



“Mantīqat al-Firāq”; A Shī‘ī Economic Theory

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Abstract

“Mantīqat al-Firāq”, a Shiite economic theory, points to an area in religion without a biding legal statement. This theory was presented by S.M.B. al-Ṣadr in his book *Our Economy*. According to the theory, religion has allowed the Islamic ruler to lay down rules and regulations in certain social matters, taking into account the rules and according to the needs of time. In his book, Ṣadr divides the economic school of Islam into two parts: The part Islam has laid down its laws and rules, and so they are unchangeable. The part Islamic State is responsible to determine the laws and it must lay down the law and order with regard to the needs of time. The latter has been called “Mantīqat al-Firāq” by him, arguing the Prophet (PBUH) used to perform it as well and made legislations as the ruler of the society (not as the Prophet). In his opinion, this type of Prophet's laws is not permanent and stable in the Islamic school of thought. The present paper aims to review the theory and analyze Islamic scholars’ opinions concerning it. There are defenses and criticisms about the theory; e.g. some argue this theory expresses appropriate materials for treating both governmental and non-governmental narratives, but does not provide a criterion for separating them from each other. His evidences to prove the theory and his claims of contradictory between the theory and Qur’anic verses and narratives claiming the comprehension of Islam and its decrees, have been also criticized, which here fall at glance and discussion.

Keywords: Islamic Economy; “Mantīqat al-Firāq”; Sayed Muhammad Baqir al-Ṣadr; Muslim Scholars; Islamic State

Introduction

The theory of “*Mantīqat al-Firāq*” (منطقة الفراغ) among the Sunni scholars is more popular and historical than Shi’as, and they often refer to it as “*Mantīqat al-‘Afw*” (منطقة العفو).¹ Some have compared it to the theory of “*Maṣāliḥ Mursala*” (مصالح مُرسلة)² or “*Maqāṣid al-Sharī‘a*” (مقاصد الشريعة)³ in Sunni jurisprudence, as well. What has inspired this belief in Shiite societies in recent years is its proposal by Martyr Sadr (1350-1400 AH)⁴ in the field of jurisprudence, law and economics, and so it is widely believed that this theory is based on the initiatives of this Shi’a jurist. Martyr Sadr in this thesis attempts to find out the status of divine law in social life, explaining the authority and legislation of the Islamic state. According to the definition, “the purpose of *Mantīqat al-Firāq* in the Islamic Sharī‘a is a set of cases and affairs in which the Islamic Sharī‘a gave rights of legislation and implementation to the *walī* (ولي) or the state under his rule or approval, so that a ruling is appropriate for the changing conditions is issued and compulsorily this legislation should be such as to guarantee the general objectives of the Islamic Sharī‘a”.⁵

Ali Akbar Hā‘rī, a student of Sadr and a Shi’a scholar, believes that the theory of *Mantīqat al-Firāq* has been considered in terms of content among both Sunni and Shi’a groups from the early Islamic era. This concept has been described in the form of “*Mantīqat al-Firāq*” in some of the martyr Sadr's writings, and so some have thought that a new theory has been created by him. While this concept is one of the basic

concepts in the history of Islamic thought, though the term of *Manṭiqat al-Firāq* is a product of contemporary age.⁶

In the writings of some Shi'a scholars, such as Sheikh Ansārī also clues to this theory can be found⁷, but mostly Mohammad Hossein Nā'inī proposed many elements of the theory in his opinions; In his book "*Tanbīh al-'Ummah wa Tanbīh al-Millah*"⁸ the issue of "religious rules without textual backgrounds" is posed, stating: "In the time of Occultation (*ghaybah*), the provisions of these decrees were given to the jurists."⁹ He points in the area of lawmaking to "prescribed" and "non-prescribed" sentences. One can also find the footprint of the theory in the opinions of the Iranian Constitutional Movement, in which the constitutionalists distinguished the common (customary) affairs from religious ones¹⁰, that the discussion of common affairs is very close to this discussion. Ayatollah Modarres, an Iranian rebel Shi'ite scholar against the regime of the time and during the Constitutional Movement, also considered administrative matters as subject to the current rules¹¹. Allāmah Tabātabā'ī, a famous contemporary Shiite scholar and interpreter, considered the "partial decrees related to the current events that are rapidly changing due to the change of time, from the ruling powers of Islam"¹². Ayatollah Khomeini, known as Imam Khomeini in Iran, the leader and founder of the Islamic Revolution of Iran, by saying that "the government is a branch of the absolute authority of the Prophet (pbuh)", considered the government as one of the early decrees of Islam, conferring extensive authority for the Islamic ruler¹³. Others referred to the "Sharī'a Purposes" (مقاصد الشريعة) and "the Way to Purposes", believed that the former is to be fixed and the latter is to be considered variable¹⁴.

Among the Sunnis, Ibrahim ibn Musa al-Shāṭibī (d. 790 AH), apparently, was the first one to mention the "Sharī'a Purposes" in his book "*Al-Muwāfiqāt fī 'Uṣūl al-Sharī'a*". Shāṭibī then was excommunicated because of discussing this theory. Mohammed bin 'Āshūr later published this book in Tunisia, 1315 AH, which discussed the "Sharī'a Purposes".

Among many views, being referred to some of them above, what distinguishes the theory of "*Manṭiqat al-Firāq*" is the definition and delimitation of a "specific region", which, due to its evolution, continued changing, and non-firmness, the ruler and Islamic government can, in accordance with the principles, rules and objectives, lay down laws that are appropriate to the circumstances¹⁵. In addition, Inside the theory, there are many other features and statements which lead to some other misconceptions and questions. This paper aims to discuss and analyze the "Theory" from various theoretical and practical aspects. What is important to know is to reach the necessity of the theory, it's in-depth and clear meaning, it's evolution by, before and after Sadr, it's conflictions with Sharī'a and Islam, and its practical aspect in human life, Islamic government, and economy. Here, if possible, some of which are discussed and evaluated.¹⁶

The Belt of Lacuna: Primary Theory

Sadr in a brief but useful treatise, in 1993, in response to a request from a group of his students and scholars of Lebanon, wrote:

"when we say Islamic Sharī'a is the only source of legislation it means: the Constitution is due to Islam and other laws of the Islamic Republic in the light of laws are issued as follows: The fixed laws of the Sharī'a, which are fully established in jurisprudence, are, to the extent that they are related to social life, the firm part of the constitutional laws, whether or not they are specified in the Constitution. Wherever the Sharī'a decrees are controversial by the jurists, all social opinions are valid, but the power to elect each of them (as a law) is the responsibility of the Legislature, which is done on the general interest. Wherever the Sharī'a does not have a binding and decisive decree of considering something as obligatory (*wājib*) or forbidden (*ḥarām*), the Legislature elected by the people can lay down any law that it considers appropriate, provided that it is not in conflict with the Constitution. The realm of these laws is called "*Manṭiqat al-Firāq*", including all areas Sharī'a has given authority to men in order to choose and do freely."¹⁷

Sadr did not explain more than this in his letter, but he firstly discussed this theory extensively in his famous book "*Our Economy*" (اقتصادنا) and discussed it.

The Belt of Lacuna: Extensive Theory in "Our Economics"

In this thorough study, Sadr has tried to introduce Islamic economic school with the help of economic concepts and legal system of Islam. According to his view, to achieve this, a scattered and separate study of economic judgments is not enough, but instead of researching directly in the economic system, it should be investigated in the legal system, because each of the individual sentences and orders, in their appropriate place, would become meaningful and effective only in the light of legal system itself.

Accordingly, he speaks of a sphere of social life in which the lawmaking responsibility falls to the government, and the holy legislator (*shāri'*) deliberately leaves "binding decrees" in this area in order to allow lawmaking accordance with different conditions and meet the needs of time and place, as well:

"In fact, the Islamic economic doctrine consists of two sides, one side which is filled on the part of (formerly by) Islam in a completed form admitting of no change or modification. And the other side which forms the belt of lacuna (*Manṭiqat al-Firāq*), the business of the filling of which Islam left to the ruler (*walīyy ul-'amr*) or the ruling authorities to be filled in accordance with the demands of the general aims and objects of Islamic economics and the expediency of the requirement of every age.¹⁸

He says then:

"Now when we speak of the belt of lacuna we mean by it as related to the Islamic legislation and its legislation texts and not as it is related to the practical situation in which the community of Islam lived during the period of the Prophet (pbuh). That lacuna the great Prophet (pbuh) filled to as the aim of the Islamic law in the field of economics demanded in the light of the conditions and the circumstances in which the then Islamic society lived. However, it was not that when the Prophet set out to fill this lacuna, he did it his capacity as a prophet, the promulgator of divine law, invariably fixed and established for every place and time. As to render this particular filling as the mode of action of the Prophet in filling up that lacuna- enterpretive of patterns of permanent legislation, but filled it in his capacity or a ruling authority (*walīy al-l'amr*) charged on behalf of Islam with the duty of filling up the belt of lacuna in the existing law, in accordance with the expediency of conditions and circumstances."¹⁹

Sadr then concludes the three followings:

"Firstly: the foundation of the Islamic economic doctrine cannot be accomplished without the inclusion of the bell of lacuna in its search and the estimation of the possibilities of this lacuna as well as the extent to which it is possible for the process of filling it to share with belt which was filed on behalf of the Sharī'a in the early days of Islam for the realization of the aims of Islamic economics. But if we neglect to do so it would near the apportioning of the possibilities of Islamic economic with a view to its statistic elements not with a view to its dynamic elements."²⁰

Secondly: the species of the legislation which the prophet affected to fill the lacuna, were not injunctions of permanent nature. The Prophet did not issue them in his capacity, as the promulgator of the permanently established injunctions (which admit no alteration, change or modification) but in the sense of his being a ruler and guardian of the Muslims. Then as such they cannot be considered a permanent part of the economic doctrine of Islam yet they throw light, to a great extent, on the operation of filling up of the lacuna which must be carried out every time according to the expediency of the circumstances and makes easy the understanding of the fundamental aims and objects to which the Prophet adopted his economic policy, a thing which always will help filling up of the belt of the lacuna in the light of these aims."²¹

Thirdly: The economic doctrine of Islam on this basis is completely bound up with the system of rule in the field of practice when these would not be found a ruler or a ruling machinery enjoying same qualifications which the Prophet enjoyed in his capacity as a ruler, and not in his capacity as a Prophet, there will be little chance of the lacuna in the economic doctrine (system) being field in accordance with the circumstances with what Islamic aims enjoin and consequently the adopting the economic doctrine (system) to a course so that we may reap its fruits and realize its aims would not be possible."²²

Sadr then explores in detail the issue and finally concludes that the responsibility of the Islamic state in the economy can be summarized in two principles of “social security” and “social balance”²³. He believes that the achievement of these goals depends on the legislative system and therefore all the laws in all fields should be the basis for the realization of this vision. In this regard, the Islamic Sharī'a has established fixed sentences that are necessary, useful and indispensable for this purpose (such as the lawfulness of trade and the unlawfulness of usury). However, it has entrusted a large part of the provision of legal requirements to the Government in order to carry out them with respect to permanent religious laws and social expediency:

"The principle of state intervention in economic affairs is one of the main principles of Islamic economics. According to this principle, the government has broad powers to control and monitor economic activities. The boundaries of government powers include not only the implementation and enforcement of fixed laws and regulations, but also the “bell of lacuna”. The government, on the one hand, is the executive body of the permanent religious decrees and, on the other, is a regulator that needs to be formulated and implemented in accordance with social requirements and conditions of the day. In the implementation of the law, it puts a check upon people’s transacting business with interest (usury) or acquiring authority over land without reclaiming it and enforces social and economic laws and regulations directly. Likewise, it carries out itself the dicta with which it is directly concerned, for instance, it implements the principle of social security and general social balance in accordance with the way Islam has permitted for the realization of those principles. In the legislative sphere, the State will intervene to fill up the lacuna zone (gap) which the Islamic enactment of laws has left to it so that it fills up according to changing circumstances in the form which will guarantee the general aims of Islamic system of economy and will realize the Islamic picture (shape) of social justice.”²⁴

Proving the Theory

To prove the theory, Sadr presents argues which could be divided as follow:

“lateness” and “eternity” of the Sharī'a

Some of the students of Sadr believe that among the most important roots in the discussion of the belt of lacuna are “lateness” and “eternity” of the Sharī'a²⁵. Sadr argues that the lateness and eternity of Sharī'a of Rasul Allah (pbuh) require mechanisms for it to adapt itself to the necessary conditions and changes over time. One of these mechanisms is the power of Islamic state in the belt of lacuna. On this basis, the ruler has the power to make variable decisions in this field in order to play an effective role in the immortality of Islam. Therefore, he has considered it as a vital element in the Islamic doctrine which leads to the continuation of the form of Islam and learning it in all.²⁶

Comprehensiveness of Sharī'a

Many of the criticisms and oppositions to the theory go against its meaning of the principle of the “fullness of Sharī'a”; i.e., its area contains of cases without a canonical decree and to believe in such a sphere in Sharī'a means there is a deficiency in it. Sadr states that comprehensiveness is examined only in the context of decrees (*aḥkām*) and not in other aspects of religion. In the jurisprudence, scholars have argued it as the rule of “*nafy-u khuluw-I al-waqā'i' 'an al-ḥukm*”; he accepts this rule according to the Divine knowledge and mercy, which requires Allah to perform the best law for His creatures.²⁷ He also in the discussion of the belt of lacuna warns that it is not indicative of defect or deficiency of the juridical form or omission of giving proper attention to some actually existing things and occurrences. On the contrary, it expresses the comprehensibility of the form and the power of the law to keep in pace with diverse ages because the Sharī'a has not left the zone of lacuna in a form which would mean lack of proper attention or a deficiency but has specified its prescriptions for the zone of lacuna by giving every occurrence of its primary juridical property along with conferring upon the Head of the State the power to give it a secondary juridical property according to circumstances.²⁸ He proves its arguments presenting examples, indicating that the

cultivation of a land by an individual is by its nature, an operation legally permissible and the Head of the State has the right to forbid carrying out of it according to exigencies of time and circumstances²⁹, as well as, he points to three narratives in Sunni and Shiite sources³⁰. He also argues that the claim that Islam is only organizer of individual behaviors not social is not correct because it is impossible to differentiate between the behavior of the individual and the society from each other, since the social system is embodied in the individual behaviors³¹.

Proofs of Belt of Lacuna

From the Qur'anic verse 4: 59, it is concluded the necessity of obeying the authority of the Ruling Authority (*walīy al-l'amr*) in any era and time, and the necessity of this obedience requires commanding and forbidding in certain affairs in which a direct assignment has not been prescribed from the holy legislator (*shāri'*), i.e. belt of lacuna (*Manṭiqat al-Firāq*)³². This is the most important proof rendered by Sadr to prove his theory.

He, for instance, refers to four narratives to make this theory clearer, including: Prophet (pbuh)'s forbiddance from not bestowing extra water and herbs, his prevent from buying a green fruit, unlawfulness of renting a land in special cases, or Ali b. Abi Ṭālib' commandments concerning limits of fees as well as his advises to the merchants, all are not concluded in lawful and unlawful decrees of Sharī'a, but are under the decision of the Head of the Islamic State^{33,34}.

Delimitations in the Theory

As mentioned before, after the exact meaning of the theory, what mostly challengeable is focused on the delimitation of a "specific region" and "the proper authority" (*walīy al-l'amr*) for issuing affairs of the belt of lacuna. Afterwards, the issues of its "decrees (*aḥkām*)" and "criteria/standards" are considerable, as well.

"Specific Region":

According to the verse 4: 5, Sadr proves the era of the belt of lacuna, limiting it to any allowed (*mubāḥ*)³⁵ affair in its prime nature, on which no bidding prescribed decree (Sharī'a) has been issued, since obedience of *walīy al-l'amr* is only obligatory in affairs that are not contradictory to Allah's obedience and His common decrees (*aḥkām*)³⁶. So, Sadr allocates this theory only to non-compulsory recommended (*mustaḥab*), *makrūh*, and *mubāḥ* decrees.

Moreover, he divides man's relations into two kinds of relations with the nature – the wealth – which are exemplified in his mode of their production, and his control over them (the modes and man's relations) with man, and relations with the other humans, his brothers, which are reflected in the rights and privileges which this or that man has acquired³⁷. Islam, as we picture (conceive) it, distinguishes between these two species (classes, categories) of relationship. It is of the opinion that the former changes with the passage of time, but the latter by its nature is unchangeable, while its examples are changed.³⁸ Islam disagrees as to this with Marxism which believes doctrinally that man's relation with man changes in accordance with the change of his relation with nature and links the form of distribution with the mode of production. It refuses the possibility of the discussion of the problems of the society except in the frame of its relationship with nature. It is, therefore, but natural, on this basis, for Islam to offer its principle of theory and law which is, as such, capable of regulating the relationships of man with man in diverse ages³⁹.

Sadr finally concludes it is on this basis that Islam has composed "the zone of lacuna" in the juridical form by which the economic life is regulated in order to reflect and keep pace with the dynamic element, the change of relationship between man and nature⁴⁰. On this regard, some of his students disputed on the limits of the era of lacuna and presented different views, some of which are similarly on Sadr's views and some are opposite to him.⁴¹

“Proper Authority”:

As for the delimitation of “the proper authority” (*walīy al-l’amr*), who according to Sadr is responsible for executing affairs in the belt of lacuna, there are disputes as well; in sum, he delivers two kinds of Islamic state in his different writings: 1- divine state, which is designated from the holy Prophet (pbuh) and the Twelve Infallibles (Imams) (pbuth) without interfering of people. In such, the main guarantee for the Islamic state is that the Head must be immune from sins and error (being Infallible or *ma’sūm*)⁴². 2- During the Occultation, based on the verse 42: 38 (*wa amruhum showrā baynahum*), if there is no clear legal text (*naṣṣ*), the community can choose a person as the Head of the Islamic state or decide on the decisions they have made in the form of a council (consensusly)⁴³. In fact, he is responsible for matching the affairs of the Islamic government and the basic laws with the divine religion.

It seems Sadr did not specify the meaning of *walīy al-l’amr*, but through his divisions of the kinds of states and his statements, it is realized that he believed in three examples of the proper authority for the Islamic state in the period of Occultation: authorities elected by people (*shawrā*), jurists (*fuqahā*), caliphate and succession of the community (*nābat and khilīfah of ‘Ummah*)⁴⁴. There is no consensus among the students about the relation between the three theories, especially since the third view that seems to be the sum of the views of the former (first and second), and it is not known when it was involved in his mind⁴⁵. But if we like to go back to the delimitation of “the proper authority” (*walīy al-l’amr*), in brief, Sadr’s views indicate that the people’s interfering or their representatives in the issues of “the belt of lacuna” is justified only via consultation and finally the *walīy al-l’amr* or *Marja’īyat* (or capable just *Mujtahid*) is he who supervise such affairs in order not to be contradictory to the Divine Law⁴⁶.

“Decrees (*aḥkām*) of the Belt of Lacuna”

Sadr in his writing, in approval or clearly, divide decrees (*aḥkām*) into the decrees of the Belt of Lacuna and the decrees of Sharī’a⁴⁷. He distinguishes between Sharī’a’s and what he calls them “rules” or “teachings”⁴⁸. As he points to some features of “rules”, we can understand that they are as the same as the decrees of the Best of Lacuna in his mind. In addition he differentiate between the position of the Holy Prophet (pbuh) as the decider of the Belt of Lacuna from his position as the messenger of permanent decrees; the latter belongs to his state of prophecy and mission, but the former goes back to his state of *walī al-l’amr* (guardianship/authority)⁴⁹. In short, the difference between the decrees of Sharī’a and the decrees of the belt of lacuna, which exist together, can be considered in three cases: 1- stability and durability of the former and possibility of change of the latter; 2- the existence of Sharī’a proofs for the decrees of the former and no need for its existence in the latter, 3- Difference in the status of the Prophet (pbuh), whether he is the sender of Sharī’a decrees or the authority to issue rulings in the belt of lacuna.

“Criteria of the Belt of Lacuna”

Something must be mentioned here that although Sadr considers decrees of the belt of lacuna across to the decrees of Sharī’a, it does not mean that the *walī al-l’amr* or the head of the Islamic community can do and decide on his own decision without any certain rule. Usually the criteria on this issue is based on two basic and very important items: “justice” (*adālat*) and “interest/expedient” (*maṣlaḥat*). Unfortunately, we do not have any specified standard or criterion at hand, since Sadr did not make it clear in his writings. What has been mentioned by him commonly is only about the Islamic economics in his book (*Our Economics*) and his paper “*Ṣūratun ‘An Iqtisād al-Mujtama’i al-‘Insānī*” (Picture of the Economy of the Islamic Community). In his paper, he determines the importance of the flexible and changeable elements in Islamic decrees in order to have a good life, and then emphasizes on merging these elements into “the common criteria” of the permanent decrees of Sharī’a in order to reach “a complete and sound Islamic economy”. In this regard, to infer these elements from the common criteria, he requires these three: First, the Islamic consciousness of the permanent elements and a deep understanding of its criteria and its general implications; secondly, a complete understanding of the nature of the period we are in and its economic conditions, and the study of the goals that these common criteria restrict, as well as the ways in which it is supposed to be implemented; thirdly, the legal and jurisprudential understanding of the limits of the legal authority (*walī al-l’amr*) and the acquisition of the procedural structures that would convey those changeable

elements within the framework of the rulership's qualifications and limits of guardianship (*wilāyah*)⁵⁰.

Regarding to his theory in his economic writings, we detect that his "common criteria" are as follow:

- 1- The Sharī'a, whose all textual elements and decrees have a single trend and together go forward to a single goal. Therefore, if we detect the goal of the holy legislator (*shāri'*), it could be a good criterion for the belt of lacuna⁵¹.
- 2- The textual reasons for permanent decrees, which could be considered for the decrees of the belt of lacuna⁵².
- 3- Islamic values emphasized by Islam, such as: equality, brotherhood, justice, which the Head of the Islamic community must consider them in his own decisions of the belt of lacuna⁵³.
- 4- The manner of the holy Prophet and his successors (Imams in the statement of Sadr) in confronting with changeable decrees, i.e. their decisions and the causes of such actions could be good criteria for the ruler of the Islamic State in the same occasions⁵⁴. Meanwhile Sadr points to some Islamic notions, including "poverty" and "trade", which are different in meaning with other systems such as Marxism and Capitalism⁵⁵.
- 5- Goals set forth general texts, which determined some limits for the Islamic Ruler and obliged him to fulfill or close to them⁵⁶.

In addition, he mentions some other criteria in different occasions; For instance, on "social justice", he believes that the provisions of these decrees are realizing the requirements of social justice in each period differ in different economic conditions of the society⁵⁷. "Public interests/expediencies" is one of Sadr's other points in this regard, and he considers the principle of government intervention in the zone of lacuna in order to protect public interests. "Islamic ideas" (*al-mathal al-Islamīya*) are among the other points mentioned in Sadr's works that these decrees must be compatible with them⁵⁸.

In this context, in the works of his disciples, also found an abundance of criteria, not coherent but fragmented. For example, some of them cite two criteria in this regard: one is the "interests/expediencies of the community" based on the conditions of the period in which the community locate, and the other is the consideration of these interests from the point of view of the "general Islamic principles" and not only from the "material" point of view, which includes the values and purposes for that Islam cares⁵⁹. Others in reply to a question about the rules of the decrees of the belt of lacuna as a guarantee to prevent their distortion, mentioned to the "purposes of the legislator" and the "provisions of the decrees" as public standards⁶⁰. These criteria are so important in terms of jurisprudence that some of his students considered the traditional and jurisprudential expertise to infer these decrees⁶¹. Hence, it should be noted that the decision-making power in such a field is due to the jurisprudential expertise, required by jurists.

Conclusions

In this short writing it was strived to introduce, discuss, and prove the Shiite jurisprudential-economic theory of *Mantiqat al-Firāq*. The theory, as Martyr Sadr shows, is proved by Quranic verses, narratives, Prophet's and Imams' actions, and rational reasons. It indicates to a set of affairs in which the Islamic Sharī'a gave rights of legislation and implementation to the *walī* or the state under his rule or approval, so that a ruling, which is appropriate for the changing conditions, is issued and compulsory this legislation should be such as to guarantee the general objectives of the Islamic Sharī'a. Though the theory is apparently new by its name, its context and origins are rooted in the early Islam, since the necessity of obeying the authority of *walīy al-'amr* has been raised in the Qur'an (4: 59).

Protests and critiques have been developed in this theory, most of which refer to its necessity of existence and determination of limits (in "specific region", "proper authority", "decrees", and "criteria"). The main opposition to its existence is based on some Prophetic traditions, such as "Halal of Muhammad is Halal forever until the Day of Resurrection and Haram of Muhammad is Haram forever until the Day of Resurrection" or "there is no event unless it has a legal decree" and so on⁶². Certainly, this theory is accepted both religiously and rationally, because over time, the needs of society are changing, and new conditions require new rules for the well-being and prosperity of the Islamic community. The zone of lacuna is necessary for the prosperity of the Islamic society and does not mean the lack of Islam, but it is completely accordance with the comprehensiveness of Sharī'a. This point should not be forgotten that, firstly, the belt of lacuna is not something that is not stated in Sharī'a at all, but it allows the ruler to issue

and enforce a ruling based on the “justice” and “expediency” of the community and according to religious standards, known as “common criteria”, including: the goal of Sharī'a, the textual reasons for permanent decrees, Islamic values, the manner of the holy Prophet and his successors in changeable decrees, and goals stated in general texts. In fact, the main decree of the belt of lacuna is only for affairs which are *Mubāḥ* (permitted) in their prime nature and the ruler could not decide on his own. The jurist or mujtahid must adequately supervise rulings and laws, based on Sharī'a. “Social justice” and “public security” must be the mainstream of the ruler in all aspects of people's life, especially in economic affairs, and issues such as equality, brotherhood, justice, etc., must be seriously followed by him.

References

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2. S. Ali Hosseini. "Recognition, Analysis, and Critique of the Theory of Mantīqat al-Firāq", *Andish-e Sadeq*, no. 6 & 7 (2002), 91.
3. Abdolkarim Soroush, *Behaviors of Gods* (Tehran: Tarh-e Nov, 2001), 103-104. Cf. Abdolkarim Soroush., *Development of Prophetic Experience* (Tehran: Serat Cultural Institute, 1999), 29-82.
4. Sayed Muhammad Bāqir al-Sadr, a Shiite jurist and thinker, known as the “martyr Sadr” or “the forth martyr”, compiled many important writings and books in the fields of jurisprudence, principles, philosophy and economics (see: S.A. Hosseini (2002), 90). Among his works are the books *Falsafatunā*, *Iqtisāduna*, *Qāyat al-Fikr Fi 'lm al-'Uṣūl*, *Fadak Fi al-Ta'rīkh*, *Baḥthun Ḥawl al-Mahdī*, and dozens more. The book of *Iqtisāduna* (*Our Economics*) is one of his most famous works, which expresses his views on Islamic economics. The most important feature, which distinguishes him from many others, is his special view of Islamic teachings. He truly believed that Islam is a comprehensive and efficient school for the management of human life, and therefore tried to, far beyond the traditional teachings in seminaries, study Islam in its various fields in a systematic method and then strive to systematize and theorize Islamic notions. This was not only in the field of "economics", but including in jurisprudence, law, etc.
5. S. Ali-Akbar al-Hā'irī, “Mantīqat al-Firāq fi al-Tashrī' al-Islāmī”, *Risālat al-Taqrīb*, no. 11, (1417 AH), 112.
6. *Ibid*, 111.
7. S.A. Hosseini (2002), 92.
8. Muhammad Hussein Naeini, *Tanbīh al-'Ummat Wa Tanzīh al-Millat* (Tehran: Publishing Companies, 1999).
9. S.A. Hosseini (2002), 92.
10. Muhammad Ali Hedayati, *Rules of Criminal Judgment* (Tehran: University of Tehran, 1953), 12.
11. *Ibid*.
12. S. Muhammad Hussain Ṭabāṭabā'ī, *The Commentary of Al-Mizān*. Ed: S.M. Baqer Mousavi Hamedani (Qom: Islamic Publications Office, 5th ed., 1995), v. 4, 129.
13. S. Rouhollah M. Khomeini, “Imam's Message to the President of the Time”, *Islamic Republic Newspaper* (Iran), January, 9, 1988.

- ¹⁴. A. Soroush (2001), 103-104; A. Soroush (1999), 29-82.
- ¹⁵. Qā' dī, "Analysis and Evaluation of the Critiques Concerning the Theory of Manṭiqat al-Firāq By Martyr Sadr", *Islamic Hikmah*, 70, (2013), 148; S. Kāzīm Husseini Hā'irī, *Islamic Economy and The Way of Detecting It from Point of View of Martyr Sadr* (np: 2001), 29.
- ¹⁶. Many woks have been made on the theory of the belt of lacuna; e.g. two of which have been not referred in the paper are: Mohd Lateef Khan, "Economic Thought of Muhammad Baqir al-Sadr: A Study of *Iqtisaduna (Our Economics)*" (MA diss., University of Kashmir, 2011); Falaāḥ Abdul-Hassan Al-Dūkhī, *Manṭiqat al-Firāq al-Tashrīṭī* (Qom: Markaz al-Mustafa al-'Alami, 2015).
- ¹⁷. S. Muhammad Bāqir al-Sadr, *Lamḥatun Fiḥyātun Tamhīdīyatun Fi Mashrū'-i Dustūr al-Jumhūrīyyat al-Islāmīyyah Fi Iran*, in *Al-Islam Yaḡūd al-Ḥayāt* (Tehran: Ministry of Islamic Guidance, 2nd ed., 1403 AH).
- ¹⁸. S.M.B. al-Sadr, *Iqtisādunā (Our Economics): Discovery Attempt on Economic Doctrine in Islam*, English Translation (Tehran: World Organization for Islamic Services, 2nd ed., 1994/1414 AH), vol. 2 (I), 27.
- ¹⁹. *Ibid.*
- ²⁰. *Ibid*, 28.
- ²¹. *Ibid.*
- ²². *Ibid*, 28-29.
- ²³. See S. Muhammad Baqir al-Sadr, *Our Economy (Iqtisādunā)* (Qom: Scientific and Special Research Institute of Martyr Sadr, 1st ed., 1424 AH), 771-798.
- ²⁴. *Ibid*, 799-800.
- ²⁵. S.A. al-Hā'irī (1417 AH), 117.
- ²⁶. Al-Sadr (1424 AH), 800.
- ²⁷. S. Muhammad Baqir al-Sadr, *Durūsun fī 'Ilm al-'Uṣūl (Lessons on The Jurisprudential Principles)* (Qom: Islamic Publications Institute, 5th ed., 1418 AH), vol. 1, 165.
- ²⁸. Al-Sadr (1424), 803-804
- ²⁹. *Ibid*, 804.
- ³⁰. See Hossein Amini Pezouh, and Mohsen Esmaeili, "Manṭiqat al-Firāq as a Legal Theory", *Knowledge of Public Laws* 2, no. 5 (Fall 2013), 16, note: 5.
- ³¹. S. Muhammad Baqir Al-Sadr, *Al-Madrasat al-Islāmīyah (Islamic Seminary)* (Qom: Scientific and Special Research Institute of Martyr Sadr, 4st ed., 1429 AH), 146.
- ³². Al-Sadr (1424 AH), 804.
- ³³. *Ibid*, 805-808.
- ³⁴. It should be noted that the necessity of obedience according to this verse may be argued in different forms. To see a detailed discussion, see: Muhammad Mohsen Hassan-poor and Muhammad Reza Borzouyi, "Inquiry of the Practical Advantages and Limitations of the Theory of the Belt of Lacuna by Martyr Sadr in Cultural Policies", *Religion and Cultural Politics*, no. 4 (2015), 51-52.

- ³⁵. See Mahmoud Hekmatnia, “Clarifying the Theory of Mantīqat al-Firāq”, *Islamic Economy*, no. 8, (2002), 110-112.
- ³⁶. Al-Sadr (1424 AH), 804.
- ³⁷. *Ibid*, 801.
- ³⁸. *Ibid*, 802.
- ³⁹. *Ibid*, 802.
- ⁴⁰. *Ibid*, 803.
- ⁴¹. See S. Ali-Akbar al-Hā’irī, *Basis of Islamic State (Āsās al-Ḥukūmat al-Islāmīah)* (Beirut: Maṭba’at al-Nīl, 1st ed., 1399 AH), 121-191.
- ⁴². See S. Muhammad Baqir al-Sadr, *Flashes, a Collection of Articles, Lectures and Documents (Wamaḍāt, Majmū’atun Min Maqālāt Wa Muḥāḍarāt Wa Wathā’iq)* (Qom: Scientific and Special Research Institute of Martyr Sadr, 1st ed, 1428 AH), 257-260.
- ⁴³. *Ibid*.
- ⁴⁴. For more information and some examples of affairs done by each of these three groups, see: Muhammad Rahmani, “Mantīqat al-Firāq”, *Naqd va Nazar*, no. 5 (year 2), 256-271.
- ⁴⁵. S. Muhammad Hosseini, *Muhammad Baqir al-Sadr, Live Life and Creative Thought (Muhammad Baqir Al-Sadr, Ḥayātun Ḥafilatun, Fikrun Khallāqun)* (Beirut: Dar al-Maḥajjat al-Bayḍā’, 1st ed, 1426 AH), 336.
- ⁴⁶. For details see H.A. Pezouh and M.E. Esmaili (2013), 8-10, note: 5.
- ⁴⁷. Moreover, some consider the decrees of the belt of lacuna as the second (*thānawīya*) decrees and some consider them as the first (*awwalīya*) decrees. But here there is no clear statement from Sadr to indicate what did he mean of the belt of lacuna, concerning the first or second decrees, and in the statements of the scholars and his students there are disagreements as well (S.A. al-Hā’irī (1417), 131). Moreover, some have also debated and challenged the issue with “governmental rulings”: see: Zabihollah Naeimian, “The Theory of Mantīqat al-Firāq as the Legal Origin for Governmental Rulings”, *Islamic Government*, Vol. 16, No. 1 (Spring 2011), 40-60; Masood Ra’ei and S. Ismael Hosseini Qalandari, “Governmental Rulings and the Belt of Lacuna, Regarding Jurisprudential Thoughts of Martyr Sadr”, *Islamic Government*, vol. 17, no. 4, (Winter 2013), 33-58.
- ⁴⁸. Al-Sadr (1428 AH), 263.
- ⁴⁹. See Al-Sadr (1424 AH), 443-444.
- ⁵⁰. S. Muhammad Bāqir al-Sadr, “*Ṣūratun ‘An ‘Iqtisād al-Mujtama’I al-‘Insānī’*”, in *Al-Islam Yaqūd al-Ḥayāt* (Tehran: Ministry of Islamic Guidance, 2nd ed., 1403 AH), 39-40.
- ⁵¹. *Ibid*, 41.
- ⁵². *Ibid*, 44.
- ⁵³. *Ibid*, 46.
- ⁵⁴. *Ibid*, 47-50.
- ⁵⁵. *Ibid*, 47-48.

⁵⁶. *Ibid*, 51.

⁵⁷. Al-Sadr (1424), 328.

⁵⁸. *Ibid*.

⁵⁹. S.A al-Hā'irī (1417 AH), 123, 124, 127.

⁶⁰. S. Muhammad Hussein Faḍlullah, “*Interviews with Allamah al-Sayed Muhammad Hussein Faḍlullah*”, in *Al-'Ijtihād Wal-Ḥayāt, Ḥiwārun 'Ala-Waraq* (Beirut: Markaz al-Qadīr Li-Dirāsāt al-Islamīya, 2nd ed., 1417 AH), 50.

⁶¹. S.A. al-Hā'irī (1424 AH), 142.

⁶². S.A al-Hā'irī (1417 AH), 137-141.