

Legitimacy in Islamic Political Thought

Hadi edalat

MSc of Political Science

hedalat@yahoo.com

Abstract: Legitimacy is the most important element of the political system, and the government has legitimacy and efficiency that it has the legitimacy. In monotheistic world view and political philosophy of Islam, God's sovereignty is the source of legitimacy and according to Islam, sole ruler has legitimacy, and it is necessary to follow him that his sovereignty is due to the revelation Prophet (pbuh) and his Successors. Legitimacy represents the truth and Legitimacy in Islam means appointed by God and compliance with laws and religious teachings of Islam. If the government consist of the popular consent, but it has not been permitted the formation of government by God and does not fulfill to the rules, so it has not legitimacy and individuals are not required to comply with it. Acceptance is also one of the concepts that in the political thought, is glaring immediately after the Legitimacy; when the political system attains the consent of people and is facing with people's inclination, so it will be accepted. The two concepts should not be considered in one sense; because the acceptability is the effect of legitimacy and there is the condition for the acceptance of the legitimate government, but the legitimacy is not the definite cause of the realization of the acceptance; because in relation to the acceptability of a system in addition to legitimacy, Other factors are involved such as efficient and reciprocal rights of the people and the rulers. In Islam, has been separated legitimacy of the acceptance and the acceptance is accompanied by the vote of people and the legitimacy of Islamic system, is independent issue of the will of the people.

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1. Introduction

The formation of a society and human relationship with each other, it is not possible without a rule to regulate and manage their communications as far as some have considered the need to form a government from the axioms; So that today, any thinker does not doubt about its necessary; even those who are famous to the anarchists; Although deny sovereignty to its ordinary definition but the rule consider the moral laws as the factor of survival of communities; therefore, the reason is facing with two clear verdict; On the one hand, does not accept no individual control over another and on the other hand, dictates to the necessity of the existence the rule in societies thus, the reason forced to rely on the characteristics in people to suit the individual sovereignty of another person; In fact, despite the characteristics in the individual is the reason of the accuracy of the individual authority and the rule over others; In other words, its characteristics consider as "the basis of Legitimacy" of sovereignty and what characteristics causes to the establishment of sovereignty is the issue that that schools and different ideologies have spoken about it and everyone have adopted the specific basis for the legitimacy of rulers; for this reason, The issue have been the basis of determine of legitimacy. The principle of government in Islam is a rational necessity and about the subject, none of the sects or Muslim scholars has been doubted

except the Kharijites; Imam Ali (as) in this case in response to the Khawarij who had been denied the rule and the chanted "la sentence illa Allah," said "It must for the people of prince righteousness or licentious"; The issue Saqifah and the acceleration of both of the Ansar and immigrant Muslims to choose the leader of the Muslim community after the death of the Prophet (pbuh) himself were due to the necessity of establishing a government with majority Muslims; Despite the consensus of the Muslims on the necessity of government, Issue of legitimacy of the state and its resources among Muslims is not of such a consensus (Hatami, 2005: 68).

1.1. The concept of legitimacy and its types:

The term legitimacy is literally infinitive of the origin of embarked means a clear way and Field. The legitimacy is infinitive and the word of legitimate in the Persian. Legitimate means something that it is permissible according to Islamic law and in the religious and Quranic texts; start used with the meaning of the how a clear way, both material and spiritual and in the religious texts of the Qur'an, Shari'a means and showing a clear way, both material and spiritual (R., 2006: 15).

In the English is the concept of legitimacy, and its meaning is rightly, to be right, legitimacy, legality and... . The concept of legitimacy is the closest and most appropriate word for proper sense of the legitimacy because the term same refers to the two

mutual issues; one creating the right to rule for rulers and other recognition and acceptance of this right by people; in the political philosophy has been interpreted the legitimacy as the "righteousness" and "justification of sovereignty" so the legitimacy is the right to exercise authority over the people. Andrew Vincent says the definition of legitimacy: legitimate authority is authority that it is valid in terms of those who are under its application, such as authority, is known legal, fair and legitimate. Everyone consistent with their approach offers the definition of legitimacy. The government has legitimacy when the people in the structure, function, actions and decisions of government leaders to issue compulsory rules have the true faith.

Legitimacy is the rational justification of exercise of authority and obedience; this means that the exercise of power should be in the framework of reason and rationality and logic. In the legitimacy has established the bilateral relationship between people and rulers. According to it, the people recognized rulers and the rulers regarded themselves as legitimate ruler and consider the government their right. Theory of legitimacy has several major features:

1. The criteria and source of government should have legitimacy. In Islam, the legitimacy of government belongs to God only; he is the creator and owner of all existence and operation of the world.

2. The criteria of legitimacy must possess integrity and respond to the fundamental questions about justify the exercise of political power.

David Easton states three types of legitimacy that include:

1. Ideological of legitimacy: If the legitimacy is due to the prevailing ideology.

2. The structural Legitimacy: People accept structures of state in the exercise of power.

3. The personal Legitimacy: If leaders have the prominent behavior and people want until they manage the society to another way, and they agree to call it as the personal Legitimacy.

2.1. The concept of acceptability:

The acceptability means as acceptance, accept and choose the rulers from the people to rule and enforce the orders of a political system. There are not the differences between the legitimacy and acceptability of a political system in the political culture of the west; since on this issue, legitimacy any government derives from its acceptability but these terms are different in the Islamic revolution literature. The acceptability is quantitative issue, but the legitimacy is more a qualitative matter; in other words, the acceptability of government that it can carry the problems of everyday people and meet their demands and requirements, but legitimacy can be achieved through the adoption of the proposed

structure. The relationship between acceptability and legitimacy can be expressed in the political culture of Islam in the following passages:

1. Legitimacy as acceptability: This kind of Legitimacy was achieved at the time of the Prophet (pbuh), because, he was chosen by God and was legitimate and also found acceptability.

2. Acceptability as part of the Legitimacy: the Caliphate school believes the aspect of legality (degree forgery and credit) after the Prophet (pbuh) has been entrusted to nation; so the acceptability of government among Muslim people, are part of the legitimacy; namely, the founder has allowed to the Muslim people choose and accept Islamic ruling according to the religious rule.

Acceptability a condition for legitimacy: In this view, the Islamic ruling is the divine appointed and the source of Legitimacy state is the founder but people have a major role in the materialization government. This means that the popular acceptability, in principle of legitimacy of the infallible Imam (AS) is ineffective, but it is the external condition, and it is the source of legitimacy of government of the founder, but people have a major role in the materialization government. This means that the popular acceptability, has not any effect on the Legitimacy of the infallible Imam (AS), but it is a foreign condition on achieving it.

The acceptability is one of the concepts that immediately are glaring in the political thought after Legitimacy. When the political system attained the consent of people, and was faced with the interest to the people.

The legitimacy represents the truth and answers to the question what legal or what rulers should be ruled on the community while appeals take a sociological to the problem and indicate that what rule and law may judge on society; So that throughout history the great prophets had the truth, but has not faced with the interest in people. The close and direct relationship between two concepts has caused mixed sometimes, these two concepts and both concepts have been considered in a sense while acceptability is the effect on the legitimacy.

This means there are the grounds for acceptability of legitimate government; of course, the legitimacy is not the definite cause of the realization of acceptability; because in the acceptability of a political system, in addition the legitimacy, involve other factors such as efficiency, reciprocal rights to the people and also, the rulers.

3.1. Foundations of legitimacy:

Things that can be expressed on a basis for the legitimacy: 1- wisdom and knowledge; 2. Heredity; 3. authority 4. Social Contract 5. Tribe; Therefore, we will confine to only mention one of the foundations in

this case briefly while the principles of the legitimacy had not limited in these cases and principles such as discipline, efficiency, etc. has expressed as a cause of a ruling regime.

4.1. Social Contract:

The Social contract is as the basis of the legitimacy of rulers, and it has a long record in history. It is said that the first time the idea has been proposed by sophists who lived before Plato. In ancient Greece, there was a certain democracy that according to the constitution in Athens, every citizen who was 20 years of age had the right to participate in City Council, and the social laws passed by the people and then to be taken; However, in some texts, the history of this theory has mentioned before Greece. In the History of Herodotus, at least 521 years before Christ, when Darius with his followers, killed "Bardia," it has noted about how the political system to democracy and the return of decision-making to the people. In the History of Herodotus, according to Darius has expressed as follows ((I believe that we just must not choose a person among themselves as King. The officials are been determined by the lucky draw and, officials are responsible for their own work, and all decisions will be entrusted to popular vote.... Because all the virtues can be found throughout the nation)); Furthermore, the democracy is not only the experience of Athens or Darius I; because there is democracy in India and China; even according to some scholars, the emergence of democracy in India and China has been older than Athens. The theory that called sometimes it as the public acceptance with its expansion, not only states the basis of legitimacy, But also in terms of Hobbes, John Locke and Rousseau that called it as the social contract which it has been the origin of the formation of the government and the state; So that, the government is the crystallization its realization; Although Individuals such as Hume, Bentham, York, Austin, Green and others with the idea that the social contract has been the agent of formation, a government had fought from different aspects. In early Islamic history, the several evidences can be found that shows the theory was common among Muslims and to act as; for example, when the Ansar, was introduced Imam Ali (AS) as the successor of the Prophet, until people pledge allegiance with them. Imam asked, from them in which questions referred the existence of precisely two ways of thinking in society. Imam asks from them: «these are the right and duty to God, He felt when you saw their souls; do you think that have you come sought me and call upon me to the government due to right that God has given me and has been obligatory for you that do it or due to you vote to it and among yourselves, you have the right to take me? As we can be seen Imam, asks the people according to the basis of their

intellectual refer to the Imam, and ask them that you consider my government from the God or from social contract by your decision, and it says that nobody can give me the right; because it has given me by God that's why Imam again warns to people that should be considered the majority as the criterion of legitimacy of governments or even the criteria for recognition of right and wrong. Today, has been presented different meaning in terms of democracy and the social contract theory, the meanings that sometimes can be hardly found common points between them; Rousseau believed that the modern concept of democracy is different; Since according to his opinion, the democracy is practically impossible to achieve; But what can be seen as The evolution of the meaning of democracy throughout history is note that the Rousseau's view is not latest justification for the rule of people over people, hence democracy means with a new attitude to the indirect majority; in the other words, the deemed of many sociologists in terms of meaning of democracy is the representation system means government of the people to elect representatives style. With all the controversies, which there are in this context; it can be said in a word, that in the social contract theory, confirm the legitimacy of rulers from bottom to top and perhaps should be considered this entry that only factor of subscription among meanings of democracy has been raised, so, in fact, democracy means as means of public acceptance, But whether democracy could really provide insight into public acceptance, It is very doubtful; According to the base will be also asked from the ruling about legitimacy will respond, because people voted to me, I have the right to rule them.

5.1. The legitimacy and acceptability in Islamic Political thought:

Man is the autonomous creature and decides freely to achieve perfection and know responsible him and in this way, feels the responsibility towards obey the God's revelation and commandment. Human being has the God-seeking nature and selects the way of revelation with the belief to monotheism and, applies his rule by accepting the sovereignty of God. With this admission, God's sovereignty will be realized on the ground. We can be named after two of sovereignty, which includes:

1. God's sovereignty: This rule gives all its legitimacy from religion and this, all the power-formative and legislative- belongs to the political power of God, and people are just absolute obedience. The legitimacy of this government belongs to God.

2. Sovereignty of the people: Principles and framework are from the Qur'an and Sunnah. The government realized with relying on public opinion and free choice. Institutional authority, its governing

powers and rulers and government is dependent on the consent among the people (Kakaie, 2000: 172 -173).

In monotheistic worldview and political philosophy of Islam, God is the source of sovereignty. According to Islam, The only legitimate governing and it is necessary to follow him that his sovereignty is expressed by revelation or prophet and his successors. Then in Islamic political thought the legitimacy is the means appointed by God and match from God and compliance with laws and religious teachings of Islam. When the ruling political legitimacy, that firstly, the sovereignty from God, Granted to him and secondly, the governing acts on the instructions of Islamic law so if the state has support and consent of the people and to meet their demands, but the government is not permitted by God and not to practice religious laws and religious values, not legitimate, and people will not be obliged to obey it (Sakhi halimi, 2008: 139). Accordingly, in the course of history, kings and emperors attempted to change its rule are attributed to God. It is common at all times, even in empires of ancient Egypt, the Pharaohs of Egypt were claimed to be God. In medieval Europe the kingdom of respect for his divine legitimacy and considered him chosen by God. In some countries in Eastern some tyrant kings for legitimize their regimes are attributed to titles such as " Shadow of God ", " Sword of God ", " Help of God," etc. (Sakhi halimi, 2008: 140). God, the Creator of all human beings and everything depended on his will. If someone is determined to implement its rules and regulations, he finds legitimacy and no need for acceptance or rejection by the people. When God Granted the right to rule and leadership to the Prophet, the Imam or deputy of Imam, He has the right to perform the divine laws in society; Because he has been appointed by God who the whole world belongs to him; Hence, the theory of Islamic government according to which Islamic governing enforced the laws and commandments from God, there is any kind of conflict and this theory is consistent with rational principles. This theory is acceptable for believers in God; then those who believe in God, the Prophet and Islam, the most sensible way is the legitimacy of government, Great God in order to observe the interests of the community, the right to rule over people to give up one of his servants(Mesbah, 2000: 200). Accordingly, no one has the right to rule and govern to others, unless they are appointed by Almighty God. The main questions that are it right and authority God had given to person and this position. How is had been realized? A thorough investigation into the Qur'an and Sunnah to the conclusion that the governing determined in the Islamic system with second methods and finds legitimacy:

1. Ruler with clearly is determined by God, As the Prophet (PBUH) - according to all Muslims and Imams and Shiite belief - has been appointed by God as ruler.

2. Special person not elected to govern; But it also has been determined that individual characteristics and attributes (Sobhani, 1991: 108).

Therefore, in terms of the legitimacy of government in Islam is purely divine and directly or indirectly appointed by God, and people are not involved in it; this means that if for any reason people turn away from the Imam or jurist, do not damage his Imamate and his government has been legitimate; Because Imam and jurist for merit and legitimacy for leadership, do not require the vote of the people. Accordingly, the political legitimacy of political thought in Islam is not prestigious Sheikh and tribal monarchies; and is not also a kind of patriarchy, nationalism of aristocratic governments, heredity, Elitist, charismatic and the like.

According to the political theory of Islam, According to the political theory of Islam, every government that to respect and perform the Sharia or divine is legitimate. It should be noted that since the approval and consent of the people are base and the success of the government's authority, comment and vote of the people is essential to the "continuation and establishment of the" Islamic system.

In fact, the popularity gives actuality to government. Although not the role of the people in legitimacy of rulers; but to realize and objectify have the fundamental and decisive role in the government. Imam Ali (as) knew Imam's uprising in the advocacy group. When he realized that his rule, People pledged allegiance to him. Also according to the saying of Hazrat Ali (as); who does not obey and people do not obey him, there is no ruling and vote (Nahj al-Balagha, Sermon 27).

In fact, in the political philosophy of Islam, Non-acceptance of the legitimacy has deeper meaning and standing higher than the concept of acceptance. In the political system of Islam in addition to the acceptance of the legitimacy have the concept of faith, and the meaning is broader and deeper that compliance with the legislation of the divine and coordinate action with Quran and Sunnah. But this did not mean that person in Islam is not dominant in their own destiny and their own authority and have no choice and freedom- such as some suggest meaning intentionally or unintentionally- But also, on the contrary, the human had individual and social freedoms in Islam, but freedoms and powers of logic, Reasonable and in the context of religious and divine values- The God-centered, not man-centered- That is to say, from the Islamic perspective, human beings are born free and

master of their own destiny (Ebrahimzadeh Amoli, 2000: 169).

6.1. The source of legitimacy in political thought of Imam Khomeini (RA)

Imam Khomeini believed absolute guardianship of the Islamic Jurist and the legitimacy of theocracy since the beginning, and to prove that it has brought intellectual and narrative reasons, and the end of life also remains committed to it and believed; and do not deviate from this opinion. Admittedly Imam to fit the need of the hour in the years after the revolution, more transparent and more clearly expressed their views. Also, Imam has stressed to the role of people in an Islamic government and the constructive role and decisive of them to maintain and continue the Islamic revolution and much military effectiveness.

Imam Khomeini to accept the appointed absolute guardianship and religious legitimacy and its divine origin had been considering to legitimate means of political sociology "people acceptance"- in political sociology is legitimacy means acceptance- It has expressed, along with the religious origins of appointed absolute guardianship. In other parts of the Imam in his speech referred to the authoritative interpreter of Velayat-e faqih says: The Holy Prophet (PBUH) who wanted to come out from the world appoints a successor and successors with until absenteeism, first family of the Prophet and then jurists (Imam Khomeini, 1989, Vol. 10: 174).

They also establish the position of the government, Velayat-e faqih and the government ruling said: Government means absolute guardianship granted From God to the Prophet (PBUH), and priority over all the commandments of God, even prayer, fasting and pilgrimage, Velayat-e faqih and the government ruling are preliminary rulings (Imam Khomeini, 1989, Vol. 20: 170 and 174); However, further explain the religious and divine legitimacy of government and Velayat-e faqih In other words, he said: Velayat-e faqih is not something that is created assembly of experts, Velayat-e faqih is one thing that God Almighty has made, and is same government of the Prophet (PBUH) (Imam Khomeini, 1989 vol. 6: 95 and 98). You do not know, say we do not have Velayat-e faqih, Velayat-e faqih was the first day, until now, and at the time of the Prophet (PBUH) was also "(Imam Khomeini, 1989, vol. 6: 34 and 118). Also, upon the approach and relying on God's sovereignty and the laws of God, said: in this governance, sovereignty belongs to God, and the Law; command belongs to God. Islamic law or commandment of God to all people and the Islamic State is an absolute rule "(Imam Khomeini, 1993: 54). God has the right to govern, someone who has no right to legislate and God must formed the government for people, and legislate, and except the

law of God, another laws are null and void "(Imam Khomeini, 2000: 184 and 186).

Imam Khomeini to accept the appointed absolute guardianship and religious legitimacy and its divine origin, but the Imam was accorded an important role for the vote in the action phase and objectivity community order to efficiency of the system and strengthens the foundations of the rule. Imam learned respect for the views and opinion of the majority of the people in the school of Ahlul Bayt (AS) and Islam (Ebrahimzadeh Amoli, 2000: 115);

But the source of legitimacy, it should be noted that from the religious point of view, God is the only source of political legitimacy; Because foundations of Islamic faith, Monotheism in all its dimensions, Inherent unity, attributes, actions, divine, creator and prayers of belongs to God, As well as sovereignty, legislators belongs to God, The social ruling granted the right to the chosen people, the Prophet (PBUH), Imam (AS), and by them to will be transferred to true heirs of Imamate to the scholars and jurist with qualified of Leadership, whether for specific appointment for the presence of Imams (AS) and for general appointment that is related to the time of occultation; Thus, from multiple sources and foundations of legitimacy (Shojai zand, 1997: 54). The only source of legitimacy in the Islamic religious views is the divine rule, and comes legislative will of God, because, as Ayatollah Javadi Amoli said, basically, any government except with the assignment to appointment and permission of God is not legitimacy- even with acceptance - and the only way any legitimate government is polytheism (Ebrahimzadeh Amoli, 2000: 168).

7.1. Principles of legitimacy in Sunni though

Principles of legitimacy of the Sunni thought, Include: 1- appointed and strict 2- Domination, coercion and dominance; 3- Substitution or appointment of the previous Imam; 4- loyalty (Select and the consensus of jurists)

8.1. Appointed and strict

Appointed and strict from the prophet is one way to legitimacy in Sunni though. This means that if the Prophet (PBUH) to declare a person as an imam and a Muslim leader, this person will be determined as the Imam and leader of the Muslims.

But the Sunnis believe that this did not happen, and the prophet had entrusted the issue of government to nation. Abul Hasan Al-Ash'ari said: "It is permissible for the imam is appointed with strict but since the strict is not about a person, the issue of Imamate, have been granted to the people "(shahrestani, 1990, 117.1). It is worth mentioning that the Prophet (PBUH) in several positions specified and appointed Imam Ali ibn Abi Talib as the successor and Iman that the clearest and most explicit

is the hadith of Ghadir Khum. This topic is discussed in detail in the "olefin" Allameh Helli, "Tajrid al Eteghad" Nasir al-Din al-Tusi and "Ghadir" Allameh Amini.

9.1. Domination, coercion and dominance

Domination, coercion and dominance on the power centers are one of the factors that it will know origins of legitimacy.

This means that those who have the more physical strength, and physical and psychological force shall be entitled to rule over society and no need homage on behalf of the Muslim community or jurisprudents and according to this, rule is formed "The truth is with the dominant." Ghazi Aboiali great Hanbali scholar of the fifth century says about the legitimacy of government, The Imamate on two forms and arrangements is made:

1-Select and the consensus of jurists 2-Substitution or appointment of the previous Imam; He says of Ahmad ibn Handball narrated that:"Imamate proved by force and dominance and in this case, no need loyalty from people even though that the dominant is rakish (Aboiali, 1406: 24).

Thus, according to Ghazi Aboiali, violence and dominance are the legitimacy of government and for the opinion has two reasons: 1- Refers to be narrated by Ibn Omar said, "We are with overcome ", and are not bound by allegiance and loyalty; 2.

If Imamate and the caliphate as buy, and sale needs to contract and acceptance people thus must terminate dismissal of the Caliphate by the people or himself, but it has been proved that no such right. Therefore, in determining Caliph;

There is no need to contract and alone, coercion and dominance are enough for legitimacy. Movafaq aldin Abdullah Ibn Qudama Hanbali (620- 540 AH) stated in Almoghani from a book of Hanbali jurisprudence: "If someone fights with Imam and won and people by force and sword under his command and people began on obey and followed him;

He will become a leader of nation and war against him and leaving him is forbidden.

Because Abdul Malik Marwan fought with the [Abdullah] ibn Zubayr and kill him and became dominant in the country and its people and people willingly or unwillingly pledged allegiance to him, in this case, he was imam and war against him and leaving him is forbidden"(Ibn Qudama Hanbali, 1929: 52).

However, the rules of force and domination are Regardless of ideological supporters and theoreticians of the theory, a fact that came into existence after the Rashidun Caliphate.

10.1. Substitution or appointment of the previous Imam

Substitution or appointment of the previous Imam is another through the conclusion of leadership and legitimacy of government ways. Sunni arguments in the validity of the way, Second Caliphs are selected by Abubakr first Caliph. Former imam is another through the conclusion of Imamate and ways legitimacy of the government. Abubakr appointed Omar as caliph, and successor after him, and this appointment was formalized in written that Abubakr when disease leads to death. Short story is as follows that in the written decision, Abubakr became unconscious and Othman, who was the scribe, Abubakr regained consciousness, and when he saw Osman's action, He said to him, do you fear that the anesthesia dies (Tabari, 1939: 428).

Then Abubakr ordered, convention read for people, and asking them to obey from Omar. This method, select Omar by Abubakr, the first caliph is the most important historical example and role model to make the right choice caliphs compared to the previous Khalifa, and accordingly Hasan al-Mawardi said: The Imamate is determined in two ways: 1. Select by jurists; 2. Appointment of the previous Imam (al-Mawardi, 1973: 6), and even the al-Mawardi, appointment of the previous Imam is the preferred choice of the people, Because in the substitution, Imam and the successor are exceptional personalities. And Khalifa better than anyone recognizes a competent person, and his decision is closer in closer to the interest, and therefore a Khalifa can select next Khalifa. Fadlallah Roozbahan Khonji, ways the legitimacy of government says: The second way is substitution, [i.e.] former imam [in your life] chose someone who there are conditions of Imam in him, and the Imamate Omar Farouk was proved this way, That Hazrat Abubakr in his life chose the second caliph, and he wrote substitution book and sent out, someone mentioned his name in the book and all the companions to accept of his Imamate (Khonji esfhani, 1983: 80).

As mentioned, this method became known after the appointment of Omar as caliph by Abubakr and as the most common choice stabilized among caliphs of the Umayyad and Abbasid. Although it later, substitution method change in legacy mode families, especially the influence of the Iranian political traditions.

It is noteworthy that the Abbasid caliphs to legitimize a regime inherited and the monopoly of the Abbasids; They cite the Hadith of the Prophet (PBUH), Later; they were referred to the Hadith of the Prophet (PBUH) that this legacy that remains of the prophet for them. The Hadith cited by the Abbasids,

Abbas narrated that the Prophet had promised his uncle; Caliphate will arrive to his descendants

11.1. Loyalty

Another source of legitimacy of the Imamate and government in the Sunni political thought is the choice by people. Scientists and Sunni scholars believe that The Imamate and governance for the ruling for current and definitive determined with allegiance a group of scholars who represent a large part of the nation's will or by direct allegiance a large part of the nation with significant quality and quantity that in such cases, the legislator has linked it to the general public will. Hasan al-Mawardi writes: The Imamate is determined in two ways Select by experts and the other by previous Imam but the difference between those who say The Imamate is determined by experts that how many number of experts should be? The group says: the Imamate is not specified unless all experts from different cities to accept of his Imamate, because his leadership will be pervasive and people obey him with satisfaction. With this theory, allegiance to Abubakr violated because people in Saqifah or in Medina did not wait for other people. Imamate is approved with the vote and allegiance of five experts; all five people are involved in determining the Imamate or one of them is determined Imam with the consent and in terms of four others, and for the correctness of this view argue two subjects: The first, allegiance to Abubakr was achieved with five people, and then; others were followed with five people, and five were Omar ibn al-Khattab, Abu Ubaidah ibn al-Jarrah, Acid Ben Hazir, Bashir bin Saad, Salem molly abi Hathaifah, and second, behavior of Omar contracts the Council of caliphate among six people with the consent of the other five; confirm the caliphate for one of them. But other scholars of Kufa said: Imamate is achieved in the presence of three experts, one of them with the consent of the other two take Imamate: In this case, one of them is the ruler and the other two witnesses, as marriage is confirmed with the father and two witnesses. Others have said: Imamate is also possible confirmed by an expert, because Abbas ibn Ali (AS) said: give me your hand to swear allegiance to you, to tell people uncle of the Messenger of Allah (pbuh) pledged allegiance to your cousin, and in this case, even two will not dispute the Imamate, and know, allegiance is a kind of judgment, and so judgment is accepted with approval of one person (Mavrodi, 1973: 7. 6).

Abu Abdullah Al-Qurtubi said third way to prove the Imamate is select by jurists, and when, prayer leader dies in a Muslim city, and previous leader did not specify his successor. People of the city gather, and with the full consent of the person who chooses to Imamate. In this case, it is obligatory for all Muslims obey this Imam, and no one has the right to

dissent, because, existence of two Imams, it causes conflict and corruption. He also said that if the experts confirmed Imamate, Imamate is proved, and the other is necessary obey from him. Of course, others are opposed to this idea, they say Imamate must be determined and confirmed by a group of experts. Abvalmaly Imam said: who his Imamate confirmed by one person, should be obeyed, without changes, it is not permissible to depose him, and this is related to the experts (Alqrtabi, 1997: 1 / 269- 268).

12.1. Principles of legitimacy in Shiite thought

The first principle and rational in authority and supervision, lack of guardianship of men on one another, unless a significant reason, the person finds this right to another. The legitimacy of Shiite thought must be based on Islamic teachings and doctrines. Therefore, only relying on intellectual and ideological Shiites can understand the concept of legitimacy in their opinion. In addition, it basically answers the question "Who owns the right of guardianship over others?" Regardless of the basis of thought would not be possible, without doubt determine the legitimacy of a system is provided for the purposes, and these goals will not be reached only by determining the legitimacy. As a result, the legitimacy must be justified in a comprehensive system which is leading towards social purposes.

Thus in any theory, before an answer to the legitimacy, must specify their goals before the formation of the government. Undoubtedly someone who the objective of the government only knows the needs of the world, with someone who the objective of the government, only considers the next world, and finally, someone who knows the evolution of the world and other world, for achieve their goals, they must take different approaches and principles to form government. Setting objectives is impossible without considering the principles of ontology and anthropology. That in the universe, there is a God or not or hereafter exists or not, Theological that no clear answer them, there can be no rational justification for such purposes, (Masoomi, 2009: 46). There are many opinions about the legitimacy, for example, Hobbes believed that "human beings are wolves", and there is temper of aggression and selfishness in all human beings.

As a result, the source of legitimacy knows by relying on the same basis anthropocentrism, the collective wisdom of human, and believes that people need to achieve security and avoid anarchy in society, must necessarily agree with each other, and part of its power to give the person or persons and they also, just to fix the anarchy and create order in society. Marx and Engels also look to the world with the theory of historical determinism believes that all social upheavals and conflict that are rooted in economics

and the means of production with the evolution have effective in the rule and rulers. Therefore, the legitimacy did not claim from the person or people, but also it describes real thing that is born of economic developments and the means of production. These ideas were raised about the legitimacy are all derived from a priori convictions, and scholars have established on the basis of legitimacy. Diversity and conflict these ideas, and thus contradicts the principles of legitimacy, all of confusion of today's man who has been far from the teachings of the divine. Thus it is clear that when it examined the legitimacy of the Islamic Sharia, especially the teachings of Shi'ism, must first speak how to approach the world of Islam (Islamic principles of ontology) and human (anthropology of Islam) as the basis for determining the origin of legitimacy, The basis are examined in a systematic system and determine how it relates to other ideological foundations.

Therefore, the first question should be answered in the ontology: Is there a God in this world? And if so how? And then questions must be answered about the man and the purpose of his creation and the world. It is obvious that the answers to these questions, most of which require extensive research has been done on theological issues. But here we can say briefly that if a person with common sense knows that the world looks to this world, there is a God that- with all the attributes of perfection and free of any defects- created the universe with the best natural laws. Human realizes that God created the universe for human beings in the world and the next world, consequently; human finds the general and particular prophecy, and then it is clear to him the authority of the Qur'an and Sunnah and ... (Masoomi, 2009. 46).

In fact, human finds in response to questions of ontology on the basis of thinking and their beliefs namely the principles of religion. After that, the human went to the second question, and pays to anthropology and focuses on human.

In front of God, finds your own as creature and servant, although it may find small knowledge. "Except for a little knowledge, you have been given nothing" (ISRA, 85) and understand that cannot discover all ways of guidance and perfection on the world.

He realizes that there are many unknowns in front of the knowledge of them. Hence human finds that must search the perfection and direct way to his creator commands and his perfection and happiness depended on obedience to God.

As a result, human knows that God is worthy of command and obeys him. All this is mentioned, According to them, it is important that on determine the legitimacy (Masoomi, 2009: 49).

2. Discussions

The legitimacy of government and its principles has attracted the attention of philosophers, political scientists and sociologists from the past, and as one of the basic issues of political philosophy is the focus of studies and classical studies. The research was mainly focused to show ruler on what basis has found the right to rule and exercise of political power, and with what authorization people have accepted this sovereignty. In other words, to answer the question of what is the ruler is obtained the source of its legitimacy. It is particularly important that basically, the survival of any government or political system dependent on the quality and amount of legitimacy of this regime and will have.

Therefore, all governments for survival, continuity and strengthen the principles and foundations of government had to recognize the legitimacy of the political system, with support it, able to have the right to rule, and reduce to a minimum the use of force and power symbols. In order to prevent any attempt legitimacy crisis act to strengthen and expand the circle of legitimacy and acceptability in society. Therefore, the concept of legitimacy, what is ruler authorization to exercise power, and the people provide what intellectual and religious justifications to obey ruler. The ultimate goal of human is salvation, and human to achieve the noble goal requires social life, and for justice and right forms of government on earth. Legitimacy is purpose and goal of government and ultimate rule is based on the knowledge of each society. In a society that is based on the religious system, its legitimacy is based on the religion, values and beliefs of the community. The Islamic government has targeted and in the path of servitude and humanity, God is the only source of legitimacy in this system in the intermediate done and the divine source has legitimacy. The sovereignty of God in Islam and takes its legitimacy from religion and from this perspective, the source of all powers what creational and legislative are the power of God. God is the essential source of legitimacy in Islam, and Shiites believe generally the divine legitimacy of the government after the Messenger of Allah (PBUH), and against Sunnis know various credible sources, including consensus and allegiance and accepting people, substituted the former imam, domination, and force and overcome in the choice of government and leadership. Imam Khomeini (RA) Believed appointed to absolute guardianship and knew the source of legitimacy and authority is religious and divine, because they believed that the absolute guardianship is a continuation of the guardianship and leadership of Imams (AS) and enjoyment of religious background. However such was not the role of ultra-sensitive and decisive people have neglected in strengthening the

foundations of the state and its efficacy. Thus, since the beginning of the Islamic Revolution all legal institutions and legislation in the sacred system of the Islamic Republic are formed based on the opinions stated the people in elections and voting.

Also inspired by God's commandments and religious orders in Scripture and tradition, freedom of choice and self-determination and the inalienable right of the people, and do not impose their viewpoints on the right though and from the religion did not allow people to get away from the legal and religious ways. It also believes that should be guiding and directing people and informed religious duties and legislation. They also practice their religious and humanitarian tasks and missions and not make mistakes in the selection and comments outside of the religion, and with religious orders did not vote and do not go astray; and it is the duty of religious scholars and community educators.

According to the Imam about the velayat-e faqih, People's Choice was never meant to legitimize the government and the supreme leader (Legitimacy in religion not common practice of international politic). Because as acceptance of the principle religion and religiosity, is not a legitimate means to religion by people, chosen and referring to a source of emulation and the judge is not a concept of legitimize them, because the source of the legitimacy of government is religion and Divine Guardianship. But accepting people and the so-called "popularity" increased efficiency and Durability and strength of the government. In the end, as stated above to the conclusion that God is the source of legitimacy in Islam.

About the Holy Prophet (PBUH) between all Muslims, there is a consensus that God has given sovereign to the Prophet and the exercise of sovereignty is legitimate only by him and his successors. But in the era of after Prophet and absenteeism, there is disagreement between the Shia and Sunni. Sunnis know government belongs to the people after the Prophet.

Shiite clerics are divided about the government during the occultation, but most of them believe that in the age of the absenteeism, any government other than the government fully qualified scholars who have been appointed by God are illegitimate and illegal.

People are also involved in the formation of an Islamic government, but their role in the acceptance of the government, no government grant. The jurists during the occultation have a duty to form the Islamic government in best conditions and the readiness of people.

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Corresponding Author:

Hadi edalat
MSc of Political Science
hedalat@yahoo.com

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