



Resistive Economy in Iranian Citizenship Rights Based on the Teachings of Islamic Legal Jurisprudence

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ABSTRACT

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Background

One of the most important theories has been proposed in the field of economics in recent years is resistive economy theory. Based on the interpretation of many demystifies, this theory not only has economical dimensions but could be provided some of the most important fields, such as citizenship rights. In this perspective, this comprehensive theory does not just deal with the economic resilience in crisis situations, Along with respect to the principles of resilience, self-righteousness, collective interests, jihad, equality and observance of the social rights of minorities, it has also provided the grounds for the realization of citizenship rights.

Materials and Methods

This research method is descriptive-analytical one.

Ethical Considerations

In all steps of writing this inquiry, while observing the authenticity of the texts, honesty and fidelity have been observed.

Findings

While the juridical aspects of the important issue are exactly regarded, it has been confirmed in various citizenship rights instruments, including human rights instruments, citizenship rights charter, upstream documents, constitutions and institutional and official documents, which means that the resistive economy is not in any way in conflict with the citizenship rights instruments.

Conclusion

A lot of its important provisions, including self-righteousness, wisdom, jihad and collective interests, have been considered in many citizenship rights instruments, all the principles of the resistive economy not regarded in the citizenship rights documents and as well as the Imam's jurisprudence.

Key words

Resistive Economy, Citizenship Rights, Jurisprudence, Legal System.

How to Cite this Article

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INTRODUCTION

Each economical system always manifests in a set of rules which are the basis for the particular frameworks of regulating economic activities. On one hand this set of rules is dependent on a particular philosophical perspective on economic activity and on the other hand, the interaction of these rules creates the framework of economic activity and leads it on the path desirable for this system. Therefore, in each economical system the elements of philosophy of economics and principles are basic and important parts. Some believe that resistive economics is an economic system equivalent to capitalism, socialism and Islamic economics. It's clear that due to the equivalency of Islamic economics and resistive economics, such interpretation is not correct. But one can put forward this presumption that resistive economics is synonym to Islamic economics and in better phrasing the Islamic economical system is the same as resistive economical system. Some scholars believe that: "if what he (the Supreme leader of Islamic republic of Iran) means by resistive economics was just the Islamic economical system, there would be no need to use the term resistive economics and emphasize on its fruition instead of emphasizing on the fruition of the Islamic economical system and expressing its attributes. Therefore, resistive economics in the view of the supreme leader of Islamic republic of Iran is a particular form of the Islamic economical system which occurred when economically threatened and pressed by the enemy." [1]

MATERIALS AND METHODS

This is a theoretical inquiry and its methods are descriptive-analytical one.

DISCUSSION

A. Citizenship Rights Instruments in Resistive Economy

It is notable that human rights instruments are in some way considered the basic and fundamental instruments of citizenship rights. In what follows, we will categorize these instruments under a historical point of view;

1. Human Rights Instruments

In many cases we can see that the instruments of citizenship rights cause an expansion and development in the instruments of human rights. Old documents explaining human rights such as "Magna carta" (Great Charter 1215), "Bill of Rights" (1689), "The Declaration of the Rights of Man and of the Citizen" (1789), and the "Constitution of the United States" (1791) are amongst the important written documents which have been noted as the basis for many of today's human rights documents. Although this belief that each human, because he is a human, has a certain human right, is relatively new, but its roots go back to older traditions and written documents in many cultures. The Second World War was one of the most important events that accelerated the universalization of the human rights discussion and brought it under the eyes of world's conscience. It's notable that in the decades after the universal declaration of human rights in the general assembly of the united nations (1948), many

political, social, ideological, cultural, economical, technological and scientific changes have taken place in the world which have deeply affected the development of the knowledge of human rights, mechanisms of its approval, and the power and influence of movements protesting its violation. Therefore, human rights are constantly under reconsideration and one can say that a universal judicial heritage is taking shape.

Human rights documents are always the conclusion of an unfinished progression which is constantly undergoing changes and is lead by the emerging necessities of human civilization, in order to protect the creation of an international, civil and organized community [2].

By looking at classical eras one can better understand the importance of codification of citizenship rights charter. At the time of Aristotle, being a citizen in the Greek city-state meant having special privileges from the moment of birth. Aristotle believed that humans are not equal and in his view only a handful of people were really citizens but today citizenship rights means equality of rights for being a member of a certain political community, for example David hold believes that all kinds of citizenship require a mutual interaction between social rights and duties. Hill also believes that citizenship is comprised of being a member in a community (state) and a system of rights and duties that bring justice and equality into fruition in the society.

As new obligations about social and economic rights of humans were raised in the

international community and the discussion about participatory governing was put forward and spread in urban societies, the ground for the formation of a new movement for codification of the international system of urban citizenship rights was provided. The first movements began in Europe and North American cities and attempts were made to make urban laws and right compatible with the human rights charter. However, the codified charters differed in diversity, number and the extent of subjects, so a there is a long way to the codification of a universal standard for citizenship rights [3]. However, we shall mention the existing universal standard for citizenship rights. Naturally, the first codified charters had a lot of influence on the charters that came after. For example, in many of the European countries' different kinds of service agreements are codified and used under the influence of the British citizenship rights charter [3]. The service charters can be considered as administrative tools, tools for providing public services to users that directly benefit from them, tools that increase the level of responsiveness, change the culture of providing services, bring focus on the social needs of different classes of people and guarantee the quality of urban services. Hence the British citizenship rights charter homogenized the content of many of the consumer and citizenship rights [4].

2. High-Level Documents Aimed at the Fruition of Social and Economic Justice

Citizenship rights are in fact rights and laws aimed urban life that is created in order to bring social justice into fruition in cities and urban

communities. The word law refers to the interactions of urban residents with each other and with the state. Here we must consider the word law as "the rights and duties of citizens towards each other and the state". Therefore, having a right without mutual duties is impossible. On the other hand, it is not enough to have rights and duties and to be conscience if them, but if these rights are not pursued and truly executed, have no meaning or use. Hence trying to respect the individual rights is each citizen's duty. The word duty also means a chain of real civil behaviors that involves from simple efforts to make people aware of the day's news to participating in elections. The range and dominion of urban and citizenship rights covers urban planning and management and a wide range of activities related to urbanism, designing, urban development, urban economy, urban politics and urban culture.

The concept of citizen is a democratic concept, therefore people under the rule of dictatorships, military governments or absolute monarchies are not considered as citizens but as subjects dependent on those systems [5]. Citizen exists truly and actively where he participates in political, economic and social activities and the management of his city. He is required to express his opinion (political participation), do group tasks (social participation) and to play a role in his society's cultural structure (cultural participation) and when his life and survival is dependent on some other (other than the state) we should not consider him as of having civil person-hood because he lacks economical participation in his society and place of inhabitation. What most scholars do not pay

attention to is determining an execution guarantee for the advancement of the society at the time of the lack of citizen participation.

3. Constitution

Social welfare's the present meaning, plays in important role dealing with social problems because the cost of healthcare and life at the time of illness, unemployment or retirement are important issues of households and providing services in this regard largely reduces the economical duties of citizens and provides security for them. The Principle 29 of the constitution counts the right of healthcare at the time of retirement, unemployment, old age, disability, being unattended, suffering from accidents and the need for health care services, received as insurance, a universal right and the government is required to legally provide the mentioned services using public revenues and citizen contribution for all the people [6].

Based on the constitution the right to have a job is the effect of the right of economic freedom, i.e. a person can choose freely what job to choose in different fields and the government cannot interfere. This freedom contains two rights: the right to choose a job and the right to practice it [6]. According to the constitution of the Islamic republic of Iran forcing people to choose a certain job and slavery is forbidden and all people of Iran from any ethnicity or tribe have equal rights and color of the skin, race, language and the likes of these will not be a source of privilege and all people either man or woman are equally under the protection of the law and everyone has the right to choose the job they want as long as it's not contrary to

Islam or the rights of other people. Also, the government is bound to considering the need of people to different jobs creates the equal possibility of employment and work for everyone.

According to the constitution the freedom of passage and choosing an inhabitant is the effect of personal security meaning anytime a person wants to come and go in the country and anywhere he chooses to live and anytime he chooses to leave the country or comeback to it, nothing may take away his right to do so. The freedom of passage is a sign of life and activity and it is complete when it is secure without which it meaningless [7].

The right of ownership is one of the basic human rights which are respected anywhere and everywhere in all countries. Everybody has the right to own movable or immovable property and no one can interfere in his property without legal cause. The right to own property also includes intellectual property [8].

4. Institutional and Systematic Documents

4.1. The Institution of the Separation of Powers

Since the time of John Locke and Montesquieu, the idea of securing public freedoms under a system of separation of Powers has risen. The basic ideas in the theory of the separation of Powers are the division of political power and checking the balance of power in the process. The 57th principle of the constitution has relatively accepted a system of division of power into legislative, executive and judicial in a special form.

4.2. The Guardians Council of the Constitution

The constitution of the Islamic republic of Iran has named a non-judicial and independent institution called the guardians council and has left to it the monitoring of compatibility of statutory laws with the constitution and also monitoring the presidential election and the election of the assembly of experts and the Islamic consultative assembly and referendums. (Principles 92 - 99 of the Constitution)

4.3. The Administration Justice Court

This court has the authority to investigate cases built by natural or legal entities against the decisions of governmental companies, mayors' offices, revolutionary institutions and organs, and also investigating the decisions of definite decisions of administrative courts, inspection boards, etc.

4.4. General Inspection Office

This organization is founded upon the principle 174 of the constitution and it has the responsibility of inspection of ministries, offices, armed forces and police forces, governmental institutions and companies, mayors' offices and its related institutions and also doing special inspections by the order of the leader, the chief justice or by the request of the president or by the commissions of 88 or 99 principles of the constitution of the Islamic consultative assembly.

4.5. Parliamentary Support

The representatives of the people in their vow at the beginning of their service promise to

defend the constitution and the freedom of the citizens (the Principle 167 of the Constitution). Besides legislating laws, the representatives defend the freedom of the citizens mostly by investigations and expressing their opinions. The Principle 84 of the Constitution takes each representative as responsible to all the people of the country and therefore if the individual freedom of the citizens is violated by any office, the representatives are responsible.

B. Jurisprudential Basis of Resistive Economy

It is the duty of the science of Islamic economy to design an Islamic economical system compatible with the attributes of the time and the place. An Islamic economical system is compatible with different times and places. Economical jurisprudence is not directly effective but is only directly effective on discovering and designing the Islamic economical system. Of course, while trying to make the Islamic economical system compatible with the circumstances, the rules and principles of jurisprudence should also be accommodated with their outward instances.

Economical jurisprudence is effective on the designing of a desirable economical system, existing economical rules and principles are effective for describing the existing economical system and a pathological aspect is to identify where these existing rules and principles do not match the rules and principles of economical jurisprudence. Questions like: Is the present banking system Islamic? Are the present financial markets Islamic? Are the governments taxes Islamic? etc. These are question which

challenge certain aspects of the present economic system in comparison to the desirable economical system and one of these aspects is their judicial aspect. For example, the question of whether the current banking system is a form of usury, because of the aspects of Islamic banking is to remove usury. Therefore, the present economical jurisprudence plays the same role in the existing economical system that the economical jurisprudence of Islam plays in the Islamic economical system. And pathology is nothing but the identification of differences between the jurisprudence of the Islamic economy and the jurisprudence of the existing economy. One of Islamic economy's other duties is to provide general policies, strategies, plans and executive policies, etc. In order to move from the present economic condition to a desirable one, the juridical economy of Islam has a close relationship with the mentioned duty of the Islamic economy, because strategies, policies, plans and in general any economical command given by the policymakers and planners must be within the boundaries of the rules and principles of the economical jurisprudence of Islam. Therefore, economical jurisprudence is not only involved in designing a desirable economical system but is also involved in plans and policies of following that desirable economy. And the reason for this is clear, because juridical rules and principles are universal and are not limited to the desirable state and must also be heeded on the way to it. For example, heeding the rule of honor or resistance in economy is part of the general rules which are also a part of economic strategy and therefore approved by the Islamic jurisprudence [9].

C. An Analysis of the Resistive Economy in Citizenship Right Documents and Islamic Jurisprudence

1. Human Rights Documents

Among citizenship rights documents the "International Covenant on Economic, Social and Cultural Rights" is among the grounds which although not clearly contains grounds and contents of resistive economy. Where it pays attention to the rule of protecting retirees and supplying their needs and in fact considered the rule of honor as one of the rules of resistive economy, this important rule (resistive economy) has been considered [10].

2. Bill of Rights

According to the bill of rights it seems that the rule of protecting common interests (as one of the rules of resistive economy) has been quite considered in the concept of participation in this bill. The concept of participation and active citizenship requires having rights, tools, space, opportunity and if need be support for presence and influencing decisions and getting involved in social activities for helping build a better society. In fact, if such a concept of citizenship rights is spread and accepted, better grounds for the realization of human rights will be provided. In this paragraph instead of paying attention to individual interests, more attention is paid to social interests and this matter is a sign of the existence of signs resistive economy in the bill of rights.

3. Resistive Economy in Upper Hand Documents

One of the most important upper hand documents is the document of Iran in 1400; among the resistive economy rules mentioned in this document is a discussion of honor. In fact, "one of the main goals of the 20 years vision document is for the Islamic republic of Iran gain the first economical, scientific and technological place in the region and helpful and effective international interactions. Becoming the first economical, scientific and technological power in the region requires active and helpful interaction with the region's countries. What is required for this active interaction is to build institutional economical and commercial relationships with other countries in the region and the necessity of following standards, principles and commercial behaviors that are known and agreed upon. World trade organization and its set of agreements and principles are tools and possibilities for a presence in the world economy and using international facilities in order to put in place strategies for increasing exports, which must be considered next to set of necessities of development. In order to realize the strategies of expanding exportation which is one of the main strategies of development for effective and active interaction with the world economy, first we must establish a developer relationship with the international commerce and gradually change our pattern of economical and commercial behavior according to what is required by this system and after gaining the necessary preparations regulate this pattern in the framework of principles and agreements of the world trade center and then commit to guarantee the progression of this pattern of

behavior" [11]. In fact, of the 16 paragraphs that which are in the document of vision related to the economical subjects, these paragraphs are in some way related to resistive economy and it seems that they in some way provide some its rules such as honor, wisdom and Jihad:

1. Realization of continuous, stable and accelerated economic growth according to the goals of the vision;
2. Creating producing jobs and reducing the rate of unemployment
3. Providing the necessary grounds for the competitive realization of commodities and services of the country on the level of internal and foreign markets
4. Creating appropriate mechanisms for lifting the obstacles on the way of non-oil exportation expansion.
5. Increasing and expanding the economic activities in fields that the country has comparative advantage
6. Stabilizing a reassuring a stable room for economical activists and investors depending on comparative advantages and creating new advantages.
7. Protection of private property and all rights coming from it.
8. Upgrading Iran's stock market and reforming the structure of banking and insurance services of the country by emphasizing on efficiency, transparency, health and using new technologies.

4. The Constitution

The rule of Jihad as another rule of the resistive economy is mentioned with emphasis in Iran's constitution. In the preamble of the constitution, it is said that "...and the fight to save the people of Underprivileged nations who are suffering from cruelty in the world must continue" [12].

The important point in the constitution is designing the geometry of Islamic state. The main goal of state is to "try to precisely and scientifically understand and deduce Islamic rules and laws from its resources." [13]. Using progressive sciences and Techniques, since becoming self-sufficient and self-dependent is a virtue that comes from the existential essence of the society and the way of gaining it is upgrading the industrial and technical capabilities, a virtue that has been emphasized upon many times in different legal documents in the name of scientific Jihad.

The constitution, by understanding this matter, in paragraph b of the second rule has considered "using progressive human sciences and Techniques and experiences and efforts for expanding them" as one of the methods and general orders for the future strategies of the Islamic republic of Iran.

5. Institutional and Systematic Documents

The law of the fourth plan of development which is approved by the guardian's council, the administrative court of justice and the national inspection organization, also has not forgotten resistive economy and grounds for this issue is noticeable in the said plan. Since

the law of the fourth plan is a document lower than the document of vision and the state's general policies, it obviously has more certainty, concrete examples and precise quantifiable goals. The instances given in the paragraphs Z, H and L of the Article 33 and also paragraph A of article 37 and Paragraph A of Article 39 and the Article 41 of the fourth plan of development are clearly related to providing grounds for economical resistance.

6. Islamic Jurisprudence

The *Shia* Jurists encounter with important economic issues after the revolution and their efforts to provide executive and appropriate solutions in order to plan, make policies and run the country, caused the creation of important and challenging issues between different Jurists. They on one hand tried to solve problems by providing proportional juridical perspectives and on the other hand they had to conform to juridical basis in common use and sometimes the possibility of aggregating these two-faced challenges and this created debates in the years after the revolution between *Imam Khomeini* and other Jurists among them the members of the guardian's council. Anyway, the total of this debates and challenges had special effects on political *Shia* jurisprudence. Among these debates, one of the issues that is related to Resistive economy is the discussion about reviving the social interests in *Shia* political jurisprudence, a subject that can be the supplier of the two rules of wisdom and supplying for the common interests in resistive economy; in the views of *Imamie* Jurists, the commands of Sharia are bases on real and essential benefits and

corruptions and no command can be found in the establishment of which the corruptions are not considered with the benefits. These corruptions and benefits are in fact the same as the criterions and causes of the command and the commands are their circuit. *Ayatollah Mirza Hasan Naiini* says about this matter that: "there is no way to deny the adherence of rules from the corruptions and benefits of their effects because even without paying attention to the commands of god, actions have benefits and corruptions and these are in fact the cause and criterion of the rulings" [14].

This is a point of view in contrast with *Ashaere* who claimed that the good and bad are based on Sharia and did not consider any value or capability for the reason to understand the good and bad and the corruptions and benefits of things. About what the real and essential corruptions and benefits of things are, *Motahari* said: "Islamic laws are as is said today both heavenly and earthly and this means that they are based on the corruptions and benefits of things that exist in human life. Therefore, there is no secret and one hundred percent symbolic aspect to it so we can say that the command of god is not related to these, god has established a rule and only he knows what it means. No! Islam itself says that whatever I have made a rule for you is based on these benefits that are either related to your body or your soul, to your morals and your social interactions and it is not a secret thing that no mind can find out. And we should say that what is meant by saying that the rulings of Sharia are based on benefits and corruptions is not that these benefit every

individual but that what is wanted from it is to conform to the benefits." [15].

On the basis that the rulings of *Shia* are based on real benefits and corruptions and believing that reason has the capability to understand the good and bad of actions, it is concluded that reason has the power of understanding the criteria of rulings in many social matters although when proving it, what seems to be the in favor in human benefits as long as it is not give knowledge it is not in support of discovering Divine Rules. Hence the discussion about benefits is usually very useful in jurisprudence in the discussion about Vellaiat.

CONCLUSION

According to this text, resistive economy is not the same as not consuming but means refraining from waste and luxury, reforming the pattern of consumption, building the culture of using internal products, strengthening the national production, depending on internal resources and human power and specialists, increasing the efficiency of work and helping build a culture of leaving matters to the private sector and NGOs. Economical Jihad has its roots in Quran and tradition. Religious doctrines are full of stories and signs which show that sacrifices with Divine motivations if they cause the economic independence of the country from outsiders is a form of Jihad in the name of god. In anyway examinations showed that among the aspects of economical Jihad, is to have a good life and earn Halal possessions which can increase the faith, expand thought and increase the public welfare. The significance of the general policies of "resistive

economy" according to the article 110 of the constitution by the leader of the revolution, designs the right strategy for the country's economy in the decade of justice and progression. In fact the problem is that the capacity for our national economy is much vast and more than 80 percent of the country's domestic economy is hidden in our national capacities, therefore paying attention to national production and employment can cause dynamism in our country's economy.

ETHICAL CONSIDERATION

In all steps of writing this Research, while observing the authenticity of the texts, honesty and fidelity have been observed.

AUTHOR CONTRIBUTIONS

Planning and writing of the manuscript was done solely by the author.

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None.

CONFLICT OF INTEREST

No conflict of interest was reported by the author. The author declare that he has no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

ABBREVIATIONS

This Research includes No abbreviation.

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