

Human and Citizens' Rights in the Mahdavi Government: A Juridical and Legal Analysis of Foundations, Types of Rights, Challenges, and Guarantees within the Framework of Islamic Constitutional Law

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Abstract

The present research is conducted with the aim of formulating a comprehensive and systematic framework for analyzing "Human and Citizens' Rights in the Mahdawi or Mahdist Government," employing a mixed methodology (Ijtihadi-inferential and analytical-critical comparison). The central question is: How do the juridical-legal foundations, types, challenges, and guarantee mechanisms of these rights in the government of Imam Mahdi create a distinct and alternative model against the dominant paradigm of secular human rights? The research findings indicate that rights in this government are established under the "Theory of Shiite Imamate" and based on the ontological foundations of "Inherent Human Dignity" (al-Isra: 70) and "Ontological-Legislative Justice." This legal system, centered on "Simultaneous Right-Duty," offers an integrated constellation of civil, political, economic, social, and cultural rights. Its realization is guaranteed not through secular institutions, but via innovative mechanisms such as "*Bay'a* (Allegiance) as a Covenant of Responsible and Continuous Governance," "Structured Public Oversight Based on the Obligation of Commanding Right and Forbidding Wrong," the "System of Just Distribution of Anfāl (public wealth) and Natural Resources," and "Infallible Adjudication." While critiquing the theoretical and methodological gaps in previous studies, this research argues that the Mahdavi Government, as the supreme objective manifestation of the "Rule of Sharia Law," is not merely an ideal model but a benchmark and an inspiring source for reforming existing legal

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systems (with a case study of the Constitutional Law of the Islamic Republic of Iran). Furthermore, it possesses the capacity to establish an independent discourse in the field of "Islamic Constitutional Law."

Keywords

Islamic human rights, citizenship rights, Mahdist government, governmental jurisprudence, ontological justice, enjoining the right, Islamic constitutional law.

1. Introduction

The dominant discourse of contemporary human rights, symbolically manifested in documents such as the "Universal Declaration of Human Rights" (1948), faces fundamental theoretical and practical challenges. These challenges include the reduction of "rights" to inalienable individual privileges, the neglect of social and divine "duties," extreme individualism, indifference toward distributive justice, and the erosion of moral foundations (Held, 2006, p. 35; Bassiouni, 2013, p. 65). In contrast to this paradigm, Islamic political thought—centered on "inherent human dignity" and "comprehensive justice"—offers a holistic model, the pinnacle of which is promised in the global governance of Imam Mahdi; a government that shall fill the earth with equity and justice (Majlisī, 1983, Vol. 52, p. 336). However, most existing research has either been limited to reciting virtue-oriented hadiths or has settled for a superficial comparison with Western concepts. The primary gap is the lack of a systematic analysis that utilizes the method of "governmental jurisprudence" to extract and explain the foundations, institutions, and processes of constitutional rights within Mahdist or Mahdawi governance as an "independent political theory." Focusing on this gap, this research seeks to answer the following central question: What are the jurisprudential-legal foundations, the types of rights, the comparative challenges, and the mechanisms for guaranteeing human and citizenship rights in Mahdist governance, and how does this model produce a theory distinct from the secular human rights paradigm? To provide an answer, a hybrid method is employed: in the first step, theoretical foundations are extracted through an Ijtihadi-inferential method, referring to the fourfold proofs (the Book, Tradition, Reason, and Consensus) and jurisprudential maxims (such as *lā-ḍarar* [no harm], *Taslīṭ* [dominion], and *Ahamm wa-l-Mahimm* [the more important and the important]). In the second step, drawing upon the study "Foundations and Scope of Constitutional Rights in Mahdist Governance from the Perspective of Islamic Teachings" and utilizing a critical comparative analysis, these foundations are juxtaposed with the most significant Western theories of constitutional law to reveal the independent identity of the Mahdist model.

The structure of the article is as follows: Following the introduction, the theoretical foundations and conceptual framework are explained. Subsequently, the types of rights and their executive mechanisms within Mahdist governance are analyzed, alongside an examination of comparative challenges and jurisprudential responses. Furthermore, the executive

guarantees and the relationship between this model and the Constitution of the Islamic Republic of Iran are studied. Finally, the conclusion and strategic implications will be presented.

First Part: Theoretical Foundations and Conceptual Framework

1. Key Concepts: A Redefinition within the Islamic Framework

1-1. Islamic Constitutional Law

In this research, constitutional law is defined not merely as the rules governing the structure of power, but as a "normative system derived from Islamic Sharia" that serves three primary functions: limiting and conditioning the power of the state, guaranteeing the inherent rights and dignity of the people, and determining the mutual duties of the ruler and the nation on the path toward achieving collective justice and servitude (*'ubūdiyya*). This definition possesses a substantive distinction from the classical Western definition, which focuses on human contracts and individual rights (Hashemi, 2013, Vol. 1, p. 25). The source of these rights is the Divine Will manifested in the Sharia, and the "rule of law" signifies the "sovereignty of the Sharia."

1-2. Human Rights and Mahdist Citizenship

These rights are inherent and derive from human dignity (Quran 17:70), yet they find meaning as "simultaneous right-duties" and within the framework of the Sharia. While the individual enjoys the rights to life, security, and participation, they are simultaneously duty-bound to observe divine limits, maintain public order, and participate in enjoining good and forbidding evil. This perspective creates a paradigmatic break from the purely liberal model, which regards the "right" as an absolute matter prior to "duty" (Javadi Amoli, 1996, p. 145). In Mahdist governance, this mutual relationship is manifested in the form of specific institutions.

2. Ontological and Epistemological Foundations

2-1. Ontological Justice: The Ontological Foundation of Rights

Justice in the Islamic view is not merely a moral value or a social contract, but a divine tradition governing the structure of creation. The Quran states: "And the heaven He raised and imposed the balance" (Quran 55:7). This "balance" (*mīzān*) refers to the justice-centered order governing the ontological realm. Therefore, just laws (legislation) must be consistent with this ontological justice. Mahdavi governance is the perfect manifestation of this harmony between the ontological and the legislative; as stated in the narration: "He shall fill the earth with equity and justice, just as it had been filled with injustice and oppression" (Majlisī, 1983, Vol. 52, p. 336). This comprehensive justice is

only possible in light of the awareness of the "best possible order" (*al-niẓām al-aḥsan*) of creation and the power to dispose therein, which are among the prerogatives of the Imamate.

2-2. Knowledge and Infallibility of the Leader: The Epistemological Foundation

The discernment and implementation of true justice across all complex social and economic spheres necessitate a supra-human knowledge of actual benefits and harms, as well as immunity from error and carnal desires. This condition is fulfilled only in the Infallible leadership (the Imam appointed by God). Hence, the divine legitimacy of the Imamate is considered an essential prerequisite for the realization of a just legal system (Khomeini, 1999, Vol. 21, p. 408). This foundation serves as a fundamental response to the challenge of "monitoring the monitor" and the possibility of corruption and power-related errors within human systems. The Infallible Imam is both the unerring interpreter of the law and the guarantor of its objective implementation.

3. Combined Theoretical Framework: Theory of Imamate and the Structure of Constitutional Rights

For the analysis of Mahdist governance, a hybrid theoretical framework of "the Imamate as the cornerstone of Islamic constitutional law" is utilized. Within this framework:

3-1. Source of Sovereignty and Law

Sovereignty belongs to God alone—"Legislation is not but for Allah" (Quran 12:40)—and the supreme law is the Divine Sharia. The role of the Infallible Imam is the "interpretation, explanation, and flawless implementation of this law." This position simultaneously renders him the "legitimizing" (by virtue of divine appointment) and the "ultimate executive guarantee" of the legal system. Here, the "rule of law" signifies the "sovereignty of the Sharia" under the supervision of the Infallible (*Ma'ṣūm*).

3-2. Structure of Power

The structure is based on the "unity of Infallible leadership" at the apex (Imamate) and the "separation of specialized functions" within the executive and judicial branches under his supervision. This model combines the centralization necessary for efficiency and procedural unity with justice and Infallible oversight. In contrast to the theory of the absolute separation of powers, which may lead to conflict and inefficiency, in this model, the executive and judicial branches—while remaining specialized—are under a single just leadership and supervision, which guarantees harmony and justice.

3-3. Dual Legitimacy

The legitimacy of the system is rooted in both "Divine Appointment" (celestial legitimacy—inherent and fixed) and "Popular Allegiance and Acceptability" (terrestrial legitimacy—acquired and dynamic). Allegiance is not merely an inaugural ceremony, but a "continuous covenant for oversight and accompaniment" that institutionalizes the people's right to participation and supervision. This theory transcends both "pure popular sovereignty" (such as Rousseau's Social Contract) and "pure, unaccountable divine legitimacy," offering instead a balanced model. Expressing the necessity of government, Imam Ali states: "The people inevitably require a leader, whether righteous or wicked" (Nahj al-Balagha, Sermon 40). This statement points to the "social necessity of governance" and the role of the people in its acceptance.

3-4. The Right-Duty System

Individual rights are always defined within the network of social relations and alongside a threefold set of duties: duty toward God (servitude), duty toward oneself (self-refinement/*tahdhīb al-nafs*), and duty toward others and society (social responsibility). This perspective prevents both radical liberal individualism and authoritarian socialist collectivism. The jurisprudential maxim, "The correlation between right and duty," serves as the foundation for this relationship.

4. Research Methodology

This research employs the method of "inferential Ijtihad within governmental jurisprudence." This involves a systematic reference to the four sources of legal deduction (the Book, authentic Sunnah, Reason, and Consensus) and the application of key jurisprudential maxims (such as *lā-ḍarar* [no harm], *Taslīṭ* [dominion], *Aḥamm wa-Muḥimm* [the more important vs. the important], and *ʿadl wa inṣāf* [justice and equity]) to extract the foundations, principles, and rulings pertaining to the structure of governance and rights from religious texts. Subsequently, in a separate section using a "critical comparative analysis" approach, the findings of this deduction are juxtaposed with major Western theories of constitutional law and political philosophy (focusing on themes of legitimacy, right-duty, distributive justice, liberty, and privacy). The objective of this comparison is not to reduce the Mahdist theory to Western concepts, but rather to demonstrate its points of divergence and its potential as an alternative for resolving existing theoretical deadlocks.

Part Two: Varieties of Human Rights and Citizenship in the Mahdist Government

This section provides an objective and institutional analysis of the fivefold

rights and their executive mechanisms within Mahdist governance, emphasizing how these rights are realized through "specific mechanisms" grounded in jurisprudential teachings. The objective is to demonstrate the distinction between this model and conventional systems by operationalizing these concepts.

1. Civil Rights

Civil rights in Mahdist governance are founded upon two key pillars: "Inherent Human Dignity," as explicitly stated in the verse "And We have certainly honored the children of Adam" (Quran 17:70), and the jurisprudential maxim of *taslīṭ* ("People have sovereignty over their own selves and their property"), which recognizes an individual's authority over their person and possessions. The realization of these rights takes place under the aegis of two distinct characteristics:

1-1. Infallible Judicial Enforcement and Immediate Access to Justice

The paramount guarantee of civil rights lies in the existence of an infallible judicial structure or one under the direct supervision of the Infallible. Numerous hadiths indicate that Imam Mahdi himself adjudicates directly, realizing the restoration of rights without the need for lengthy formalities and through divinely inspired knowledge (*'ilm ladunnī*). This includes the hadith: "He judges between the people with the eye of God, requiring neither evidence nor witness" (Nu'mānī, 2001, p. 239). This reality eliminates issues such as judicial delays, corruption, and errors in judgment—common in human systems—and establishes judicial security at the highest level. Furthermore, the judges appointed by him are selected based on the most stringent criteria of "piety and expertise."

1-2. Jurisprudential Balance between Privacy and Social Oversight (Enjoining the Right)

One of the most subtle legal discourses is the demarcation of the boundary of privacy. Citing the verse "Do not spy" (Quran 49:12), Islam respects this private sphere (Najafī, 1972, Vol. 13, p. 298). However, the duty of "enjoining the good and forbidding the evil," as both a social obligation and a public right, limits this sphere in cases of the "public manifestation of vice" or the "evident violation of the rights of people" (*haqq al-nās*). The key distinction lies in the "public nature" of the act. This regulation is based on the jurisprudential maxim of "the more important and the important." When a more important interest (preserving the moral and legal integrity of the entire society) conflicts with an important interest (the privacy of an individual committing a public vice), the former takes precedence (Shahīd al-Thānī,

1992, Vol. 2, p. 350). Consequently, in Mahdist governance, "enjoining the good" is transformed into a legal, regulated institution overseeing public affairs, rather than an arbitrary or intrusive action. This model offers an Islamic solution to the dilemma of "individual liberty versus public morality."

2. Political Rights

Political rights in this governance find meaning within the framework of the theory of dual legitimacy and are based on the concept of *bay'ā* (allegiance), transcending the conventional model of "periodic voting rights":

2-1. Allegiance as a Covenant of Responsible Constant Governance

Allegiance in Mahdist governance is not merely an initial acceptance or acknowledgment; rather, it is a "continuous socio-political contract." This contract establishes the people's right to oversight, inquiry, and demand for accountability, alongside the government's duty of transparency, responsiveness, and the upholding of rights (the theory of "Wilāyat al-Umma 'alā al-Wulāt" [the guardianship of the nation over the rulers] according to Sadr, n.d.). This institution realizes the function of "popular sovereignty" found in Western democracies within a framework that is more stable, profound, and grounded in moral accountability. Popular acceptance is the factor that grants "legitimacy and actuality" to the governance.

2-2. Participation Through Absolute Meritocracy and the Consultation System

The right to self-determination and participation in administrative affairs is primarily realized through the selection of individuals for various positions based on both inherent piety and acquired competencies (expertise). Narrations recount the selection of 313 individuals from the farthest corners of the world as the Imam's elite companions (Majlisī, 1983, Vol. 52, p. 309), as well as the presence of competent women in managerial roles. This system replaces "mere electocracy" with "meritocracy." Furthermore, the formation of consultative "specialized councils" with elites—"and whose affairs are [determined] by consultation among themselves" (Quran 42:38)—guarantees the right of participation in decision-making for those possessing knowledge and experience.

2-3. Structured General Oversight

The duty of enjoining the good and forbidding the evil transcends a mere moral recommendation, evolving into a supra-departmental, permanent, and universal supervisory mechanism. This institution facilitates the people's direct oversight of the performance of all government officials and entities, and is

complemented by the "right to criticism and advice" emphasized in the conduct of Imam Ali: "Do not withhold from me a word of truth" (Nahj al-Balagha, Sermon 216). Furthermore, an institution such as the "Court of Complaints" (*Dīwān al-Mazālim*) (Majlisī, 1983, Vol. 52, p. 390), which operates directly under the Imam's supervision, adjudicates public complaints.

3. Economic Rights: Distributive Justice, Eradication of Absolute Poverty, and Social Balance

Economic rights in Mahdist governance, aimed at uprooting absolute poverty and establishing social balance, are founded upon the integration of two jurisprudential maxims: *taslīt* (respect for private property) and *Lā-Darar* (negation of any social harm).

3-1. The Just Distributive System of *Anfāl* and Natural Resources

The Imam, as the "walī al-amr" (Guardian of the Affair), is the owner and administrator of the "anfāl" (public wealth) and communal wealth. His economic policy is the distribution of these resources based on "merit and need" in a just manner, rather than through personal connections. The hadith, "He divides the wealth correctly and equally among the people" (Majlisī, 1983, Vol. 51, p. 92), signifies this principle. This approach serves as the Islamic response to the criticisms directed at capitalist systems (class disparity) and socialist systems (the negation of private property and the reduction of motivation).

3-2. Infrastructure Development and Universal Efficiency

Guaranteeing economic rights is not achievable through distribution alone; rather, it requires maximum production and productivity. Narrations speak of miraculous natural occurrences in the era of reappearance, such as "The earth casts out the treasures of its interior" (Majlisī, 1983, Vol. 52, p. 337), and the cultivation of all lands. These signify a fundamental transformation in the relationship between humans and nature, providing an unparalleled material foundation for public welfare.

3-3. Integrating Private Ownership and Social Responsibility

Private property is respected under the "Rule of Dominion" (*Qā'idat al-Salṭana*), yet this respect is not absolute. When the concentration of wealth and class disparity result in "harm" to society and the deprivation of the public, the rule of "No harm and no harassment" (*lā ḍarara wa lā ḍirār*) (Ḥurr al-Āmilī, 1995, Vol. 15, p. 280) comes into effect. Here, the government establishes economic equilibrium through instruments such as the complete and just implementation of Zakat, Khums, Anfāl, and legitimate taxes. The

objective is not the expropriation of property, but rather the "removal of public harm" and the realization of "social balance." The outcome of this policy is that "There remains no needy person on earth" (Nu'mānī, 2001, p. 239).

4. Social and Cultural Rights

Social and cultural rights are realized in their broadest sense within the Mahdist government and constitute a prerequisite for the enjoyment of other rights:

4-1. Right to Comprehensive Security: The Foundation of Social Coexistence

Security in the Mahdist government is a multidimensional and absolute concept, serving as the foundation of social coexistence. The Holy Qur'an promises: "Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth ... and that He will surely substitute for them, after their fear, security ..." (Qur'an 24:55). This security encompasses life, property, reputation, judicial, and psychological security. Narrations symbolically refer to absolute security, such as: "A woman walks between Iraq and Syria, placing her foot only upon greenery, with a vessel of gold upon her head; no one sees her except that they say: 'This is a maiden'" (Majlisī, 1983, Vol. 52, p. 316). This imagery symbolizes the elimination of fear regarding assault, theft, and violation. Providing this level of security necessitates a fundamental transformation in individual ethics and social order under the leadership of the Infallible (*Ma'ṣūm*).

4-2. Right to Health, Welfare, and Social Security

In the Mahdist government, the "right to health" and the "right to an adequate standard of living" are fully guaranteed. Narrations refer to the eradication of incurable diseases and the provision of sustenance for everyone: "There remains no needy person on earth" (Nu'mānī, 2001, p. 239). This is only possible through the combination of distributive justice (as previously explained) and extraordinary advancements in medical and agricultural sciences, which will be realized in light of the flourishing of knowledge in that era. The social security system will be universal and comprehensive.

4-3. Cultural-Religious Rights: The Flourishing of Rationality and Spiritual Transcendence

The Mahdist government is the era of the complete flourishing of reason and knowledge. Imam al-Sadiq (as) states: "When our Qā'im [Upriser] rises, he will place his hand upon the heads of the servants, thereby gathering their

intellects and perfecting their wisdom) (Majlisī, 1983, Vol. 52, p. 336). This intellectual transcendence has several consequences:

- **Unprecedented Expansion of Knowledge:** The development of empirical, rational, and traditional sciences to such an extent that "even women in their homes will judge based on the Book of Allah and the Sunnah of the Prophet" (Majlisī, 1983, Vol. 52, p. 352).

- **Rational Life and the Critique of Superstitions:** "Allah, the Mighty and Sublime, will remove for him every heresy and misguidance" (Ṣadūq, 1975, Vol. 1, p. 280).

- **Peaceful Interaction with Religions:** The entitlement of followers of other religions to the right of adjudication based on their own scripture (Qazwīnī, n.d., p. 672) signifies the formal recognition of cultural-religious rights alongside the invitation to truth.

- **Moral Evolution of Society:** The dissemination of moral virtues and the refinement of the people through divine etiquette.

In summary, it must be stated that rights in the Mahdist government are realized within an "interconnected system." Justice is the axis of this system, and the leadership of the Infallible is the guarantor of its implementation. These rights are secured not through secular or conventional institutions, but through innovative divine-rational mechanisms such as continuous allegiance, institutionalized commanding of the good, the just distribution of Anfāl (public wealth), and infallible adjudication. This model represents an advancement over existing legal systems, both quantitatively (in its breadth) and qualitatively (in its depth and the guarantee of its execution).

Part Three: Comparative Challenges and Jurisprudential Responses

The Mahdist governance model, despite its comprehensiveness, faces significant theoretical questions and challenges in contrast to the dominant human rights paradigm. This section analyzes four fundamental challenges and provides responses based on governmental jurisprudence:

1. The Challenge of Defining "Right": Absolute Individual Right vs. Simultaneous Right-Duty

Source of the Challenge: In classical liberalism, and particularly in the libertarian interpretation (Nozick, 1974), a "Right" is an individual, prioritized, and nearly absolute privilege. "Duty" is limited only to the extent of respecting the similar rights of others. This perspective leads to "extreme individualism" and the neglect of collective responsibilities.

Jurisprudential response: In Islamic thought, "right" and "duty" are two

sides of the same coin, originating from a single source (sound reason and Sharia). Man is responsible toward God, himself, and society. The jurisprudential rule of correlation between right and duty establishes this relationship (Hillī, 1996, Vol. 1, p. 42). For example:

- The Right to Life → The duty of self-preservation (and the prohibition of suicide).
- The Right to Property → The duty to pay Zakat and give alms.
- The Right to Political Participation → The duty of oversight (commanding the good) and receptiveness to consultation.

This perspective replaces "isolated individualism" with "perfected individualism" and transforms society into a "responsible system" (Javadi Amoli, 1996, p. 160).

2. The Challenge of Privacy: Sanctity of Privacy vs. Social Oversight (Enjoining the Right)

Source of the challenge: In liberalism, privacy is a sacred and inviolable domain. Any intervention—even by the state for the sake of public morality—is considered a violation of fundamental liberties.

Jurisprudential response: In Islam, privacy is respected based on the principle of "Do not spy" (*lā tajassasū*) (Al-Hujurat: 12). However, this respect is not absolute. The duty of "commanding the good and forbidding the evil," as a social obligation and a public right, limits this privacy in instances of "public manifestation of vice" or "the overt violation of the rights of others." The key distinction lies in the "public nature of the act." This regulation is based on the jurisprudential rule of "the more important and the important." When a more important interest (preserving the moral and legal health of the entire society) conflicts with an important interest (the privacy of an individual committing a public vice), the prevention of "public harm" takes precedence (Shahīd al-Thānī, 1992, Vol. 2, p. 350). In the Mahdist government, this is implemented through a legal, regulated, and transparent institution rather than arbitrary actions. This model offers a solution to the dilemma of "harmful liberty" in liberal societies.

3. The Challenge of Legitimacy: Divine Designation vs. Purely Popular Governance

Source of the challenge: In social contract theories (Rousseau, 1762), legitimacy arises exclusively from the consent and will of the people (popular sovereignty). In contrast, in pure theocracies, legitimacy originates solely from God.

Jurisprudential response (theory of dual earthly-heavenly legitimacy): The Mahdist government derives its "intrinsic and fixed legitimacy" from "specific divine designation." This serves as the guarantor of stability, absolute justice, and infallibility. However, its "acceptability and actualization" are contingent upon the "conscious and free allegiance and acceptance of the people." Allegiance is a "contract of mutual responsibility." Consequently, Mahdist legitimacy is "celestial-terrestrial" (divine-human). This model averts both the danger of an illegitimate dictatorship falsely attributed to God and the instability and relativism inherent in pure popular sovereignty. The theory of *Wilāyat al-Faqīh* (Guardianship of the Jurist) during the Age of Occultation is a re-envisioning of this very model, substituting "general designation" for "specific designation."

4. The Challenge of Distributive Justice: Absolute Private Ownership vs. Necessity of Equality

Source of the challenge: Capitalism emphasizes absolute private property (Nozick: any distribution resulting from legitimate means is just), while socialism emphasizes the negation of private property.

The Jurisprudential Response (Integration of the Rule of Dominion and the Rule of No Harm): Islam recognizes private property through the rule of "People have dominion over their property" (Ḥurr al-ʿĀmilī, 1995, Vol. 17, p. 102). However, this dominion is conditional. When wealth concentration and the class gap cause "harm" to society and lead to widespread deprivation, the rule of "No harm and no reciprocating of harm" (ibid., Vol. 15, p. 280) comes into effect. The government (and specifically the Infallible Imam as the Guardian of Affairs) establishes balance through legitimate instruments such as "the full implementation of Zakat, Khums, Anfāl (public wealth), and fair taxation," as well as "the redistribution of natural resources." The objective is not the expropriation of property, but rather the "removal of public harm" and the realization of "social balance." In the Mahdist government, this is fully achieved due to the Imam's knowledge of the most precise boundaries of "harm" and "right." In concluding this section, it must be noted that the response to the aforementioned challenges demonstrates that fundamental rights in the Mahdist model are shaped not by denying modern concepts, but by "redefining, regulating, and transcending" them within the framework of a "comprehensive normative system (Sharia)" and under an "unparalleled executive guarantee (Infallible Leadership)." This system, by providing reasoned jurisprudential answers, possesses the capacity to resolve the theoretical deadlocks of contemporary human rights.

Part Four: Enforcement Guarantees of Rights in the Mahdist Government: Institutional and Structural Analysis

Theoretical rights, devoid of practical mechanisms and enforcement guarantees, lack pragmatic utility. The legal system of the Mahdist government is predicated upon a unique, multi-layered constellation of guarantees that can be analyzed at two macro levels: "institutional-legal guarantees" and "ethical-cultural guarantees." These guarantees transition the actualization of the legal ideal from the realm of theoretical possibilities into the sphere of objective realities:

1. Institutional-Legal Guarantees (The "Hardware" of Just Governance)

These guarantees are objective, systematic, and subject to oversight, constituting the backbone of the rule of law.

1-1. The Rule of the Sharia Law: The Highest Legislative Guarantee

The most fundamental guarantee is the "law" itself. In the Mahdist government, the law is the "Divine Sharia," which possesses three characteristics: perfection (stemming from infinite divine knowledge), intrinsic justice (harmonized with existential justice), and stability in principles. The Infallible Imam serves as both the unerring interpreter of this law and its flawless executor. The narration "He acts according to the Book of Allah and the Sunnah of His Prophet" (Majlisī, 1983, Vol. 52, p. 351) demonstrates the foundation of this rule of law. This renders impossible any personal interpretation (*tafsīr bi-l-ra'y*), legislative changes based on factional interests, or the creation of unjust laws. The law is placed beyond the reach of power and wealth.

1-2. A Judicial Power Based on Infallible Judgment or Under Direct Oversight

Judicial justice is the cornerstone of public trust in the legal system and the guarantee of a fair trial. In this government, the judicial apparatus is either directly presided over by the Infallible Imam or its judges are appointed by him based on the strictest criteria of "justice and expertise." Numerous narrations emphasize the Imam's direct adjudication: "He judges among the people according to the judgment of David; he requires no evidence, for he informs them and knows the lie of the liar" (Nu'mānī, 2001, p. 240). This specialized knowledge eliminates judicial corruption, errors in judgment, protracted litigation processes, and heavy costs, thereby providing "swift, fair, and low-cost access to justice" for all social strata.

1-3. Supra-branch and Independent Oversight Institutions

To prevent any deviation within the executive body and with the aim of

controlling power within the structure, the Mahdist government establishes powerful and independent oversight institutions, the most important of which is the "Court of Complaints." This institution operates directly under the Imam's supervision and adjudicates public complaints against any government officials or institutions—both executive and judicial (Majlisī, 1983, Vol. 52, p. 390). The existence of such a supra-branch entity provides an internal mechanism for "the control of power by power itself" under the ultimate oversight of the Infallible, preventing any branch of government from becoming an autocratic island.

1-4. Financial Transparency and Oversight of the Economy

Economic corruption is one of the greatest obstacles to the realization of economic and social rights, and its occurrence must be prevented. In the Mahdist government, the Bayt al-Mal (Public Treasury) is administered with complete transparency. Sources of income (including Anfāl, Khums, Zakat, and Fay') and expenditure funds are fully disclosed. The process of "the correct and equal distribution of wealth" is itself a public and transparent action. This transparency, coupled with distributive justice, reduces the incentive and opportunity for financial corruption and rent-seeking to near zero.

1-5. Institutionalizing Public Oversight

The duty of "Enjoining Good and Forbidding Evil," as a superordinate control in this government, is elevated from a mere moral recommendation to a "permanent legal-social institution." This institution grants legitimacy to the people as "supreme and pervasive overseers" to monitor the performance of all pillars of government. It constitutes a decentralized, low-cost, and constantly active oversight mechanism that complements formal regulatory bodies such as the Court of Complaints. This public right-duty places the government under the continuous supervision of society.

2. Ethical-Cultural Guarantees (The "Software" of Just Governance)

These guarantees are internal and foundational, ensuring that compliance with the law arises not from the fear of punishment, but from a sense of conscientious commitment.

2-1. Inherent Justice and Piety of the Leadership

The Imam's infallibility represents the supreme moral guarantee and the ultimate model for sovereign ethics. The existence of a ruler who is inherently free from "oppression, discrimination, carnal desires, and error" fosters the greatest possible public trust. The people are assured that all decisions are

made in the public interest and based on absolute justice. This "moral legitimacy" serves as the most fundamental social capital of the government.

2-2. The Moral and Epistemic Transcendence of the Society

The Mahdist government does not merely suffice with enacting just laws; rather, it transforms society through the internalization of legal values. Through the "perfection of intellects" and "disciplining the people with divine manners," respect for the rights of others, a spirit of accountability, social responsibility, and a quest for justice become institutionalized within the soul of society. The narration stating, "God shall remove every innovation and deviation for him" (Şadūq, 1975, Vol. 1, p. 280), indicates the refinement of the intellectual and moral atmosphere of society. In such a society, the violation of others' rights is regarded as a loathsome and rare occurrence.

2-3. Universal Security and Welfare

Many crimes and violations of rights are rooted in "poverty, deprivation, insecurity, and a sense of injustice." With the fulfillment of the promise that "no needy person shall remain on earth" and that "a woman shall walk ... without fear," these material and psychological roots will be completely withered away. When the basic needs of all human beings are met fairly and there is no fear of the future, the incentive to violate the rights of others is minimized; thus, the Mahdist government eradicates the material roots of crime and discrimination from society.

Part Five: Assessing the Relation between the Mahdist Model and the Existing Legal System in the Islamic Republic of Iran

The ideal of the Mahdi's government is not an abstract concept, but rather a benchmark for evaluation and an inspiring model for existing legal systems, particularly within the Islamic world. The Constitution of the Islamic Republic of Iran, as the most significant legal document of a religious government during the Age of Occultation, possesses aspects that can be considered an "objective, earthly, and albeit imperfect effort to approximate that ideal." Examining this relationship operationalizes the theoretical discourse and demonstrates the capacity of the Mahdist model to influence contemporary constitutional law (Hashemi, 2013).

1. Dual Legitimacy (Specific Designation and General Designation)

The Mahdist Model: Legitimacy based on specific divine designation combined with public allegiance.

Reflection in the Constitution of the Islamic Republic of Iran: Through the theory of the Guardianship of the Jurist, Articles 5 and 57 of the Constitution

merge divine legitimacy—via the "general designation of the just jurist" as a vicegerency of the Infallible Imam—with public acceptance expressed through "presidential and parliamentary elections and referendums" (Hashemi, 2013). This represents a reinterpretation of the dual legitimacy model under the conditions of the Age of Occultation. The distinction lies in the fact that in the Mahdist model, divine legitimacy is inherent and direct, whereas in the Guardianship of the Jurist, it is delegated and representative.

2. People's Rights (Inherent Dignity and Legal Guarantees)

- The Mahdist Model Based on Islamic Teachings: Emphasis on the fivefold rights (civil, political, economic, social, and cultural) grounded in inherent dignity and justice.

- Reflection in the Iranian Constitution: Chapter Three of the Constitution (Articles 19 to 42), titled "The Rights of the People," recognizes many of these rights and mandates the state to guarantee them. For example:

- Non-discrimination and the Right to Dignity: Article 19 (equality of ethnic groups and tribes), Article 20 (equality of men and women under the protection of the law), and Article 22 (inviolability of dignity, life, property, rights, residence, and occupation).

- Political Rights: Article 26 (freedom of parties) and Article 27 (freedom of assembly).

- Socio-Economic Rights: Article 29 (social security) and Article 31 (housing suitable to needs).

These principles are an earthly reflection of the Mahdist government's commitment to the extensive rights of the people, although the degree of realization and enforcement mechanisms differ due to the absence of an Infallible Leader and worldly limitations (Hashemi, 2013).

3. Public Oversight (Obligatory Enjoining of the Good and Legal Institution)

In the Mahdist Model: Enjoining the good and forbidding the evil functions as a universal and permanent regulatory institution.

Reflection in the Iranian Constitution: Article 8 of the Constitution identifies enjoining the good and forbidding the evil as a "reciprocal duty of the people and the state toward one another" and recognizes it as a "legitimate and legal supervisory institution" (Hashemi, 2013). This article creates a bridge between religious duty and the citizen's right to monitor power.

4. The Rule of the Islamic Law (Static Sharia and Dynamic Jurisprudence)

The Mahdist Model: The rule of law defined as the sovereignty of Divine

Sharia interpreted by the Infallible.

Reflection in the Constitution of the Islamic Republic of Iran: Article 4 emphasizes the primacy of Islamic laws over all laws and regulations. Furthermore, Article 72 prohibits the Parliament (Majlis) from enacting legislation that contradicts Islamic criteria. The distinction lies in the degree of certainty and the authority of determination: in Mahdism, the determination is infallible; in the Islamic Republic, institutions such as the Guardian Council and the jurists of the Guardian Council are tasked with this responsibility.

5. Economic Justice: From Just Distribution of Anfāl to the Government's Duty

In the Mahdist Model: A system of just distribution of public wealth (Anfāl) is designed to eliminate absolute poverty.

Reflection in the Constitution of the Islamic Republic of Iran: Article 3 mandates the state to "abolish unjust discrimination and provide equitable opportunities for all," "secure basic needs," and ensure the "just distribution of wealth." Furthermore, Article 43 outlines the general principles of the economy of the Islamic Republic of Iran based on "securing basic needs" and the "eradication of poverty and deprivation."

In concluding this section, it can be inferred that the Constitution of the Islamic Republic of Iran, inspired by Shiite theological and jurisprudential foundations, has attempted to establish a legal-institutional framework based on "religion" and "democracy" that embodies part of the spirit and principles of the Mahdist government. This system can be regarded as an "earthly and imperfect model" of that celestial ideal, in which the Guardianship of the Jurist) serves as a substitute for the "Imamate of the Infallible," and "positive laws based on dynamic jurisprudence" replace "Sharia interpreted by the Infallible." Examining this relationship not only demonstrates the inspirational capacity of Mahdist doctrine for system-building but also clarifies the weaknesses and gaps of the existing system (such as deficiencies in guaranteeing distributive justice or efficient oversight of the judiciary) in the light of that ideal model.

Part Six: Conclusion and Strategic Implications

By systematically analyzing the foundations, types, challenges, and guarantees of "Human and Civil Rights in the Mahdist Government" within the framework of Islamic constitutional law, this research has achieved significant theoretical and practical results, which can be presented at two levels: Summary of Findings and Strategic Implications.

A) Research Findings

1. At the Level of Theoretical Foundations

Rights in the Mahdist government are established upon distinct hardware and software foundations, consisting of the creation of a divine-rational paradigm that distinguishes it from the "secular paradigm." In the ontological dimension, "formative justice," as the governing tradition of creation, provides a supra-human criterion for just laws (legislation). In the epistemological dimension, the "knowledge and infallibility of the leadership" were identified as the essential conditions for discerning and implementing this justice across all complex social affairs. The combination of these two has led to the formation of an "Imamate-centric" integrated theoretical framework. In this framework, the rule of law signifies the sovereignty of Sharia under infallible supervision; the power structure is based on the unity of just leadership alongside the separation of specialized functions; legitimacy arises from the fusion of divine appointment and public allegiance; and the legal system relies on "intertwined rights and duties." This framework creates a paradigmatic break from both liberal individualism and socialist collectivism.

2. At the Level of Substantive Rights

An analysis of the five legal domains revealed that rights in the Mahdist government are realized not as isolated or hierarchical segments, but within a "comprehensive, organic, and synergistic system." Civil rights are characterized by infallible judicial guarantees and a balance between privacy and social oversight based on the principle of "the more important and the important"; political rights feature innovative institutions such as continuous allegiance as a covenant of accountability, absolute meritocracy, and structured public oversight through "enjoining the good"; economic rights involve a system of just distribution of public wealth (Anfāl) and the integration of the "principle of dominion" with the "no-harm principle" to achieve social equilibrium; and finally, social and cultural rights provide universal security, public health, and the flourishing of rationality and ethics. All these elements serve the realization of "inherent human dignity" and "all-encompassing justice." This integration constitutes the preeminent strength of the Mahdist model.

3. At the Level of Application Challenges

The examination of four major challenges—absolute rights versus "right-duty," privacy versus social oversight, divine versus popular legitimacy, and property ownership versus distributive justice—revealed that the system of Shiite governmental jurisprudence, by employing principles such as "the

correlation between right and duty," "the more important and the important," "the theory of dual legitimacy (divine-popular)," and "the integration of the principle of dominion and the no-harm principle," not only addresses these apparent conflicts but also, by providing a balanced and realistic reading, possesses the capacity to rectify the theoretical shortcomings of the dominant human rights discourse. This system demonstrates that it is possible to build a society based on mutual responsibility and justice without falling into the trap of individualistic extremes or collectivistic deficiencies.

4. At the Level of Enforcement Guarantees

The fundamental distinction of the Mahdist model lies in its guarantee mechanisms. This research demonstrated that the protection of rights relies on a unique combination of hard institutional-legal guarantees (the sovereignty of Sharia law, infallible adjudication, supra-departmental oversight bodies such as the Court of Complaints, and financial transparency) and soft moral-cultural guarantees (the infallibility of leadership, the intellectual and ethical sublimation of society, and universal welfare and security). This duality prevents both systematic corruption and institutional inefficiency (the pitfalls of human-made systems) as well as the stagnation at the level of moral slogans devoid of legal enforcement.

5. At the Level of Compatibility with the Existing System

The case study of the Constitution of the Islamic Republic of Iran, as a concrete example, demonstrated how the foundations and principles of the Mahdist government (such as dual legitimacy, the extensive rights of the nation, public oversight, and the sovereignty of religious law) can serve as a source of inspiration and a benchmark for evaluation in system-building during the Age of Occultation. This comparison reveals both the capacity of the Mahdist doctrine to influence contemporary constitutional law and the inevitable weaknesses and gaps inherent in representative systems.

B) Strategic Implications and Recommendations

The findings of this research carry implications that transcend theoretical discourse, providing a framework for scholarly action and legal policy-making:

1. Theoretical Implication

Rather than a passive reaction or mere imitation of Western discourse, this research demonstrates that through a systematic re-examination of religious sources (the Quran, Sunnah, reason, and consensus) and the methodology of governmental jurisprudence, it is possible to strive toward formulating an independent, coherent, and alternative theory in the field of public and

constitutional law. The Mahdist model, as the pinnacle of this theory, can define the overarching framework and ultimate orientation of this discipline.

It is recommended that "Islamic Constitutional Law" be redefined and developed as an interdisciplinary academic field (bridging jurisprudence, law, political science, and theology).

2. Methodological Implication

This research confirms that addressing the complex issues of contemporary governance requires a departure from "individual-centered jurisprudence" and a recourse to "governmental jurisprudence" or "systemic jurisprudence," which pursues the inference of rulings through a holistic and purposeful lens. In this domain, principles such as "no-harm," "justice and equity," "the expediency of the system," and "the more important and the important" find broader application. Academic and seminary centers must increasingly commit to cultivating and developing this approach.

3. Policy Recommendation Implication for the Islamic Republic of Iran: Preparing the Ground for the Reappearance and Establishment of the Mahdist Government

As a system that has placed the Mahdist ideal at its forefront, the findings of this research can be instrumental in the following areas:

- **Strengthening Independent and Supra-Departmental Oversight Bodies:** The "Court of Complaints" model in the Mahdist government emphasizes the necessity of powerful oversight institutions that are independent of the three branches of power and directly accessible to the people. Strengthening institutions such as the Court of Administrative Justice and the General Inspection Organization with broader mandates and genuine independence is a step in this direction.

- **Actualizing Distributive Justice and Combating Structural Corruption:** The Mahdist model's emphasis on eradicating poverty and the just distribution of *Anfāl* (public wealth) calls upon economic policymakers to design smart, transparent redistribution systems based on rules that prevent rent-seeking. The fight against corruption must be pursued systematically through the reform of financial institutions.

- **Institutionalizing Public Participation and Oversight:** Transforming "enjoining the good and forbidding the evil" from a mere slogan into a legally protected mechanism for constructive criticism and oversight, alongside expanding the culture of "Consultation" across various levels of management, can pave the way for the profound participation envisioned for the Era of

Appearance.

- **Enhancing the Quality of the Judicial System:** The closer the judiciary moves toward the criteria of "justice, expertise, speed, and ease of access," the more steps are taken toward the Mahdist model of just adjudication. Investing in judicial training, streamlining processes, and ensuring transparency in rulings are top priorities.

- **Revising Constitutional Law in Light of the Mahdist Ideal:** It is proposed that in constitutional revision processes or the drafting of supreme laws, the ideals of the Mahdist government be considered a vision and an evaluative benchmark, ensuring that legislation is increasingly aligned with those ideals.

4. Implication for the International Human Rights Discourse: A Serious Alternative

The Western world is incapable of internalizing the criticisms currently leveled against secular human rights (such as extreme individualism, the disregard for duties, and the neglect of global justice). The Mahdist model—with its emphasis on "rights coupled with duties," "existential global justice," and "inherent dignity based on piety"—can be presented in international academic circles as an intellectual project to critique and complete the existing discourse. This endeavor requires the systematic translation and presentation of this theory into international languages, utilizing contemporary scholarly terminology.

2. Conclusion

The government of Imam Mahdi is not merely an "idle utopia" or an impractical ideal; rather, it is the concrete manifestation of a "comprehensive political-legal theory" that is rooted in revelation and confirmed by reason. This research demonstrated that human and civil rights within this government are built upon the robust pillars of "dignity, justice, Imamate, and Sharia," and are guaranteed through innovative institutional and moral mechanisms. The study of this model provides both a benchmark for critiquing existing systems and a roadmap for moving toward a more just society. Although the full realization of this ideal is contingent upon the reappearance of the Promised Savior, understanding, articulating, and striving to approximate it is a scholarly and practical duty for the Islamic community—especially for thinkers and policymakers in the fields of law and governance. This research serves as a step in this direction, showing that Shi'a governmental jurisprudence possesses the capacity to create a vibrant and influential discourse within the realm of global constitutional law.

References

The Holy Quran.

Nahj al-Balagha.

- Bassiouni, M.C. (2013). *The Shari'a and Islamic Criminal Justice in Time of War and Peace*. New York: Cambridge University Press.
- Hashemi, S. S. (2013). *Constitutional law of the Islamic Republic of Iran* (Vol. 1). Mizan Publications. [In Persian]
- Held, D. (2006). *Models of Democracy* (3rd ed.). Stanford: Stanford University Press.
- Hilli, H. (1996). *Qawā'id al-Aḥkām fī ma'rifat al-ḥalāl wa-l-ḥarām* [Rules of rulings regarding the knowledge of the lawful and the forbidden] (Vol. 1). Islamic Publishing Institute. [In Arabic]
- Ḥurr al-'Āmilī, M. (1995). *Wasā'il al-Shī'a ilā taḥṣīl masā'il al-Sharī'a* [Means of the Shia to attain the issues of the Sharia] (Vols. 15, 17). Al al-Bayt Institute for the Revival of Heritage. [In Arabic]
- Javadi Amoli, A. (1996). *Ḥaqq va taklīf dar Islām* [Right and duty in Islam]. Isra Publications. [In Persian]
- Khomeini, S. R. A. (1999). *Kitab al-Bay'* [The book of sale] (Vol. 21). Institute for the Compilation and Publication of Imam Khomeini's Works. [In Arabic]
- Majlisī, M. B. (1983). *Biḥār al-Anwār al-jāmi'a li-durar akhbār al-a'immat al-aṭḥār* [Oceans of lights: A collection of the pearls of the reports of the purified Imams] (Vols. 51, 52). Dar Ihya al-Turath al-Arabi. [In Arabic]
- Najafī, M. Ḥ. (1972). *Jawāhir al-Kalām fī sharḥ sharā'i' al-Islām* [Jewels of speech in explaining the laws of Islam] (Vol. 13). Dar Ihya al-Turath al-Arabi. [In Arabic]
- Nozick, R. (1974). *Anarchy, State, and Utopia*. New York: Basic Books.
- Nu'mānī, M. (2001). *Al-Ghayba* [The occultation]. Jamkaran Mosque Publications. [In Arabic]
- Qazwīnī, S. M. K. (n.d.). *Imam Mahdi from birth to reappearance* (H. Fereidouni, Trans.). Al-Hadi Publications. [In Persian]
- Rousseau, J.-J. (1762). *The Social Contract*. (G.D.H. Cole, Trans.). London: J. M. Dent & Sons.
- Sadr, S. M. B. (n.d.). *Al-Islām yaqūd al-ḥayāt* [Islam leads life]. Islamic Propagation Office of the Qom Seminary. [In Arabic]
- Ṣadūq, M. (1975). *Kamāl al-Dīn wa-tamām al-ni'ma* [Perfection of religion and completion of grace] (Vol. 1). Islamiyya Publications. [In Arabic]

Shahīd al-Thānī, Z. (1992). *Masālik al-Afhām ilā tanqīh sharāʿi al-Islām* [Paths of understanding to the refinement of Islamic laws] (Vol. 2). Islamic Knowledge Institute. [In Arabic]