Methods of Expediency Discernment in an Islamic Government*

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Research Article

Abstract

Expediency discernment and acting upon it has been an inherent duty of all governments throughout human history, and the Islamic government, as one rooted in the Sharia of Islam, is no exception to this general principle. In an Islamic government, the discernment of public interests based on religious teachings is considered an obligation of public officials. However, the broad and ambiguous nature of public interests, along with the methods of their discernment within an Islamic government, constitutes the main challenge in fulfilling the mandate to uphold expediency. Accordingly, the primary question of this research focuses on exploring methods for discerning public interests in an Islamic government. This research adopts a descriptive-analytical approach, suggesting that, since Sharia rulings are based on the real benefits and harms, the method for realizing public interests in an Islamic government is the implementation of Sharia rulings. Nevertheless, due to the practical conflicts among the subjects of Sharia rulings, a process can be devised for public officials that relies on

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rational, religious, and external priorities, resulting in the prioritization of the more important to the less important. Objective criteria for expediency discernment, outlined under the primary principle of prioritizing the more important over the less important, include, for instance, the preservation of Islam and the Islamic system (justice, peace, Muslim dignity, rejecting the dominance of non-Muslims, and the safeguarding of Muslim lives and property, as well as public interests), which encompasses adherence to Sharia rulings as well.

Keywords

Expediency (Public Interests), Islamic Government, Rational and Religious Priorities, External Priorities.

Introduction

Public law scholars, from ancient times to the present, have held that one of the primary foundations of government formation, and among its key duties—regardless of its nature—is the discernment of and action in accordance with the public interests of society. This notion has positioned public interests as an inherent feature of governments (Ghorbanzadeh Savar, 2002, p. 71). More precisely, the various theories surrounding types and forms of government in the realm of public law and political thought aim to better and more thoroughly realize public interests (Wolfe, 2010, p. 104). For instance, Aristotle assigns a central and fundamental role to public interests in defining types of government, forms of authority, and the goals of political systems (Mansournejad, 1999, p. 142). Based on public interest, he classifies political systems into two categories: correct and deviant, defining a correct government as one where, regardless of whether one person, a specific group, or the majority governs, the rulers seek to promote the welfare of the people (Aristotle, 1992, pp. 11–20). Accordingly, it can be said that the realization of public interests, the safeguarding of benefits, and the prevention of harms constitute the foundations and objectives of various governments, with each government seeking to fulfill the interests of all members of society. In other words, today, it is widely accepted that the principal justification for state action is the rule of public and national interests (Fakhar Toosi, 1999, p. 373).

On the other hand, the set of divine commands and instructions in Islamic law highlights the necessity of establishing a government responsible for implementing divine law in the social sphere. Shia jurists, by referencing rational and transmitted evidence such as the Prophet's practice and tradition, the prohibition of appealing to oppressive governments, the obligation to enforce social religious laws, the comprehensiveness and social nature of Islamic rulings, the need for laws to have enforcers, the supremacy of Islam, and the rejection

of foreign domination over Muslims, along with other arguments, have demonstrated this necessity (Fattahi Zafarghandi, 2015, pp. 27-38).

Accordingly, an Islamic government is not exempt from the general obligation to observe public interests and, like other governments, is obligated to consider the welfare of the community. Accomplishing governmental functions, including legislation, execution, and adjudication, requires decision-making and implementation in line with public interests. Consequently, one of the primary duties of officials in an Islamic government will be to protect the general welfare of society (Montazeri Najafabadi 1988, vol. 3, p. 54), and the orders issued by Islamic rulers must be framed within the bounds of public interest (Sobhani, 2005, p. 108). Thus, ensuring public interests is regarded as a clear obligation of the ruler and other public officials in an Islamic government, as this position is fundamentally granted to them for the purpose of fulfilling these interests. This principle should manifest itself in all of their public decisions.

However, given the broad and unclear nature of the concept of expediency, precise methods for realizing public interests in the context of public decision-making within an Islamic government have not yet been enumerated. Therefore, what warrants further reflection and examination is the study of methods for expediency discernment in an Islamic government. The importance of this issue becomes even more evident when considering the Constitution of the Islamic Republic of Iran, as a system derived from Islamic law. In addition to the general principle within Islamic thought that mandates all governmental officials to uphold public interests, Article 112 of the Constitution designates a specific body for the expediency discernment of the system.

In light of the above remarks, the primary question of this research pertains to methods for discerning public interests within an Islamic government. More specifically, what methods for expediency

discernment exist in an Islamic government according to the teachings of Islamic law?

To address this main research question, we will first examine the concept of public interests (expediency)[1] and then, based on the teachings of Islamic law, outline methods for discerning public interests in an Islamic government.

1. The Conceptual Framework

The term "public interests" is widely used not only in common parlance but also in public law. However, providing a lexical definition of this term is both simple and challenging, as it carries various meanings despite its extensive usage (Ghorbanzadeh Savar, 2002, p. 54). Overcoming this challenge requires an understanding of the concepts of "interests" and "public."

Various interpretations of public expediency have been proposed in governance. Some regard public expediencies as measures that encourage individuals toward positive and constructive participation in civilization, ultimately serving and benefiting them, as these actions advance the common good (Rasekh, 2002, p. 117). Beheshti defines public expediencies as governmental expediencies, stating that the highest form of governance is that which fundamentally considers the material, spiritual, moral, and religious interests of all individuals, all classes, all nations, all races, across all generations and eras (Hosseini Beheshti, 1960, p. 34). From another perspective, public expediencies may be understood as any phenomenon carrying common benefit, positively regarded by all and bringing welfare to society as a whole, thereby yielding value and utility (Moeini Alamdari, 1999, p. 162). In another view, public expediency also involves meeting needs, fulfilling

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1. It should be noted that in this article, the terms "public interests" and "expediency" are understood as having the same meaning.

aspirations, and respecting the normative values and customs upheld within a system. Thus, in the context of an Islamic government, public expediency encompasses preserving the public interest, upholding religious rights and interests, prioritizing societal needs over individual ones, addressing challenges, and preventing social harm (Ghorbanzadeh Savar, 2002, pp. 65-66). Summarizing the proposed definitions, public expediency in an Islamic government refers to promoting welfare and averting material and spiritual harm, considering the well-being of all societal classes across generations, as derived from divine law.

2. Methods of Expediency Discernment in an Islamic Government

Having clarified the intended meaning of expediency as one of the principles governing decision-making by public authorities in governmental systems based on Islamic Sharia, the next step is to identify methods for expediency discernment in an Islamic government. In this regard, by examining Islamic teachings, the existing approaches to discerning public expediencies can be studied in two dimensions: theoretical approaches to expediency discernment and practical approaches to discerning public expediencies.

2.1. Theoretical Approach to Expediency Discernment

An examination of the theoretical approach to expediency discernment in an Islamic government requires studying the foundation of Sharia rulings[1] as resting upon expediencies and harms. To illustrate, Shia jurists believe that the rulings of Islamic Sharia are ground in real expediencies and harms (Montazeri Najafabadi, 1988, vol. 3, p.

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1. The term "Sharia ruling" refers to the set of laws and regulations that the Sacred Lawgiver (God) has established for the purpose of improving both the worldly and spiritual affairs of humankind (Hashemi Shahroudi, 2005, vol. 1, p. 42).

30), as acts possess inherent expediencies and harms before a ruling is issued by the Lawgiver (God), upon which religious rulings are based (Nikzad, 2006, p. 134). Thus, in everything that God has made lawful or commanded, there are benefits for His servants in preserving and sustaining them, and anything He has forbidden entails harm and leads to human destruction (Ṣadūq, 1966, vol. 2, p. 592). Accordingly, all rulings of Islamic Sharia, whether obligatory, recommended, permissible, or disliked, are instituted based on expediency and harm (Tavakoli, 2005, p. 169).

It is worth noting that the dependence of rulings on expediencies and harms does not imply that the expediencies of individuals are considered when issuing rulings; rather, Sharia rulings are established based on the general welfare of humankind. In other words, the Sacred Lawgiver, in legislating rulings, did not base them on the interests of any particular individual or group but aimed at realizing the public good for humanity[1] (Nikzad, 2006, p. 139). Consequently, the realization of expediencies in Islamic Sharia is manifested through the implementation of Sharia rulings, where each ruling, in its appropriate context, serves to fulfill a component of public interests (Alidoost, 2009, p. 88). It is also noteworthy that in Islamic law, every Sharia principle—whether mandating or prohibiting an action—is composed of two essential elements: the subject and its ruling (Taghavi, 1995, p. 208). Rulings are actualized through subjects, and subjects are the grounds upon which Sharia rulings are issued.[2] In fact, Sadr considers ijtihad in Islamic jurisprudence contingent on both subject comprehension and ruling

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1. From this perspective, Nāʾīnī divides rulings into two categories: the first includes rulings such as commands and prohibitions related to acts of worship, where personal interests are considered alongside public interests; the second comprises rulings established solely to maintain societal order and aimed at safeguarding public interests (Nāʾīnī, 1997, as cited in Nikzad, 2006, p. 139).

2. In the terminology of Islamic jurisprudence and its principles, the term *subject* refers to that upon which a divine Sharia ruling is predicated (Nāʾīnī, 1997, Vol. 4, p. 389).

comprehension together, regarding ijtihad as a study of both subject and ruling (Sadr, 2004, vol. 1, pp. 148-150). This is because whenever any ruling presupposes a subject, making the understanding of the subject and issuing the relevant rulings highly significant (Farahnak, 2011, p. 33). Accordingly, the method of recognizing and viewing the subject can lead to the issuance of differing, and sometimes contradictory, rulings such as the permissibility or impermissibility of an action.

Consequently, on the one hand, Sharia rulings depend on expediencies and harms, with the embodiment of expediencies in Islamic Sharia manifesting in Sharia rulings. On the other hand, each ruling is established concerning a specific subject, and the existence of a ruling necessitates the existence of its subject; thus, rulings change according to the recognition of various aspects and dimensions of subjects. Accordingly, it can be said that since public interests in an Islamic government is based on achieving both worldly and otherworldly benefit, and since the latter is attainable only through obedience to divine commands—commands that reflect a general expediency in their observance—the public authority in an Islamic government is obligated to implement divine rulings as instances of public interests within the government (Javadi Amoli, 2012, p. 466). Accordingly, it is evident that public officials, in pursuing public interests, are obligated to accurately comprehend the subject and then apply the ruling pertinent to that subject in order to achieve public interests.

2.2. Practical Approach to Expediency Discernment

Implementing Sharia rulings as a theoretical approach to observing public interests in an Islamic government does not entirely resolve the challenges faced by governmental officials in practice. This is because officials do not always have clear Sharia rulings on all subjects to guide decision-making and implementation. What complicates the

recognition and application of Sharia rulings for government officials is the identification of the relevant ruling on practical matters. Although jurists derive various Sharia rulings concerning different subjects, this derivation occurs theoretically, with jurists assuming the existence of each subject and extracting the ruling from interpretative sources accordingly. However, it is challenging to apply these subjects in practice to the relevant rulings. On the one hand, a proper understanding of the subject requires expertise and skill; on the other, numerous subjects may pertain to a single external issue, each carrying its own distinct Sharia ruling. Therefore, public officials need standards that help them accurately identify subjects and the applicable Sharia rulings, particularly in cases where multiple subjects relate to a single external reality and their corresponding rulings may conflict.

Accordingly, and given that Sharia rulings are based on expediencies, the general and primary principle in observing public interests is to act according to Sharia directives and rulings. In this regard, officials in an Islamic government may encounter situations where specific Sharia rulings exist for the subjects at hand, and they are obligated, following an accurate understanding of the subject, to act in accordance with what God has commanded. For example, when a public official's decision or action leads to the wasting or squandering of public funds, public interests, as defined by Sharia rulings, require the official to abandon such a decision or action. Therefore, expediency discernment in such cases involves two stages: first, understanding the subject (a technical and expert analysis) and second, identifying the relevant Sharia ruling (through ijtihad or imitation).[1]

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1. It is important to note that in cases where the subject of dispute does not fall under a binding Sharia ruling (whether obligatory or forbidden) and instead lies within the realm of permissibility in its broadest sense (including recommended, disliked, and specifically permissible actions), it is still necessary to act in accordance with these rulings to the best of one's ability. This is because the rulings
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However, in cases where two Sharia rulings apply to certain subjects or external events, giving rise to a type of conflict[1] between the rulings and a single subject may fall under the jurisdiction of two or more Sharia rulings, while the simultaneous implementation of these rulings within the same time frame is not possible, requiring that one ruling be prioritized over the other (Javadi Amoli, 2012, p. 245; Muzaffar, 2007, p. 280).[2] According to the teachings of Islam (based on religious and rational evidence), when the obedience to one Sharia ruling conflicts with one or more other rulings, the more important ruling must take precedence over the less important one (Javadi Amoli, 2012, p. 245). Therefore, it is essential to study the various types of benefits considered in Sharia in terms of their significance, and ultimately to articulate legal frameworks prioritizing the important over the less important for identifying public interests in the realm of governance in

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regarding recommendation or dislike stem from the fact that these matters possess certain benefits and harms, even though the intensity of their benefits and harms is not sufficient for God to issue a ruling of obligation or prohibition (Azari Ghomi, 1988, p. 64). Therefore, when determining public interests, officials in the Islamic government are required to consider, in addition to Sharia obligations, the relevant decisions in cases concerning recommended and disliked actions, as this aligns with the principle that all Sharia rulings are based on public interests.

1. The term "conflict" refers to the impossibility of reconciling two Sharia rulings in the implementation phase (Hashemi Shahroudi, 2005, vol. 2, p. 456) or the inability to comply with Sharia rulings, which may sometimes arise from the inability to reconcile two Sharia rulings and at other times from the presence of another reason preventing the execution of the ruling, rendering compliance impossible (Haeri, 2003, vol. 3, p. 214).

2. It should be noted that the rulings of Islam, in theory, do not conflict or contradict each other. However, in practice, due to the nature of the physical world being one of interference and conflict, the issue of the conflict of rulings arises (Javadi Amoli, 2012, p. 245). For example, the ruling of the obligation to save a drowning person and the prohibition of trespassing on someone else's property are two binding Sharia rulings that do not conflict in theory. However, in practice, when an individual is in danger of drowning and obtaining permission from the property owner is not possible, the subject becomes the place of application for both rulings, leading to a conflict between them (Sobhani, 2003, vol. 1, p. 545). In social contexts, there are many instances of conflict and interference between two or more Sharia rulings. For example, in many cases, the government feels the need to widen streets and alleys, which is deemed necessary for the comfort of people's daily commutes. However, widening streets requires the expropriation of private property, which is prohibited by Islamic law.

an Islamic government as a Sharia obligation.

Therefore, to discern public interests in cases of conflict between subjects, it is essential to outline several steps. The first step involves subject identification, or precisely understanding the dimensions and aspects of the subjects using specialized tools, consultation, expertise, and analysis (Sarrami, 2001, pp. 213-219). The second step is to employ a logical process based on the teachings of Sharia, including the Quran, Sunnah, and reason, to identify the more important subject over the less important one.

Before examining the process of expediency discernment in cases of conflict between religious rulings, two points must be emphasized. First, in Islamic thought, when discussing the arrangement of interests and harms, the interests acknowledged by the Sacred Law are studied under five main categories: the preservation of religion, the preservation of life, the preservation of intellect, the preservation of progeny, and the preservation of property. In cases of conflict between a higher interest and a lower one, action is taken according to the rule of more important versus less important, based on the superior interest (Tavakoli, 2005, p. 138; Ghazālī, 1923, vol. 1, p. 140). Thus, when conflicting subjects arise, the fundamental basis of each of the five categories that come into conflict is prioritized. Therefore, regarding the principles of religion upon which Islamic law is founded, in conflicts with other mentioned interests, no consideration for interests applies, and undoubtedly, the principles of religion take precedence (Mesbah Yazdi, 2012, vol. 1, p. 60). Accordingly, one of the general principles in identifying the most important interests is to consider these five principles and prioritize each of them over the lower rank.

Second, in cases of conflict between interests and harms, the principles and processes for resolving such conflicts are employed when certain and uncertain interests overlap. To clarify, it should be noted that, in Islamic thought, the interests and harms of subjects can

sometimes be certain and definite, which the public authority is sure of, leaving no room for doubt. However, at other times, the conflict arises based on suspicion and probability (Group of Researchers, 2010, p. 718). Therefore, in determining public interests, a distinction must be made between subjects whose interests or harms are certain and those with uncertain interests, with indubitable interests taking precedence over uncertain ones (Sadr, 1996, vol. 7, p. 152). Certain and established interests cannot be abandoned based on uncertain and probable interests (Alidoost, 2009, p. 545).

3. Process of Identifying More Important Subjects in Cases of Conflict between Rulings

Given the above points, the public authority is obligated to uphold the principle of public interests by utilizing legal rules, expertise, precise subject identification, and all governing principles of decision-making for public officials, including consultation and caution in decision-making, to correctly identify the more important interests (Nāʾīnī, 2003, p. 137). However, providing a practical solution for implementing this principle requires the extraction and design of mechanisms and criteria that allow the prioritization of more important interests over lesser ones in cases of conflict between subjects. In this regard, a process can be designed to identify the priorities of interests, considering both religious and rational priorities and those arising from external realities.

3.1. Religious and Rational Priorities

By religious priorities and rational priorities, we refer to the set of criteria based on Islamic law or rational evidence—which are also compatible with each other—that will be useful in identifying the more important issue when there is a conflict between subjects. This clarity indicates which topic holds superiority and precedence over

another. The most significant rational and religious priorities that apply in the realm of public law can be categorized under the following topics.

3.1.1. Prioritization of Intrinsic Duties to Incidental Duties

One criterion for prioritizing the precedence of more important subjects over less important ones is the preference of intrinsic subjects over incidental ones. According to religious evidence and rational arguments, when an individual faces a conflict between two subjects, one of which pertains to their essential duties and the other is a contingent subject, the essential duty takes precedence. From the perspective of Shia jurists, the term "essential duty" refers to a duty that is independently addressed by the sacred lawgiver (Shirvani, 2009, vol. 1, p. 165), whereas "contingent duties" are those that are not independently addressed and are instead subordinate to or derived from the primary objective (Ṣāliḥī Māzandarānī, 2003, vol. 2, p. 292). Therefore, when there is a conflict between primary and subordinate subjects, the primary subjects take precedence, and in cases where there is a conflict between contingent subjects, those that are more closely related to the primary duties gain importance (Qarafi, 1973, p. 449).

Prioritizing intrinsic subjects over incidental ones in public law and governmental actions or decisions aimed at identifying public interests serves as a guiding principle. This approach allows officials in the Islamic government to categorize subjects, especially when conflicts arise, into primary or essential duties and secondary or incidental ones, and to prioritize essential duties over incidental ones. For instance, a prominent example of decision-making based on public interest in cases of conflicting issues, guided by the principle of prioritizing essential over incidental duties in the public legal system, is the prioritization of the inherent duties of the Islamic government and sovereign responsibilities over administrative functions. As an

example, when promoting ethics, culture, and Islamic principles and safeguarding the Iranian-Islamic identity—recognized as governmental responsibilities under Article 8 of the Public Service Management Act—conflicts with developmental or infrastructure-related tasks, if a compromise cannot be reached, the sovereign duty of promoting ethics, culture, and Islamic values takes precedence over other administrative tasks.

3.1.2. Prioritizing Necessary Subjects over Needed and Commendable Subjects

The prioritization of necessary subjects over other subjects can be examined from two perspectives. On the one hand, the necessity of certain matters is predetermined, and in cases of conflict, they take precedence over other matters. In the second perspective, some subjects become necessary due to external events and circumstances, where their importance is due to these external incidents. Shiite jurists categorize the interests underlying subjects into three groups: necessary (essential),[1] needed (required),[2] and commendable.[3]

To analyze the prioritization of these categories of interests, it should be noted that in cases of conflict between necessary interests and needed or commendable interests, the former take precedence. Similarly, in cases where needed interests conflict with commendable ones, needed interests are prioritized (Tavakoli, 2005, p. 141). Therefore, public authorities in the Islamic government, when making decisions

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1. Necessary interests are those that are fundamental to achieving worldly and spiritual prosperity; if these interests are not realized, the material and spiritual well-being of individuals cannot be sustained, leading to human ruin (Saberi, 2005, p. 26).

2. Needed or required interests are those that contribute to improving human life and alleviating constraints and challenges faced by individuals, though not to the extent that they would be classified as essential interests (Tavallaee, 2012, p. 50).

3. Commendable interests involve adhering to virtuous customs and avoiding undesirable actions. Virtuous actions are the ones reason endorses as appropriate behavior; this is sometimes referred to as moral excellence (Saberi, 2005, p. 29).

or taking actions to uphold public interests, are obligated to prioritize subjects classified as necessary or essential over those categorized as needed or commendable. An example of prioritizing essential subjects over needed and commendable ones in public law is the prioritization of essential expenses, such as paying employee salaries and providing necessary resources to achieve administrative goals, over needed and commendable subjects like supporting related research projects. It is also worth noting that collaboration between experts on subjects and scholars of jurisprudential rulings in identifying the essentials of public law in terms of Islamic principles is deemed necessary for fulfilling this responsibility.

3.1.3. Quantitative Identification of Interests (Prioritizing Public Interests over Individual Interests)

Another categorization used to establish the priority order of subjects is the division between public and private subjects. Public or general subjects refer to those that affect all or the majority of individuals, whereas private or personal subjects concern only a small portion of individuals or benefit a specific group (Khademi, 2000, p. 123; Amid Zanjani, 2011, p. 205). Accordingly, when a conflict arises between public and private interests, those that benefit a larger group take precedence over the ones benefiting a minority. Numerous religious texts emphasize the priority of subjects in terms of their broader impact (Tavakoli, 2005, p. 145). Imam Khomeini also emphasized this principle, stating that safeguarding the public and Islamic interest takes precedence over protecting individual interests, regardless of who it may be (Khomeini, 1999, vol. 18, p. 467). For example, when an Islamic government official is faced with resolving a conflict between a national and a local matter, then given the principle of broader impact, national subjects should be prioritized.

3.1.4. Necessity of Upholding Islamic Sharia and Prioritization among Jurisprudential Rulings

The term *Islamic Sharia* refers to a systematic set of rulings, regulations, and religious laws ordained by God for His servants, which were conveyed to humanity through Prophet Muhammad. This system is responsible for guiding all aspects and dimensions of human life (Kaabi, 2004, p. 99). As explained in the definition of public interests, the scope of determining public interests in governments in terms of the sovereignty of Sharia is restricted to implementing religious laws, and the welfare and common good can only be achieved through the commands of God. Therefore, considerations of expediency in an Islamic government can never contradict Sharia, and all public interests must be pursued within the framework of Islamic Sharia (Rabbani Golpayegani, 2013, p. 8).

This principle also applies when there is a conflict between the subjects of religious rulings. Considering this general rule, in cases where religious subjects conflict with one another, the more important subject and its ruling cannot contradict Sharia law, whether primary, secondary, or governmental (Hosseini, 1999, p. 119). Within this framework, a hierarchy of priority is established. For instance, when daily prayers conflict with any other obligation, this religious duty takes precedence over other obligations (Group of Researchers, 2010, p. 718). This principle is also applicable in public law matters, a prominent example being the issuance of governmental orders, which take precedence over other subjects.

In this regard, it can be said that, given the derivation of rulings from religious sources and the necessity of adhering to them to ensure public interest, no matter of higher importance can contradict Islamic Sharia and must also observe the priorities established within Sharia among various rulings. It is worth noting that, in the realm of public law, additional prioritized subjects are identifiable, including the

principle of *Nafy al-Sabīl* (denial of authority to non-believers)[1] and the necessity of maintaining unity.

In addition to Islamic Sharia in the broad sense, which encompasses all binding divine commands, mandatory laws and regulations enacted by competent public authorities are also considered constraints in determining subjects and prioritizing interests. In fact, given the overarching endorsement of the legal and regulatory system by the leader of the Islamic society, and based on principles such as the necessity of preserving order in the Islamic community, it is not permissible to oppose a legally enacted law within the authority of a public official or institution, and established through designated procedures (Khamenei, 2003, p. 485).

Based on the reasoning presented, it can be concluded that in cases of conflict between subjects of religious rulings, the subject aligned with the enforceable laws and regulations of the Islamic government should be considered of greater importance. This is because the obligation to enforce laws in an Islamic government is rooted in divine Sharia, and officials of the Islamic government are required to act in accordance with the law, which is regarded as the paramount interest.

3.1.5. Preservation of the Islamic System

Another key religious priority in determining the more important subject is the preservation of the Islamic system. In this study, the preservation of the Islamic system refers to maintaining the structure, existence, and establishment of religious governance within a human society, a concept described in Islamic jurisprudence as *Bayḍat al-*

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1. The basis of this principle is the Quranic verse, "and Allah will never provide the faithless any way [to prevail] over the faithful" (4:141), which implies the rejection of enacting laws that favor unbelievers over Muslims.

Islam (the fortress of Islam). More precisely, the Islamic system encompasses the institutions and structures responsible for safeguarding religion within the social order, upon which the existence, dominance, and sovereignty of Islamic Sharia depend (Amid Zanjani, 2005, vol. 8, p. 35). Shia jurists consider the preservation of the Islamic system to be a categorical obligation that enables human happiness and perfection (Shamsoddin, 1991, p. 505), with the four sources of Sharia (the Quran, Sunnah, consensus, and reason) affirming its necessity (Makarem Shirazi, 2007, p. 440).

Thus, a crucial issue derived from the principle of preserving the system, which is deemed obligatory for all officials of the Islamic government, is regarding this principle as a priority in identifying the more important subject in cases of conflict. In other words, the interest of preserving the Islamic system is considered the highest priority, and in cases of conflict with any other subject, the preservation of the system is regarded as more important (Makarem Shirazi, 2007, pp. 263–264).

3.2. Priorities Stemming from External Realities

In certain cases, public authorities must identify the more important subjects in cases of conflict by considering external realities. This is because they may encounter situations or events in their decisions and actions that make one subject take precedence over others. For instance, when a public authority faces subjects, one of which is urgent or whose neglect would cause hardship or harm, the subject aligned with this external reality is given priority. The criteria that can be derived from religious and rational sources in this regard are as follows.

3.2.1. Prioritizing Necessary and Urgent Subjects

One external reality that leads to the prioritization of certain subjects over others is necessity or urgency. When one subject in a

conflict carries a sense of necessity or urgency, it takes precedence over other subjects, establishing a criterion for prioritizing the more essential over the less critical (Sobhani, 2003, vol. 3, p. 373). Necessity or urgency here refers to any situation where a responsible individual lacks the ability to refrain from action (Ṭabarsī, 1981, vol. 1, p. 257). It is worth noting that religious sources—Quran, Sunnah, reason, and consensus—consistently emphasize the precedence of essential and urgent matters (Rahmani, 1997, pp. 154–167).

Thus, public authorities in an Islamic government are obligated to prioritize, in line with external realities, subjects that cannot be avoided and whose fulfillment prevents the loss of a greater objective. Such subjects are considered paramount. For example, in cases of unforeseen events that require public funds to preserve human lives, it can be said that expenses arising from such incidents take priority over regular administrative expenses.

3.2.2. Prioritizing Non-Substitutable Subjects over Substitutable Ones

Subjects can be divided into two categories based on whether they have a substitute: those with alternatives and those without. In cases of conflict between these two types, subjects without a substitute take precedence and are considered more important (Tavakoli, 2005, p. 146).

This principle is also applicable in public law when determining priority between more and less essential matters for public officials. One example is the conflict between exclusive and shared competences of an authority or public official. When there is a conflict between an exclusive competence of a public authority and a competence shared with others, the exclusive competence takes precedence, as shared competences can be fulfilled by other officials.

3.2.3. Prioritizing Urgent Subjects to Time-Flexible Ones

From another perspective, subjects can be categorized into urgent

and extended-time (or time-flexible) subjects. Urgent subjects are those that must be completed within a specific timeframe, requiring prompt action, whereas extended-time subjects are not bound by a strict timeframe (Tavakoli, 2005, p. 146).

Prioritizing urgent over extended-time subjects is also useful in determining public interests for government officials. When an Islamic government official faces two subjects, one of which is urgent while the other can be addressed over a more flexible period, priority should be given to the urgent matter. For example, when budget allocation for earthquake-affected areas conflicts with other developmental projects, the urgent needs of the affected areas should take precedence due to their immediate necessity.

3.2.4. Harmful or Burdensome Subjects[1]

Another external factor that public authorities must consider when determining the greater public interest is the avoidance of harmful or burdensome subjects. Harmful and burdensome subjects are strongly discouraged in Islamic law, and when two or more subjects are in conflict, the one that alleviates harm or hardship takes precedence. In this context, "burden" refers to any obligation that imposes undue hardship or constraint on individuals, which is not permitted by Islamic law (Najafi, 1994, vol. 5, pp. 111–113). Numerous Quranic verses and hadiths underscore the removal of hardship in Islamic rulings (Mousavi Bojnourdi, 1980, vol. 1, p. 365), and based on this principle, Islamic scholars extend the negation of hardship to personal, social, political, and economic matters (Najafi, 1994, vol. 13, p. 283; vol. 17, p. 291). Moreover, Islamic law prohibits causing harm to others, and thus, causing harm or damage lacks any legitimacy. This prohibition against harming others

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1. It should be noted that, as this study does not aim to examine or critique the principles of hardship (*al-ʿusr wa-l-ḥaraj*) and non-harm (*lā ḍarar*), it will limit its discussion to widely agreed-upon issues.

is based on both textual and rational evidence (Iṣfahānī, 2001, vol. 1, p. 693). Therefore, in cases where two or more subjects conflict, and one entails hardship or harm, priority is given to those that prevent hardship and harm (Group of Researchers, 2010, p. 178). For instance, if a public authority has discretionary power and can either carry out an action that would harm an individual or group or take an alternative action that would cause no harm, they are obligated to choose the non-harmful action unless there is another compelling reason otherwise.

3.2.5. Public Consent and Demand

Another priority in determining the greater interest in cases of conflicting issues, arising from external realities, is public satisfaction and demand. Attention to public approval and giving it precedence in decision-making is evident in the practical conduct of the infallible Islamic leaders. For instance, Imam ʿAlī, in his governmental instructions to Mālik al-Ashtar, encouraged him to consider public satisfaction in his decisions, stating, "The dearest of affairs in your view should be those that are closest to the right, most comprehensive in justice, and most inclusive of public satisfaction" (Nahj al-Balagha, Letter 53). Explaining this directive, one could say that in social matters, the option that best achieves public satisfaction should be selected, as public approval serves to ease societal challenges and strengthens the connection between the people and their leaders (Jafari, 2010, p. 217).

Therefore, one responsibility of public officials in decision-making is to consider public satisfaction and prioritize it in cases of conflict. It should be noted, however, that, as discussed earlier, determining public interests in an Islamic government is restricted by the boundaries of Sharia law. Thus, public satisfaction is relevant only within the framework of divine rulings when discerning the greater from the lesser interests. Public approval cannot justify decisions that conflict with the commands of the sacred law (Jafari, 2010, pp. 218-219).

3.2.6. Subject Priorities in Identifying the More Important Alternative

Finally, the issues that public officials face during decision-making or implementation cover a diverse range of topics that can be categorized into political (domestic and foreign policy), security, law enforcement, economic, cultural, and social domains. Often, conflicts arise between two or more of these domains, necessitating a framework to prioritize one over the others. Therefore, creating a model for identifying the more critical issues enables the officials of an Islamic government to carefully assess and prioritize public interests when conflicts between domains occur, allowing them to align their decisions and actions with this prioritization. For example, if the model identifies domestic policy as more significant than economic development, in cases where national security and domestic sovereignty conflict with economic freedom and integration into global markets, preserving national sovereignty—considered a political issue—will undoubtedly take precedence (Shariati, 2001, p. 192).

Conclusion

Clarifying the instances of public interest requires a method to identify the rulings related to various issues, allowing for the implementation of religious rulings that serve the public good and interests. Finding religious rulings for straightforward issues is not complex and can be readily accessed through the methodology of ijtihad. However, this initial stage requires precise subject identification and clear delineation of the issue at hand, along with the application of the relevant ruling. In some cases, though, the religious ruling is not easily discernible, leading to conflicts between different issues, making simultaneous enforcement of all rulings impossible. In such situations, the duty of public officials is to identify the more important subject and act according to its ruling when reconciliation is not feasible. To achieve this, criteria can be categorized into two groups: religious and

rational priorities, and external priorities. When confronted with conflicting issues, officials in an Islamic government must first accurately identify the subjects and discern the more important one using these criteria. Additionally, leveraging other governance principles can be beneficial in this context.

Once this stage is complete, the next step is to identify the ruling pertaining to the more significant issue. Since determining the ruling related to public interests in an Islamic government is only possible through the ijtihad system, non-jurists cannot articulate the relevant religious ruling for the issue. Therefore, officials and agents of the Islamic government, if not well-versed in ijtihad principles, are obliged to consult jurists to find the appropriate religious ruling for the matter at hand.

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* The Quran.

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