship between the state and the nation in proportion to the values originated from traditional values and the common understanding of religion and Iranian nationality, the nation considered itself obliged to obey the state and its laws and orders, though what was commanded and what was enacted as rules and regulations were detriment to the interests of the nation and made the statesmen more despotic and servile.

But the milieu of Iran after its encounter with and the entrance of the Western modernist thoughts and philosophical and political-social ideas was quite different and a pile of diverse thoughts and expectations emerged, including change of expectation in the type of the relationship between the state and the nation so that right-centrism substitutes obligation-centrism. This can be the source for deep changes in form and content in the contemporary Iran.

Imported thoughts in this period speak of changes and expectations that are in conflict with political life and the ideology governing it, and they were not demanded. The metaphysical emergence based on the individual instrumental intellect cut from revelation has many effects in various spheres, especially the sphere of politics and political life in a way that it contains both a certain form of civil relations, changes the state-nation relationship, and speaks of public nature of the state and its being elected and supervised by people.

Management of this type of intellect in the west becomes the foundation of capitalist system and demands widespread complicated bureaucracy in the human relations and the state's reliance on people's votes (Bashiriya, 2001, p. 20). And one of its reflections in Iran is that in this period, they speak of people's right against the state and the government as well as enacting laws of which no one spoke before in Iran. This type of changes, especially in the level of thought and intellection, has made the present intellectual community face serious challenges with traditional values, and the result is that it leads some to a path covered by the West in distancing itself from despotism and going towards development and progress. It also makes some reject it and some reflect and intellectualize on it, making itself face the question of what to do. Can one achieve, in the discourse of religious and indigenous values based on one's values, development and progress from what the West has achieved? Can one remove the obstacles to development and progress, revise the foundations, intellectualize on what has led to development and evolution, explaining and promoting it to be requested? Ayatollah Na'ini was among the persons who asked how one can be free from the internal despotism and achieve what leads to dynamism and people's rights as well as their active participation in development and progress. He asked how one can hinder the despotism of the states and lead them towards granting people's rights so that one can both prevent their despotism and turn the state-nation relationship from a one-sided obligation-centered relation into a right-obligation relationship on which people can exert their supervision.

The question of this article is as follows: "With what justification did Na'ini maintain that to be free from domestic despotism and development and progress of the society, people have the right to supervise the state and its performance so that the state-nation relationship and the political management of the society and its

organization be based on the right-obligation relationship, not the one-sided obligation-centered relationship?" The brief answer is that Na'ini, based on his anthropological approach, considers the human a rightful creature and considers for the members of the society some obligations as well as civil rights; and one of the instances of these rights is the people's right to supervise the state. The result and the achievement of such an encounter is (1) getting the society out of laxity and indolence, and (2) being able, through this informed and supervisory presence over the state, to prevent despotism, autocracy, oppression and injustice of the state, removing the obstacles for the establishment of a just regime, defining the state-nation relationship on the basis of a mutual relationship founded on right and obligation, preparing the ground for people's supervision on the state. This claim is investigated in two following lines:

1. Na'ini's theoretical foundations on supervising the state in the contemporary Iran

There are disagreements on what period constitutes the contemporary Iran. Some consider it in the Safawid period and the establishment of the Shiite state, and some others regard it as the period of the establishment of Qajar despotic government under the influence of the interactions between Iran and the Western state as well as the effects of defeats in the wars. Still some others consider it as the time of the entrance of modernist thoughts of the modern West into the intellectual atmosphere of Iran and the emergence of a conflict between tradition and modernity, which appeared in Qajar period. The author of this article considers the contemporary Iran to be consisted of the time of conflict between tradition and modernity, because the Constitutional era was the age of the entrance of productive concepts of the Western thought and their encounter with political concepts in the Iranian society (Heydari Behnuya, 2020, p. 355). This time also includes

the active scientific and political-social presence of Ayatollah Na'ini.

In the modernist approach of the new West, it is assumed that faith is a heavenly affair and belongs to the sublime world, and the instrumental intellect belongs to the worldly and earthly world as well as its administration, florescence and prosperity. This is while in the Islamic philosophy, the heavenly and earthly worlds are consistently connected with one another, and the religion and intellect are complementary to each other. This type of modernist thoughts are in conflict with the traditional approach in the contemporary Iran (Shaygan, 1995, p. 224).

The entrance of this type of philosophical thoughts and political-social ideas of the modern West into Iran arose basic questions on the concepts of the political life in the minds of the intellectuals of the contemporary Iran, influencing many individuals positively or negatively. Those who were positively influenced by thoughts of the modern West were attempting to understand the concepts of politics, life and political phenomena in the framework of famous ideologies such as socialism and nationalism, especially liberalism and its intellectuals such as John Stuart Mill, Voltaire and Montesquieu (Akhund-zada, n.d., pp. 3-8, 31-35). In that era, the nation and the intellectual community of Iran became aware that some of the newly emerged states in other societies were quickly covering the path of progress. The observation and occurrence of such evolutions outside the geographical borders and their influence on the Iranian intellectual community made the nation and the state anxious and posed new concerns and new questions for them, including the following one: 'If the new Western political powers are successful and efficient and have close ties with their nations to the extent that people support the state and the state is at the service of people and gets its legitimacy through people and people supervise the state through certain channels, why is that condition not possible in the contemporary Iran?' Posing such

questions caused the intellectuals of the contemporary Iran, including Mirza Na'ini, to speak of people's rights and demand them.

Therefore, the discussion on 'right' and its relationship with 'obligation' and discussion on its role in the necessity of the state and its legitimacy are among the most important disputable arenas of political-social milieu of the contemporary Iran, and attract the minds of the intellectuals. Due to differences in foundations, disagreements in their nature and relationship emerged. Questions like the following ones turned into serious challenges: "Is the foundation and the goal of the creation of human seeking truth and truth-centrism so that the humans enjoy a glorious life in its light or is it obligation-centrism so that the human can achieve the status of servitude to God in the light of performing his duties and obligations?" "Is the foundation of humanity right-centrism or obligation-centrism?" That is "Does the human achieve his rights because he is right-centered and some obligations are put on his shoulders or is he obliged to obey God from the onset?" "Must the human achieve perfection based on the determination of his basic rights?" "In that case, must he know those rights first and find his character accordingly, give meaning to the life and make it accordingly or are these affairs based on obligations?" "Are these religious laws and obligations for observing the rules of truth or vice versa?" "Does human – due to his being human – enjoy pre-religious rights or not?" And as to the state, "Is God the source for legitimacy of the state and people have no role in it?" "Must the state be responsible before people and do people have the right to supervise the state?" Reflection on such questions about the state and right and the like was a serious challenge for Na'ini and he, inevitably, had to pose this issue as a theoretical discussion in the political-social life under the title of 'people's right to supervise the state'. To do so, he used his own anthropological foundations for believing in the fact that the humans are rightful and, hence their right to supervise the state.

2. Na'ini's encounter with the issues of right and obligation in the contemporary Iran

In the intellectual atmosphere of the contemporary Iran, two meanings of 'right' were considered and adduced by the thinkers. One was 'being right' based on its conformity to justice and the system of goodness of the universe, and the other was 'having right' as human's fundamental right. In the former, the issue of 'right' and 'obligation' and their relationship with one another is not proposed, but in the latter, they are proposed, and the two theories of natural right and divinely given right pertain to it. In its traditional sense, right and in a linkage with justice and just and good system of the universe means rightness and being right, 'being rightful' and having a right living. But the thought of the contemporary Iran is influenced by the Western modern thought and in the modern paradigm, the right has been defined as 'having right'. right-centeredness and having right in the Western modern thought and for the modern human means that the human is not responsible before and does not obey any other being, even God, except himself (Kachu'iyan, 2003, p. 25).

In the contemporary Iran, right in the sense of 'having right' – though it is an achievement of the evolutions in the modern West – has been requested. This sense is in contrast to 'being right' – which is its traditional meaning and is opposed to falsehood – and in contrast to 'obligation'. In the thought of the modern West, right has been guaranteed as a free will and is considered as one of human's fundamental rights, and it is the product of the theoretical and practical liberal and egalitarian discussions (Rasekh, 2002, pp. 186-188). But 'obligation' is, for philosophers, a legal relation based on which one person has the duty to perform or give up a task before another person; and as a result, one is called 'creditor' and the other is called 'debtor' (Saliba, 1991, pp. 139-140). And in regard with 'right' in the sense of 'having right', the obligation is loaded when the right is fulfilled.

3. Na'ini and the approach of the Islamic philosophy to the issue of 'right'

In the system of the Islamic philosophy, whatever has found an existential mode, it enjoys the mode of 'being right' and truthful¹, taking the mode of rightful person (having right). In that case, 'right' can be considered as one of sources and basic substructures of legitimacy of the state, and in the political philosophy of Islam, right-centrism and protecting right becomes the basis for the reality of the state and politics.

“Thus, necessarily, there must be some policy that persuades each [person] with the status he deserves and leads him to his right, shortening the hands of each from transgressing and impinging others' rights” (Tusi, 1994, p. 252) so that the state can get people's consent in ruling (Davani, 2012, pp. 220-221). For Motahhari, corresponding to each talent and capability in human, some right has been granted to him in the form of potentiality that must be actualized. In other words, he believes that each natural talent is a document for a natural right (Motahhari, 1995, p. 186). This means that the politics and the state are the administration of the objective and external realities of the society founded on granting rights; otherwise, according to Khaja Nasiruddin Tusi, any state not founded on wisdom, legitimacy, justice and observing people's rights prepares the ground for its fall from inside (Tusi, 1994, p. 252).

Therefore, for Islamic thinkers, the Islamic state is based on the philosophy of right and granting it as well as wisdom and civility, leading to a special political order that, on the one hand, its function is justifying and explaining the rights and civility and other perfections such as stability and peace and, on the other hand, its functions is granting that right and employing reason and civility in politics (Tusi,

1. The Exalted God, as the pure truth, is the head of all beings.

1994, p. 252). In that case, the duty of the state is protecting the public rights of civil individuals and among its essentials is preventing and supervising them. Imam Khomeini believes that any individual member of the society has the right to criticize and question the Muslims' ruler and receive persuasive answer (Imam Khomeini, 1994, vol. 4, p. 190) so that – according to Vaezi – a proper ground is prepared for public participation (Vaezi, 1999, pp. 129-132).

4. Na'ini and confrontation with the foundations of the famous views

Regarding the origin of right in contemporary Iran, there are different views. Some consider the origin of right to be nature, and believe that the human enjoys natural rights. Some such as Mirza Na'ini believe in innate rights (Na'ini, 1982, p. 64). He maintains that human innately enjoys some rights. Accordingly, there is a relationship between 'right' and 'obligation', and obligation and duties are the way to obtain rights. This is because obligation is opposed to right and suggests a special approach to life and human, not what is there in a legal relationship between God and the Servant in the sense of humbleness before God and accepting its essentials for the order in human's life and behavior. (Kachu'iyani, 2003, p. 29). In this approach, obligation is like a concept among the concepts dealt with in social sphere and is the fundamental concept in Iranian traditional law wherein human rights are not considered except as corresponding to human's obligations (Tabataba'i, 2007, p. 129). In that era, right and obligation are mainly applied with three different and perhaps contradictory foundations, and are sometimes foundations for opinions and thoughts as well as enacting laws and regulations.

The first foundation, influenced by the new Western thought, considers human as not responsible and subordinate to any being; rather, it considers human as the origin of any right. The second foundation, based on the interpretation it presents of the religious and

philosophical tradition, has become obligation-centered and considers human dutiful in all individual, collective, behavioral and non-behavioral affairs. According to this foundation, Sheikh Fazlullah Nuri maintains that obligation precedes right (Yusefi-Rad, 2017, p. 128). The third foundation thinks in the sphere of the religious and philosophical Islamic tradition. This foundation, with its legal reasoning method, believes in right in the public affairs granted by God from the human perspective, not from the perspective of faith and religiosity.

In this foundation, the human – in public sphere – has some rights that the state must observe before he is obliged to perform obligations such as obeying the state. Based on typical and primary rights for people and conditioning the legitimacy of a state to observing people's rights, Mahallati introduces the despotic absolute Qajar ruler as a state that considers no right for people (Mahallati, 1995, p. 499). However, he considers people's interference in their fate and the supervision of people's representatives over the power and the state as the absolute and essential right of the worldly life of a nation, although it is out of their capacity in the affairs related to religion and hereafter. This right is true in all types of governmental occupations as well as political and cultural affairs and the affairs pertaining to development and prosperity (Mahallati, 1995, p. 516).

Mahallati maintains that based on the fundamental rights for people in public affairs, the criterion for validity of all types of governments is observing people's rights and interests. He divides types of government into limited constitutional government and the independent sultanate, and considers the government of the prophets and 12 imams (PBUT) for proving the people's typical rights and observing the public interests and its general benefits. Therefore, in the limited constitutional government, he grants people rights to enable them to interfere in and supervise over the political affairs of the country through the National Consultative Assembly.

Thus, there are different perceptions of right and obligation in the contemporary Iran in proportion to the extent of making use of the foundations and paying attention to the religious and philosophical traditions or making use of and following the foundations of Western modernity. Nevertheless, choosing one of those two can have a considerable role in forming the life and political order as well as supervising the ruler in the contemporary Iran (Yusefi-Rad, 2009, p. 66).

5. Na'ini's anthropological foundation regarding the issue of right and obligation, and its consequences

The emergence of the concept of 'right' in the sphere of morality and politics is among the indices and even the achievements of modernity. This made the thinkers – both religious and non-religious – of the contemporary Iran, influenced and surprised by the phenomenon of modernity, to speak of the relationship between right and obligation and the principality of each in Islam. For them, the question arises as to whether the language of Islam is the language of 'obligation', and in that case, any discussion on right is a non-religious and extra-religious discussion and people enjoy political rights or it is the language of 'right and obligation'. In that case, both discussions are religious and people enjoy both rights and obligations. In that era, those who spoke of individual's right as it is and believed in its principality were seeking to harmonize democracy and new Western concepts with Islam. All contents of the treatise entitled *The Rights and Duties of the Nation*, which introduces one of the intellectual trends of constitutionalism, are dedicated to the individual's rights and the duties arising from it in the society and for the nation. The unknown writer of that treatise could introduce the intellectual atmosphere of that era. By giving principality to 'right' as opposed to 'obligation', he considered the basis of humans' life, progress and evolution in recognizing rights and fulfilling them, regarding them as

the essential leaven of humans (*The Rights*, 1907, pp. 25-26). Thus, for those who believe that the human enjoys – by his essence and nature – basic rights such as freedom, politics must be founded on equality of rights (*The Rights*, 1907, pp. 99-100). Mirza Malkam Khan, one of the intellectual personages of that era, had such a concern and showed that some of the reflections and concerns of that era got far from obligation-centrism and went towards fulfilling rights (Mirza Malkam Khan, n.d., pp. 27-39). For them, there are some rights in Islam, whose function is supervising and objecting the state and government's function. Among them is the right to enjoin good and forbid evil. One of those who believe in that view says that the right to supervise and pose objection, obtained by the nations of the world in return for sacrificing millions of lives and properties against oppressors, is like the very right of 'enjoining good and forbidding evil' that we enjoy in the light of the Sacred Essence of the Universal Intellect and the Last Prophet – our souls may be sacrificed for him – and we have lost due to our negligence and improvidence (Yazdi, n.d., pp. 158-159). They consider the origin of individuals' rights to be humanity and believe in some human essential rights for him, as if they believe that freedom is the same as rights and the rights are the same as freedom (Yazdi, n.d., p. 28).

In his confrontation with two interrelated questions on the relationship of right and obligation on the state and the obligation to obey it, Ayatollah Na'ini moves in accordance with the Islamic religious and philosophical doctrines and considers some rights for people in the public sphere. He puts forward the discussion on right and obligation before God and believes that the human has both rights and obligations. But the rights that God has granted to the human are not due to his piety and being religious; rather, they are [granted] due to his humanity (Yusefi-Rad, 2017, p. 127).

Therefore, he considers choosing the jurists and the representatives of the Consultative Assembly as people's right in political affairs,

regarding it as a definite, essential and divinely-granted right, proposing religious arguments for it to the extent that he considers the term '*al-amr*' in the Quranic verse '*wa shāwerhum fil-amr*' as an absolute term that refers to all political affairs. In that case, politics and consultation accompany one another and this means that "from the perspective of Islamic religious law, whatever is political is inevitably consultative" (Firahi, 2015, p. 254).

Therefore, in Na'ini's thought, the origin of belief in right and priority of right over obligation is the theory of God-given right and innate right. According to that theory, the human enjoys primary and general rights, but its origin is the rights that God has granted to the human due to his glorious status in the hierarchy of existence. Based on this origin, he chose the view of priority of right over obligation, but with the anthropological basis that human is the noblest creature of God (the Quran, Anbiya: 105), and he absolutely enjoys some rights (Na'ini, 1982, p. 28). On the contrary, Sheikh Fazlullah Nuri proposed the theory of obligation-centrism and priority of obligation over right. He has specified the theory of servitude [to God] as the origin of his view and believes that servitude to God necessitates that the human, in all individual and collective affairs, find out what duties and obligations God has put on his shoulders through the jurists (Nuri, 1983, p. 42).

Such an approach to 'right' and its origin led Na'ini to a theory of the state based on which he believes in two types of duties for the state in the discussion on types of the states:

1. Preserving the domestic system of the country, leading any rightful person to his rights and forbidding transgressions.
2. Preserving the independence of the country and protecting it against the foreigners' interferences. (Nuri, 1983, p. 7)

The above statements suggest that Na'ini considers the existential philosophy of the state to be providing order and security, granting people's rights, and providing public expediencies. This approach to

the state is the very idea common in the traditions of the Islamic philosophy as the necessity of the state and politics as well as granting people their public rights. Khaja Nasiruddin Tusi defines the function of politics as follows: “Thus, inevitably, there must be a policy to persuade each to have the status he is rightful for, reach them to their right, and shorten the hands of each from impinging on others’ rights” (Tusi, 1994, p. 252).

Na’ini’s approach to people’s rights and in relation to the existential philosophy of the state causes him to consider a worldly nature for the state with a worldly-otherworldly and material-spiritual function, regarding it as the authority of endowments. According to it, not only is the state’s ownership regarding the subjects negated, but also people become the true owners and the state becomes an institution for serving the nation and as the guard of their rights, whose limits of authority is in the sphere of implementation (Na’ini, 1982, p. 43). That is, the state has the duty to establish equality among the rightful persons (*taswiya fi mā bayn arbāb ḥuqūq*) (Na’ini, 1982, p. 43). And even more, it had the duty to grant any rightful person his right (Na’ini, 1982, p. 43), in a way that the truth of the Islamic government, state and sultanate is in observing the people’s public right, without any privilege for one another and for the rulers (Abadiyan, 2009, p. 235). Otherwise, it turns into despotic religious government (Na’ini, 1982, pp. 44-45).

6. Na’ini and the necessity of supervising the state

Some consider supervising the state as the symbol of power and – in view of the fact that, literally, it means control and taking care (Ibn Faris, 1990, vol. 5, p. 444) – as an activity whose goal is a comparison between *what must be* and *what is*, between the *desired things* and the *beings*, and between *the predictions* and *functions* so that some vivid results

are obtained and given to the managers of an organization (Delavari, 2002, p. 104). Some have the concern for confirmation of functions with the rules and certainty in achieving the goals (Malik Afzali, 2003, p. 21). Anyway, supervision in order to assure access to organizational goals and preventing deviations and management of costs is done in a defined process and mechanism so that one can prepare a good preventive capacity for controlling the power (Izadhi, 2008, pp. 186-189) and achieve the organizational goals with less costs and better quality.

In the contemporary Iran with its record of despotism, and in line with preventing possessors of power from misusing power in enslaving people through necessity of the jurist's entrance into the legislative power, Na'ini believes that there must be individuals with ability to do legal reasoning among the representatives. This is because with the presence of a jurist among representatives of legislative power and supervising them, the enactments of 'consultative government' becomes religiously legitimate (Moqimi, 2006, pp. 148-149). In his view, the principle of consultation in which wise persons believe (Na'ini, 1982, p. 6), and politics which is in the container of society and is among typical things (Heydari Behnuya, 2007, p. 63) wherein all people have shares (Na'ini, 1982, p. 6), and the principle of 'enjoining good and forbidding evil' (Najafi, 2007, p. 366) which is inferred from the related Quranic verse and traditions, are evidence for proving the right to supervision for all citizens (Na'ini, 1982, pp. 53-55). Therefore, if Na'ini knows the necessity of the state for establishing order and observing public expediency in justice and granting their rights (Na'ini, 1982, p. 7), he also considers among its essentials the people's right to supervise the state.

"The public, both due to the consultative nature of sultanate and due to the tax they pay for essential expediciencies, have the right to control and supervise; and this is obligatory from the perspective of

preventing transgression under the principle of ‘forbidding evil’; and its possibility in that regard is dependent on the nation’s choice” (Na’ini, 1982, pp. 78-79).

Na’ini regards politics as something complicated and its complexity necessitates that he maintain controlling people’s rights is among their rights; nevertheless, no one can do this and it is necessary that some certain individuals with some certain conditions take over this responsibility and come together in the form of a ‘preventive hindering board’ (Na’ini, 1982, p. 15). The members of this board must be among the wise and intellectual persons who are benefactors, so that they can – with their scientific ability and familiarity with politics of the day to defend the people’s rights in various affairs and prevent despotism.

“Erecting the pillars of controlling and supervising and the complete responsibility for appointing ‘preventive hindering board’ consisting of wise and benefactor persons who are both aware of the common international rights and informed of the political duties and requisites of their time is for reckoning, controlling and supervising in performing the typical essential duties and preventing any transgression and negligence. The representatives of the nation and the scientific power of the country form them, and the National Consultative Assembly is their official gathering place. The complete reckoning and responsibility can be realized and protect the limitations and hinder the authority from turning into ownership if most directors – who form the executive power – are under the control and supervision from the board of representatives and they also are under the control of all individual members of the nation. Weakness in each of these two responsibilities causes invalidity of limitation and turning the truth of authority and imamate into despotism of the directors...” (Na’ini, 1982, p. 15).

Na'ini considers public affairs in cases where all people can enjoy their right to interfere in their own affairs through parliament and other institutions so that the management of public affairs is done through gathering taxes and consuming them for establishing typical expediencies and granting any rightful person his own right (Na'ini, 1982, p. 7). And the public affairs are realized with the people's presence and participation.

Na'ini's foundational look at the issue of the right to supervise the state causes him to document the supervision over the state with the text of the Quran and Sunnah, confirm it with the way of life of the wise persons, and believe that it is an axiomatic and undeniable fact (Na'ini, 1982, pp. 56-57, 75). This is because the human's ambitious nature causes him to turn towards misusing power in any position unless he enjoys the protective faculty of infallibility (the Prophet or the infallible imams) or there must be an external preventive (*musaddid* (Na'ini, 1982, p. 56)) and hindering (*rādi'*, Na'ini, 1982) force. In this way, it may prevent deviations and corruptions as well as misusing rulers' power, instead of the divine preventive power, and prevent the Islamic state and sultanate from turning into despotic authoritative state, observing the typical public expediencies of the people (Na'ini, 1982, p. 58).

He calls such a state "*dowlat wilāyatiyya*" (i.e. authoritative state) (Na'ini, 1982, p. 8) wherein in addition to creating freedom for people "[that] causes the exit from vegetative and animal modes and going to the world of human's nobility and glory, which is among the essentials of faith in Unity in the position of special Names and Attributes" (Na'ini, 1982, p. 28). Rather, it leads to creation of equality among the individual members of the nation, and between the nation and the ruler in all rights and religious rules. "The equality between all members of the nation and the ruler in all rights and rules" (Na'ini, 1982, p. 28) means the validity and legitimacy of the state and the necessity of the state for just observation of people's rights in the civil life so that

they achieve exaltation and human's nobility. Without observing people's rights, the state and the government cannot be instances of Islamic and authoritative government whether in the age of infallibles or in the age of non-infallibles.

Conclusion

The despotism-stricken atmosphere of the contemporary Iran and the governance of the autocratic regimes that hindered florescence of the humans' talents as well as the necessity of reflection on freedom from them and preventing their repetition, on the one hand, and the demands originated from promotion of concepts of the modern thought in the West with a different metaphysics in the political-social and the cultural-intellectual milieu of that era, on the other hand, made Mirza Na'ini think how one can consider people' demand for 'supervising the state' as a right based on the intellectual foundation, regarding it as a rational necessity and religious obligation for preventing the repetition of despotism in the Iranian society.

With a belief in human's enjoyment of innate/ pre-religious rights – which are essentials of life, survival and perfection – Na'ini considers fulfilling those rights as the state's duty. Thus, the 'right' must be the axis of the politics and the state, and granting, preserving, and fulfilling it must be the state's function so that the state can enjoy legitimacy and acceptability and force its people to perform civil tasks. Otherwise, if the 'right' is not the basis for interaction and equilibrium of different affairs, one must expect oppression and tyranny from oppressors and depravity of those who do not enjoy power and force. According to this main criterion, the state's desirability for Na'ini is observing people's rights, which are observed in the authoritative state of the age of Imam's presence due to his infallibility and are observed in the Occultation period with a belief in and commitment to observing people's rights and their right to

supervise the state. Indeed, the desirable state for Na'ini in the Occultation period is the constitutional state provisioned with the law and its preventive mechanisms so that the possibility of fulfilling people's rights and defending them is provided. In the age of the infallibles' presence, he considers the element of 'infallibility' in the ruler as the guarantee for the survival of authoritative sultanate and not turning it to possessive sultanate. And in the Occultation period, wherein that element is an impossible one in the ruler, he introduces people's supervision over the state as a substitute for it, which is justifiable in the framework of the constitutional state, so that people's public expediency is preserved and transgressions that are possible in the humans polluted with lust and passion are prevented.

References

* The Holy Quran

1. Abadiyan, H. (2009). *Mafāhīm Qadīm wa Andīshayi Jadīd (Darāmadī Naẓarībar Mash'ūṭayi Īrān)*. Tehran: Kavir Publications. [In Persian]
2. Akhund-Zada, F. (n.d.). *Maktūbāt Kamāl al-Dowla*. Manuscript in the National Library (reg. no. 123). [In Arabic]
3. Bashiriya, H. (2001). *Darshāyi Dimukrāsībarāyi Hama*. Tehran: Institute of Contemporary Look. [In Persian]
4. Delavari, R. (2002). "Niẓārat bar Qudrat az Dīdgāh Qurān" in *Political Sciences*.no. 19. [In Persian]
5. Davani, J. (2012). *Akhlāq Jalālī*, Masoudi Arani, 'A (ed.), Tehran: Ittelaat Publications. [In Persian]
6. Firahi, D. (2015). *Āstānayi Tajaddud: Sharḥ Tanbīh al-Umma wa Tanzīh al-Milla*. Tehran: Ney Publications. [In Persian]
7. Heydari Behnuya, A. (2007). *Andīshayi Siyāsī Āytollah Mīrzā Mohammad Hussein Nā'īnī*. Qom: Bustan Ketab. [In Persian]
8. Heydari Behnuya, A. (2020). *Zabān wa Nāsāzihā dar Sukhan Mashrūṭa*. Qom: Research Center of Islamic Sciences and Culture. [In Persian]
9. Ibn Faris (1990). *Al-Mu'jam al-Maqāṭīs al-Lugha* (vol. 5).Beirut: Dar al-Jid. [In Arabic]
10. Izadhi, S. S. (2008). *Niẓārat bar Qudrat dar Fiqh Siyāsī*. Qom: Research Center of Islamic Sciences and Culture. [In Persian]
11. Kachu'iyān, H. (2003). "Ḥaqq Miḥvarī wa Taklīf Miḥvarī Sunnat" in *Political Sciences*, no. 22. [In Persian]
12. Khomeini, S. R. (1994). *Kowthar (collection of Imam Khomeini's lectures)* (vol. 4). Tehran: Institute of Publication of Imam Khomeini's Works. [In Persian]
13. Mahallati Gharavi, M. A. (1995). "al-Li'ālī al-Marbūṭa fī Wujūb al-Mashrūṭa" in *Rasā'il Mashrūṭiyat*, Zargari-nijad, Gh, H. (ed.). Tehran: Kavir Publications. [In Arabic]

14. Moqimi, Gh. H. (2006). *Mashrūfiyat, Jumhūriyat, Islāmiyat*. Qom: Ma'nagira Publication and Research Center. [In Persian]
15. Motahhari, M. (1995). *Niẓām Ḥuqūq Zan dar Islām* (19th ed.). Sadra. [In Persian]
16. Malik Afzali Ardakani, M. (2003). *Niẓārat wa Niẓāmhāyi Niẓāratī*. Research Center of Islamic Culture and Thought. [In Persian]
17. Mirza Malkam Khan (n.d.). "Kitābcha Gheybī" in *Collection of Mirza Malkam Khan's Works*, Mohit Tabatabaie, S. M. (ed.), n.p.: 'Ilmi Publications. [In Persian]
18. Na'ini, M. H. (1982). *Tanbīh al-Umma wa Tanzīh al-Milla yā Ḥukūmat za Naẓar Islām*, Taleqani, S. M. (ed.), Tehran: Inteshar Corporation. [In Arabic]
19. Najafi, M. (2007). *Marātib Zuhūr Falsafa Siyāsāt dar Tamaddun Islāmī* (2nd ed.). Tehran: Cultural Institute of Contemporary Knowledge and Thought. [In Persian]
20. No name. (1907). *Ḥuqūq wa Waẓāyif Millat*. Tehran. [In Persian]
21. Nuri, Sh. F. (1983). *Lawāyih Āqa Sheikh Fazlullāh Nūrī*, Rezvani, H. (ed.), Tehran: Tarikh Iran Publications. [In Persian]
22. Rasekh, M. (2002). *Ḥaqq wa Maṣlaḥat*. Tehran: Tarh Now. [In Persian]
23. Shayegan, D. (1995). *Zīr Āsimānhayi Jahān: Guftigūyi Shāyigān bā Rāmīn Jahānbaglū*, 'Azimi, N. (Trans.), Tehran: Farzan Rooz. [In Persian]
24. Saliba, J. (1991). *Wāji-nāmāyi Falsafī wa 'Ulūm Ijtimā'ī*, Bargnisi, K. and Sajjadi, S. (Trans.), n.p.: Inteshar Corporation. [In Persian]
25. Tabatabaie, S. J. (2007). *Naẓariyya Ḥukūmat Qānūn dar Īrān*. Tehran: Sotuda Publications. [In Persian]
26. Tusi, S. J. (1994). *Akhlāq Nāsirī*, Minavi, M. and Heydari, A. R. (ed.), Tehran: Kharazmi Publications. [In Persian]
27. Va'ezī, A. (1999). *Jāmi'a Dīnī, Jāmi'a Madanī* (2nd ed.). Tehran: Research Center of Islamic Culture and Thought. [In Persian]

28. Yazdi, 'A. (n.d.). *Āftāb wa Zamān*. n.p. [In Persian]
29. Yusefi-Rad, M. (2017). *Ta'ammulāt Falsafa Siyāsī dar Īrān Mu'āṣir*. Qom: Research Center of Islamic Sciences and Culture. [In Persian]
30. Yusefi-Rad, M. (2009). “‘Adam Thubāt wa Fiqdān Ḥākimiyyat Tafakkur Falsafī dar Īrān Mu'āṣir” in *Political Sciences*, No. 45. [In Persian]