Councils and Counseling Systems

Hassan Salami

Ph.D. from St. Joseph University in Beirut

Abstract: The Counseling System is the one of the basis on which all social and political affairs are presented and investigated through public and political consultation in the form of discussions and free conversations. In the Counseling system, it is the public wisdom and agreement that leads to the selection and determination of rulers, social and political constructs and institutions, codifying and approving of laws, binding terms and conditions and in this way, society and government are administered in democratic ways. In the Counseling system, even after determination and selection of rulers, after formulating the rules and bylaws, majority of the members of society (including rulers and subjects) participate in decision makings that are beneficial to the members', individual and group, interests, directly and indirectly, with giving and receiving consultations. Councils and the system of Counseling as a pattern for political life possess two characteristics of Necessity and Legitimacy, and is considered a mechanism for executing duties and the right of political cooperation.

Introduction

Councils and Counseling systems are one of the most important categories to be investigated by Muslim authorities like Iranian and Shiite thinkers. What is the purpose of councils and Counseling systems? What are their characteristics and criteria? What are manifestations, purposes and the effects of councils? Can councils be the basis for political decision making? What is the system of Counseling and its territory from the view point of contemporary Shiite and Sunni writers?

Council as a world means research and investigation in others' words and language, and getting benefit from their intellect to make clear the right issues. This means that not every individual does perform any important task, individually, but s/he talks and consults about it with others, otherwise

the activity will remain incomplete. According to this definition, Counseling rationalizes the relation between human beings in the families and in the society. The reason is that every individual tries to choose the best ideas, and functions according to them, only after negotiating and getting others' ideas by cooperation in the group intellect.

The Counseling system is the one of the basis of which all affairs of society and politics is discussed and investigated in the form of free discussion through public and political Counseling of citizens, and then decisions are made. In the Counseling system, it is the group intellect that leads to the selection of rulers, establishment of social and political constructs and institutes, writing and establishing rules, and in this way to administer the society and government democratically. In the Counseling system, even after the

Corresponding Author: salami_2001@yahoo.com

selection of rulers and formulation of laws and regulations, majority of the members of society (including the rulers and subjects) get involved in decisions which are beneficial to the group and individuals, by counseling, either directly or indirectly.

Councils and Counseling systems as a model for political life enjoy two important characteristics of necessity and Legitimating, and are considered as a mechanism for performing duties and the right for political cooperation of people. Some of the Shiite and Sunni thinkers consider adherence to councils and Counseling systems obligatory and as a right, and believe, also in the legitimacy of the government and all its elements and decision makings dependent on the councils at different levels of society and the government. In this regard, Sheikh Mohammad Mehdi Shams al din, a Shiite authority writes: "No political decree provides legitimacy for a wise ruler, and no possession is established in the positions of society unless it is established on the basis of Counseling and its system. Farid Abd- al Khalegh, a Sunni authority, also, considers the Counseling system the right of all people in political cooperation in society, government and decision making and emphasizes on the establishments of such system.

Characteristics and Criteria for the Counseling System

With this introduction and definition of councils and Counseling system, four characteristics can be enumerated for them: first one is the freedom of the council and Counseling system trend in providing two following conditions: 1- Participants in a council consider one another as integrated and related to each other, 2- Participants in the council believe that they can act according to the outcomes of the council.

The second criterion is the persuasiveness of the council and the Counseling system. This means that the two sides or all surroundings of the coun-

cil are obliged to bring about reasons to support and promote a suggestion or criticize other's suggestions, and to present the reason just for determining the outcome of a suggestion.

The third criterion is that in a council and a Counseling system, participants are equal to one another both in the formation and importance. By equality in form, it means that rules supervising the councils do not depend on individuals. Every individual has an equal right in any stage of the counseling, considering his intellect, capacity and position. Members are equal concerning their importance, too, because the power distribution and the present resources do not have any effect on their chance to participate in the council and there is no power to affect their role in participation.

The fourth criteria, however, is the choice of one of the solutions which are called decision making. The three previous criteria were related to the process of decision making for the council and this last fourth one i.e. decision making, is observant over the final stage of counseling. At this stage, individuals at equal levels, participate freely in the process of Counseling and defend their priorities by reasoning, and in the end, the council will and to a type of decision making based on mutual understanding and on the rule of the majority which is called deciding on the basis of collective intellect. Any of these three shapes and methods of (consensus, mutual understanding and the rule of majority) can be the basis for legitimacy of decision making in the consultative system and everybody is supposed to accept the outcomes.

Achieving consensus in all cases of the consultation is an ideal and unrealistic issue. Consequently, if consensus is not achieved, there should be adherence to two other methods i.e. mutual understanding (giving and getting benefits, and compromise) and finally to the vote of majority. Mutual understanding will remove the problem of minority and the problem of not following the

interests of minority in the body of the votes of the majority. Because of this the first importance is given to consensus, then to compromise and understanding and at the end there is no other choice than the vote of majority.

Manifestations and the Mechanisms of the consultative system

Councils and the Consultative system can be manifested in the following mechanisms and institutions:

1. **Intermediary institutions:** Consultative systems can make accessing the mutual understanding, solving the problems between different sections of the civil society, and between this one and the political area and removing the tangles possible by the help of establishing intermediary institutes like parties, influential groups, associations, organizations and guilds. These institutions have important roles in preparing the necessary conditions to provide freedom, political equality and also supervision over the policies.

2. **Meetings and Conferences:** Opportunities are provided for citizens in gatherings, conferences, and referendums where they can exchange their ideas upon political problems of the society and this might effect on others, especially, political authorities.

3. **Elections and referendums:** Elections and Referendums are two mechanisms through which people of the country are able to vote about different and vital issues and political policies.

4. **And Different Types of Councils** (including public, specialized, city and village councils, councils in subsequence, the house of representative councils, expediency and technical councils) which should be established. Rulers and directors of the society at different levels should be selected to enact regular laws and make the govern-

ment responsive. These mechanisms which are the outcomes of councils and the application of the collective intellect along decentralization, distribution of power, and accessing the political equality should be well adopted.

Purposes and the effects of councils, and the consultative system

Councils and the consultative system can be the theoretical and practical bases of the government and the civil society. The purpose for the establishment of such system is the formation of governmental institutions like establishment of the best financial institution to gather the taxes and adopt best strategies for spending that money, establishment of the best Judiciary institute to help people seeking lawsuits in cities, districts, and villages, establishing the best military and guardian institutes according to the necessities of time and technological improvements, and establishing the best scientific (university and Research centers), technical and agricultural institutions. Councils and the consultative systems are also able to have roles in establishing the best civil social institutes to make it possible for all political and social groups (students, workers, journalists, women, and business people) to participate, involve and play roles, freely. To function freely, in other words, means that establishment of government and all mentioned institutes and also provision of independent opportunities for citizens' free and independent relations are of the most important objectives of the councils and the consultative system.

There is a difference between civil society and the government. Civil society is the area of "affairs and public interests" and supervision on the area in which these affairs and interests are supposed to be provided should be among the responsibilities of the government. One of the important responsibilities of the government in a consultative system is the administration of law

and supervision on the proper performance of affairs which are in the domain of civil society. While, in the non-consultative systems (Monarchic and dictatorship) what is dominant is selfishness and personal intentions rather than the law and council. In other words, in such systems law enforcements is subject to the will of the dictator king or ruler. In the consultative system it is the law that dominates and is called the government of justice. Therefore, another objective and effects of the council and the consultative system is the prevention of dictatorship and the appearance of monarchic and authoritarian systems.

Muslim's Thinkers perspectives toward Councils and the Consultative Systems

A. Iranian Shiites; some modern optimist legal theorists have emphasizes the legality of the councils and the system of consultation. In this regard, the position of Mullah Kazim Khorasani (1939- 1911) is more interesting compared with other Shiite legal authorities. He considers "invisibility period" as the one in which the general affairs of people are assigned to they themselves, in order to give them the opportunity to solve the dictatorial systems' corruption on the basis of the Counseling principles. From Kazim Khorasani's perspectives, the consultation system is observant on the two principles of justice and freedom, an observant of changing the governments of tyranny to that of the freedom and equality, and acquisition of freedom from slavery and fighting to gain freedom out of political slavery. Since, according to this Shiite jurist it is the concept of the system of government which is of importance, not its shape, that is why legislation should be based on justice and counseling, in public affairs, (Naeeni,1982,53-54) and when the law is passed by the representatives,

after that it' obeying becomes compulsory for all.

Mohammad Hossein Naeeni (1860- 1936) like his master, KHorasani, regards councils in its political concepts, and believes that all affairs including political ones, are related to the nation and should be solved by consultation with the wise people. As Naeeni believes, invitation to Counseling and the necessity of establishing a consultative system can be derived from the explicit verses of Quran and public and inclusion of the pronoun "Homm" as reference to the verse 159 of Ale Omran Surah, meaning "consult in the affairs (Arabic, va Shaver hom felamr)" and also to the verse 38 from the "Shora" Surah, saying "and advise them to perform everything by consultation (va amro hom shora bainahom". The other reason Naeeni brings to indicate the legitimacy and necessity of consultation is that it in Alavi and Prophetic tradition, and he believes that the prophet(s) and Imam Ali (A) have followed this procedure, and today it is not only necessary, but also politically and in government, it is emergency during the time of Ghaibat (ansence).

Naeeni brings another reasoning to achieve the necessity of consultation and its system, and writes: "since governments or sanctity is assigned to people who are controlled by justice or purity and those who should control their lust and anger, and who are under the control of legal sanctity which is related to the power of faith, and those whose will is also related to the characteristics related to logic, and since accessing these figures is impossible and all authorities are lustful despotic, there should be some external law based powers rather than the egomaniac traits and authorities who should be under the control of righteous powers to prevent their insurgence, and this is the real sense of Counseling which is the only way out of despotism. This restriction is not only necessary, but obligatory, religiously.

Councils and consultative system for people like Agha Nourallah Isfahani(1861- 1927) from

among Shiite thinkers who are constitutionals have special position, in a way that if it is the case, many problems the society and the governments meet like dictatorship, will be solved. He believes that in the affairs like accidents, ordinary affairs of people, order of the cities and villages, order of the living affairs, security of the roads and streets, improvement in business, trade, and in agriculture, decrees and the like, which are not dealt with in Quran and there is no decree issued upon them, people should consult and solve them accordingly. For Nour allah Isfahani consultation will help solve the international affairs of people and make their living too, and in the external policies it helps them keep safe from the dominance of blasphemy over Islam.

He tries to bring evidences from the Prophet's tradition and rule in addition to the Quran verses and the prophet and Imams' sayings to prove legitimating of the Counseling and consultative system, with reference to the historical events. As an example the process of digging ditches around Medina during the Ahzab war and following the discretion of Salman-e Farsi, is a proof for this claim. With denying despotism, Isfahani supposes the establishment of a Counseling system to prevent it. He states: "if the Counseling house is established and representatives consults in the affairs of the country and the men and women of knowledge and thinker's help is taken and what is consulted is exposed to people and the representatives become responsive and supervise and control the enforcement of law, dictatorship and despotism which is the basis of all problems, will be prevented."

Seid Mahmud Taleghani (1901- 1979) is from among Iranian Shiite authorities, who points to two groups of rational and traditional evidences to prove the incumbency of Counseling and legitimating of Counseling system: He writes: "Counseling principles are the bases of Islamic society for ever, to make ideas and talents to get presented, where anybody with an idea shares him-

self/ herself in the fate of the society, and Muslims will get educated for future and will be able to direct themselves whenever necessary and wherever they are. He considers Counseling necessary in all social and political aspects of life, like in authoritative referencing, in province and local councils, and contrary to some of his predecessors, not only for parliaments." Taleghani finds the purposes and effects of Counseling in personality findings of the citizens, their intellectual growth, in decreasing their error coefficients, choice of competent rulers and powerful brokers, and the realization of collective supervision on them and their policies and decision makings (Khoramshad,2006,284-285). Since he had recognized the historical and cultural roots of dictatorship, he concluded that because of not institutionalization of the division of power in Iran, despotism can easily appear in different shapes. That is why he introduced the system of consultation for all places, from villages to provinces, after the victory of Islamic Revolution.

Following Morteza Motahari (1919- 1979)'s perspective, councils are the canons of God and are from among the firm verses of Quran, and logic which is considered as one of the basis of deduction, has discovered this rule. Because of this, councils, similar to freedom and justice, are included in the "Independent Rationales". From his viewpoint intellect as the origin of councils and Counseling system enjoys a higher position, and valid understanding of religion and law is the exercise of reason and exercise of reason is a rational one (Al amin, 2000,207-208). According to Motahari the principle of Counseling in valid in social and political issues and when there is no clear terms from Islam, Muslims should choose their practical method using Counseling and collective thinking. As he says "Prophet consulted with the companions in the affairs for which there were no orders sent from God, and he respected their ideas. In Badr, he consulted about attempting to start the war, locating the camping place, and

the way of dealing with the prisoners of war. In Ohod, also, he consulted on the issue of whether to choose Medina as the camping location or move the camp to the outside. In the Ahzab war, however, the issue of digging the ditches and in Tabook, also, he consulted with his companions.

Mohammad Hadi Marefat (1933- 2005) supplicated to the Quran verses, Prophet's tradition, and the theoretical and practical procedures proposed by Imam Ali (A), and reasons that the prophet and Ali both relied on the councils in managing the affairs of society and of the country, and each one stated that "Ashir Ala Faanakom Aarafa be donyakom" meaning that ' it is true that I am the head of the government, but the policies and managing the social affairs are depended on you yourself and you have to tell me what to do (Shams al din,1991,109).

Marefat interprets the Quran verses about Counseling and says "a government which rules a society should be based on counseling, and intellectuals, scientists and experts should be present at all its levels." He believes that the principle of Counseling is not for decoration in the verses but has necessity and originality. The verses say that when you consult with people, their ideas should be regarded important. If you decided to do something on the basis of the idea of the majority, trust on God, and never think that acting upon the idea of the majority leads you to nowhere. He adds that the authorities might think that the minority can be right, when they follow the idea of the majority, and this probability bring worries to them that majority might be wrong, and minority might be right. God says: have full confidence in God and follow the rule of majority, don't worry, this is the right one.

    B. Non Iranian Shiite: one of the Lebanese neo Shiite thinkers, Mohammad Hassan alamin, (1935) believes that there is a very close relationship between the democracy principles and what Islam invites people toward, according to the principles of Counseling and consultative system. He refers to the Quran verses to introduce the theory of the necessity of counseling. As Alamin believes" The diction of Quran in the verses about councils is a firm one: sentences like "va shaver hom Fel Amr", Meaning that "council in the affairs," and the sentence "va amro Homshora Bainahom" meaning "order them to council in affairs" are statements and this type of diction is the highest level of necessity, meaning that Counseling is a categorical one. In conclusion, this cannot be considered as something "mustahabb"; meaning that anytime the ruler desired to attempt to council or not. In this affair there is not the concept of necessity (Nahj ol Balaghe ,102).

Alamin, then talks about the shape and flexibility of councils in different times and places and states that the holding the councils at the time of the Prophet, the way councils were used to solve the problems or to make agreements, was just suitable for his time, but councils which are supposed to be used today needs using suitable instruments and mechanisms, and democracy is the most suitable mechanism. He, states that "looked more carefully, if we accept that councils are necessary and obligatory for the Islamic society and the Islamic governor, and when the governor wants to establish the concept of councils and Counseling in the expanse of Islam and decides to establish a very exact and extensive mechanism for it, could it be different from what we call it, Democracy, today?(Khoramshad,2006,284)

Political systems at the time of occultation from the view point of Mohammad Mahdi Shamsaldin (1936- 2000) another Lebanese, Shiite thinker is based on "the governance of people over themselves." From his viewpoint it is clear that by "governance of people over themselves" it means the necessity of a suitable mechanism which is the same as councils. Shams al din when interpret-

ing the verses about councils, writes: "the verses of council indicate the necessity of councils for the people in managing the public affairs … and this is not only the characteristic of Muslims but is a religious decree that requires people to use it in their public affairs to materialize their Islam and their faith (Reza,57). He proposes and proves the necessity of an Islamic political system's Counseling procedure by stating that the verses on councils make it obligatory.

Seid Mohammad Bagher-e Sadr (1934- 1970) is among the modern Iraqi Shiite thinkers who pre-supposes decision making and establishing the law as the principles of a reasoning and the idea of the majority as the principles of a Counseling system. He refers to the verses on councils, narrations and teachings of Nahjalbalagheh, in this regard. He emphasizes that necessity and negation properties encompass only a minor part of all areas of individuals' personal and social life in Islam and, actually, the major part of one's life is beyond these properties. Sadr names this domain of man's life as the area of free life, this is the same area, in religious principles, referred to (Malanase Fih) the area which includes Lawfuls (mobahat), there is no interpretation either by necessity or by negation from religion or by the revelation (Modoody,1405,29).

In other words from the viewpoint of Mohammad Bagher Sadr, decision making is assigned to the humans themselves in this field to take actions based on the collective intellect and Counseling system to formulate laws in which agreements and reciprocal understanding or the rule of majority is the criterion and it has the validity of legal judgments and is necessary to be followed. This insight of Sadr grants a higher position to human intellect and looks at it as an "internal prophet", which is certified by the external Prophet and is also able to make decisions and take actions effectively for verifying the prophecy of the internal prophet.

C. Sunnis; Most of the Sunni Thinkers and writers like Shiite authorities believe in the necessity of councils and establishment of counseling systems. Rashid Reza (1865- 1935) the Egyptian and Muslim thinker believes that councils are the certified references to install and depose the governors. As he states, the basis of government in Islam is the councils. Rashid Reza, regarding the necessity of the principle of councils, believes that the prophet has never decided, in advance for the future of people's Political affairs because this issue is in contradiction with the ever changing interests of people in different times and places. Rashid Reza considers people of the solution and contract among the Counseling people and it is for him the real sense of "Oulolammr" with whose oath of loyalty, Imamat (leadership) is conducted. After consultation with the people of solution and agreement and choosing the caliph a contract is signed between the two parties. According to this contract, the chosen Imam (ruler or caliph) is committed to follow the religious properties and act according to justice and right, and the people of solution and contract are also required to act on the basis of his religious decisions (Ben Nabi,2002,156-160). He also considers the people of councils as the only source for legitimacy of the caliph and his political decisions, and the institute of council as the resource for installation and disposal of the caliph and others.

Following Rashid Reza even if the idea of the council members is wrong, councils should continue its functions as a principle in order to change to a system or an institute, because it is important for the future of Muslim's government. The reason is that groups commit less errors that the individual. He considers the shape and quality

of the Counseling system subordinate to the needs of the time.

Abulaala Modoody (1904- 1979) Pakistani writer and authority emphasizes the councils and recognizes it as the basis for managing the affairs and the preservation the political dignity of the society and government, and believes that in a consultative system there is a basic balance between the people (Private area) and the government (Public area), meaning that neither the government posseses the absolute power, nor individuals enjoy limitless freedom (Alfasi,1993 ,61-62). For him, in the Counseling system all Muslims are real caliphs of God on the earth and he has not assigned caliphate to a special group or tribes. In this regard everybody enjoys an equal right and this right should be considered formally by all people, and nobody is supposed to keep it exclusively for himself (Alsabaee,1998 ,86). Muslims can assign this right to a person as a caliph or a substitute. This selection and transference of the right of governance is assigning the social and political orders inside the society to a person, in order to give centrality to the affairs. This transfer is not absolute and forever, but conditioned to the continuous satisfaction of Muslims and/ or the ruler's following the religious principles. The idea of Modoodi, i.e. "The Public Caliphate of Muslims" is similar to that of Mohammad Mahdi Shamsaldin about "The governance of the people over themselves, which was mentioned above.

Maalek Ibn-e Nabi (1905- 1973) the Algerian writer and thinker, with emphases on the Quran verses and the tradition of the prophet states: "the principle of council and consultative system are of the most important privileges of Islam which is compatible with the sense of democracy, communication rationality and Human Rights and shows that Islam possesses principles, signs and orders that provide the individuals' rights and gives necessary assurance. According to Maalek, Islam followed the democracy principles, even, formally, because the head of the government gets power on the basis of the consultative rites and the oath of loyalty of the people.

According to Allal al Fasi (1910- 1974) the Moroccan thinker, it was Mohammad who made the fundamentals of the consultative system and non-absolute governments. His view point on the importance of consultative system and participation of Muslims in the social affairs can be best presented in the example when Ali Ibn Abitaleb at the presence of the Prophet(s) said: "A problem has occurred to me, for whom there is no precedence in Quran and tradition, what should be done? The Prophet answered: "gather together people of knowledge and faith and consult about that problem and never decide upon an issue by only one opinion" (Ghazali,1998 ,232-235). This means that Muslims should decide and act on the basis of the collective intellect and consultative systems. The results of the council's view have to be obeyed by all and if there is an opposite opinion from the minority, they can also express their ideas in that regard.

According to Fasi, the only difference between the consultative and democratic systems is that in Islam, religion is not detached from politics and even if all the Muslims take hold of the government, directly or indirectly, they are supposed and obliged to follow the divine pact and promise, i.e. the schedule of worldly and other worldly happiness and follow the principles of God, or firm text. In democratic systems such obligation does not exist and in many cases government is obliged to separate religion from the politics. But regarding the shape of the government, there are many similarities between the two systems of Counseling and democratic.

According to Mustafa Alsobbai (1915- 1964) the Syrian authority and writer, the triple principles of Islam for managing and reforming the society and consolidating its bases are as follows:

1. Escaping from ignorance, fear, vices, laziness and laxity, poverty and diseases.

2. Establishing the political and social systems on the basis of the Counseling and balancing between power, mercy, and justice, following the individual and collective rights.

3. Preserving a financial power to secure the society and defend it against the external powers. From his viewpoint, in the absence of counseling institution, dictatorship is born which mixes void and right, justifies cruelty and Tyranny, while it thinks that it is acting justly, and attempts to destroy while it thinks that it is constructing. Alsabaee believes that no one can so easily deprive man from his rights to live and think, except a despotic ruler and a dictatorship system. That is why a government should function in confinement with rules and regulations derived from the councils in a very conditioned case, and rulers should obey what people desire them to do (Quran,49-50).

Sheikh Mohammad Ghazali (1917- 1996) The Egyptian writer and intellect considers the greatest problem of the Islamic societies a dictatorship, absence of freedom and logicality, which are the reasons for backhandedness and ascend for the Muslims during the latest decades. He views councils and consultative systems as the powerful solution for this problem and an important mechanism to prevent falling into the domain of dictatorship. From Ghazali point of view the council is not the matter of choice and is not decorative but a necessary institution and its necessity and belief in it should be accepted collectively. He states that the secret behind this issue that God asked the prophet to consult with people- while he was at the highest level of intellect was that he was under revelation and was equipped with the stability of opinion and was supposed to be obeyed, is that the council is in compromise with the instinct and intellect (Quran,71). Of course, from Ghazali's point of view like from that of other

Muslim thinkers mentioned above, the domain of council "is the domain of Mala Nasefih" meaning that there is no decree or revelation issued from God. That is why the prophet in his own practical policies when there was a decree from God (those with firm text), never consulted people, but in other affairs and in political, social, military, administrative issue, he consulted with people and his companions and refrained from his opinion, while he had his own ideas too, and stated: I am a human being as you are.

Ghazali refers to other words of the Prophet who used to say: "you are more knowledgeable about your world, and asserts that the earthly affairs required human jurisprudence- both Muslims and non-believers, and the prophets are not assigned to teach people jobs, crafts, industry, agriculture and the like. The basis of their prophecy is exploration of ideas, praying, ethical principles and cleanliness of the soul which consolidate the relationship among human beings and between man and God. He believes that a disposition has occurred, according to which, the west has accepted the councils and the consultative system and Muslims have taken an incomplete form of democracy. Thus, there is a pity that the institution of the councils is established and fixated in non-Islamic lands, but it is so shaky in Islamic countries (Quran,29).

From the perspective of Yusef Algharzavi (1926- …) the Egyptian thinker living in Ghatar, the problem Islam is dealing with is negligence of Muslims regarding the principles of councils and the chance of the Islamic Caliphates to dictatorship rulings. He states that Islam considers Counseling and democracy as paying attention to the place and situation of people and how their opinions are decisive and legitimate. Quran and the prophet's tradition have emphasized on the principles of councils and democracy in a way that in the whole Quran it denounces the tyrant and dictator rulers like Namrood and pharaoh who imposed their powers on people, using their wealth,

and the way they captivated people (Algharzavi). He believes that the democracy considered by Islam is not a version of democracy in the west but it is a type of consultative system and institution. These two are in some respects similar and in others different. The similarity is that the Islamic people are supposed to choose people to assign leadership and governance of the society to them, and they become responsible in front of people and they can be dismissed anytime possible. The difference is that, democracy, however, contrary to counseling, can justify any action under the name of representatives, put away all virtues and values, and justify anti values, it can change Haram to Helal, and vice versa, this is where the value of councils appears, because councils have limitations that cannot be overridden.

Conclusion

Consultative system is the system of negating personal, racial and special class governance; it is a social and political system which is established with emphasis on the collective intellect, by the people and their representatives. In the consultative system the basis for the relationship between people and government and citizens with one another is upon originality of the action and freedom of man and his role as the representative of God, and what makes the objective power and origin of the government is the right and will of the majority of people. Most Modern Muslims, both Shiites and Sunnis, accept the decision of the council, participation, oath of loyalty and legislation in the consultative system on the basis of agreement or reciprocal understanding on the majority's opinions, because they believe that human being is the representative of God on the Earth. In the consultative system people play roles in the process of legislation, through two direct voting procedures (to select the parliament representatives and other organs) and indirect (by ratification of laws by the parliament and the election).

In this system, the majority of people have roles in selecting rulers, authorities and law enforcers, according to the above mentioned procedures. Even if the rulers or the executive forces fail to perform the responsibilities assigned to them either by God or by people, they have to be, necessarily, criticized, punished or directed, and when they adopt delinquency, it is necessary to overthrow them, because in the consultative system conditioned opposition and rebellion is legitimate.

In the frame work of consultative system, in addition to selecting the executive mangers and authorities, people give them the possibility of promoting the objectives and programs by using the public opinion and authorities ideas in addition to material instruments. This approach is the same used by the Prophet and Imam Ali in governance. These two never behaved despotic because council is against dictatorship. From the concept of councils, the freedom of thought and language, freedom of writing and gatherings, equality against laws are elicited and the consultative system is able to determine the range of government and the rights of people in a way it is accordance with the general principles of religion.

The consultative system encompasses all affairs related to people, those of war and peace, those of relation with other nations and governments, collection of properties, division of public properties, taxes and the ways of their expenditure, banking insurance, financial affairs, determination, installation, and dismissal of authorities, and all decisions for which there is no firm religious decree. Councils cannot involve in the moral bases and faith of people and cannot cancel them because what has been considered compulsory by God cannot be cancelled by man.

References

Abdol Khaligh, F. (1998) . Fe alfegh Alsiasi Al Islami. Cairo, Dar alshorogh.

Alfasi, A. (1993). Maghased al Shariat al Islamieh va Makaremaha. Not Placed, Alalal alfasi Institute.

Algharzavi, Y. Al Islam val Elmanieat Vajheha leVajheh.

Alsabaee, M. (1998). Altakafel al Ijtemaee fel Islam. Beirut, Dar al varagh.

Ben Nabi, M. (2002). Alghazaya al Kobra. Damascus, Dar al Fekr.

Cohen, J. (1993). Counseling and Democratic Legitimacy. Trans. By Soltani, AA. The Periodical of Culture and Thought. Second year, No. 5, Spring.

Ghazali, M. (1997). Islam and Political Dictatorship. Cairo, Nehzat Mesr lalteba at val Nashr val Tozie.

Ghazali, M. (1998). Alsenat al Noboviat bein ahlal Figh val Hadis, Cairo, Dar al Shroogh

Hassan Al Amin, M. (2000). Al Islam va Aldimeghratieh. Damescus, Dar alfekr.

1213- Nahj ol Balaghah, Feiz al Islam, Hikmat.

Isfahani, N. (1999). Communication of Residents and Travellers. Tehran, The Institute of Contemporary Historical studies of Iran.

Khoramshad, MB. (2006). Religious Democracy. Vol. 2, Tehran, Nashr-e Maaref Office.

Mellah.Tehran, Enteshar Publication.

Modoody, AA. (1405,Lunar Calendar). Khalafat va Molokiat (Caliphate and Ruling). Trans. By Hamedi, Kh A. Vol. 1, Tehran.

Modoody, AA. (1996). Political Thought at the onset of Islam. Trans. By Pour Javado, N. Tehran, Nashre Daneshgahi Publication.

Motahari, M. (1994).Islam and the requirements of the time. Sadr publication, vol. 2.

Naeeni, MH. (1982). Tanbih al omat va tanzih al.

Reza, MR. (Not date). Caliphate of the Supreme Imam. Research by Kosarani, V. , Beirut.

Quran.

Shams aldin, MM. (1992). Fealejtema Alsiasi Al Islami. Beirut, publication of Aljameih Leldaradat val Nashr.

Soltani, AA.(1993) Farhang va Andisheh Quarterly, year   , No.5, Spring.

Tabatabaee, J. (2007). The theory of The Government of Law. Sotoodeh publisher, Tabriz.

Taleghani, SM. (1981). A Radiation from Quran. Tehran, Enteshar Publication, vol. 3.

Two Quarterlies of Research in Political Science. (2005)No. 1, Fall and Winter.
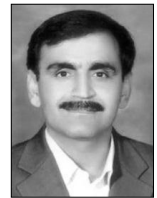
Hassan Salami

He received Ph.D. from St. Joseph University in Beirut. He has written articles in the field of Islamic political thought in national and international magazines.