



The Question of State Legitimacy: A Theoretical Dialogue Between Sadr, Hegel, and Foucault

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Abstract: This research conducts a comparative study of the foundations of legitimacy and the nature of the state in the political thought of Ayatollah Seyyed Mohammad Baqir al-Sadr, focusing on his key works such as *al-Islam Yaqud al-Hayah* (Islam Guides Life). It contrasts his thought with the teleological political philosophy of Georg Wilhelm Friedrich Hegel—who views the state as the manifestation of "Absolute Spirit"—and the deconstructive genealogy of Michel Foucault, who understands the state as a mechanism of "Power/Knowledge." The main challenge addressed here is comparing Sadr's conception of appointive and divine legitimacy, which operates through "the Ummah's caliphate" and "the supervision of religious authority," with Hegel's rational and historical legitimacy. Additionally, the research examines Foucault's critical analysis of how religious and jurisprudential institutions such as the Zone of Silence are transformed into instruments of governmentality and biopolitics in the modern Islamic state. The findings reveal that Sadr's effort to reconcile popular acceptance with divine legitimacy i.e., the theory of "Atmosphere of Infallibility" faces fundamental challenges when confronted with Hegel's logic of rational despotism which claims itself to be the very truth and Foucault's instrumental logic which subordinates all knowledge to power.

Keywords: Islam Guides Life, Political Guardianship, Righteous Government, Divine Legitimacy, Absolute Spirit, Customary Ethics, Power and Knowledge, Governmentality, Biopolitics, Zone of Silence.

Introduction

The issue of state legitimacy and its formation lies at the core of all political philosophy discussions across various intellectual traditions, ranging from metaphysical idealism to religious schools and post-structuralist's theories. In the contemporary era, with the rise of religious and ideological states striving to integrate theological foundations with modern bureaucratic structures, this challenge has gained heightened significance. This research centers on a three-way comparison: 1) the model of appointive legitimacy with popular caliphate by Seyyed Mohammad Baqir al-Sadr; 2) the model of rational-historical legitimacy by Georg Wilhelm Friedrich Hegel; and 3) the genealogical power analysis model by Michel Foucault. The aim is to analyze points of convergence and divergence among these three views in response to the key questions: "What is the basis of sovereign right?" and "Can the spiritual purpose of Sadr's Islamic state escape the instrumental logic of Foucault's modern state and Hegel's rational totalitarianism?"

Ayatollah Seyyed Mohammad Baqir al-Sadr (1934-1980) was one of the few thinkers in the Shi'a world who sought to develop a comprehensive theory for Islamic economy, society, and state—not merely within a theological-jurisprudential framework but as a response to ideological challenges posed by Marxism and Liberalism. His pivotal works, especially *al-Islam Yaqud al-Hayah* (Islam Guides Life), which includes *Risalatuna* (Our Message) and economic discussions, along with his analyses on the "Ideal State" in theological and jurisprudential schools, serve as the foundation for understanding political guardianship and the structure of Righteous Government.

Sadr views the state as an undeniable necessity grounded in the theological principles of monotheism, justice, and human dignity. From his perspective, the state is necessary not only for managing material affairs and preventing stagnation and neglect civil necessity but, more importantly, for implementing Islamic laws, safeguarding religious values, and guiding society toward spiritual perfection and felicity). Accordingly, Sadr's state is deeply teleological, with lofty objectives that transcend merely providing worldly benefits. Legitimacy in this model is a form of divine legitimacy that recognizes

sovereignty as absolutely God's right, but this sovereignty is transferred to the human caliphate and ultimately exercised through the mechanisms of people's caliphate and religious authority supervision.

In contrast to Sadr's religious-spiritual approach, Hegel's political philosophy (1770–1831) emphasizes dialectics and the realization of "Absolute Spirit" in history, regarding the state as a metaphysical entity and the most concrete manifestation of reason. Hegel does not see the state merely as a contractual tool unlike Rousseau or the product of a simple agreement.

The state as the synthesis of "ethical life" (Hegel, *Philosophy of Right*, p.257) : In Hegel's philosophy of right, the state represents the highest stage of realizing "ethical life", resolving the contradictions between the family (thesis: immediate and emotional essence) and civil society (antithesis: instrumental rationality and individual selfishness) within itself. The state is the final and fully rational and ethical synthesis that embodies the "general order." (Hegel, *Philosophy of Right*, p.258)

Rational legitimacy: The legitimacy of the Hegelian state does not derive from divine appointment as in Sadr or arbitrary individual will as in Rousseau, but from the objective realization of reason in historical institutions. A person is only free and moral as a governing citizen when united with the whole (i.e., the state).

Confrontation with Sadr: This model replaces Sadr's divine appointment with a kind of rational appointment. The Hegelian state, as the very embodiment of rational truth, does not accept external supervision by religious authority which represents a transcendent will because it considers itself the highest manifestation of freedom and reason in the world.

Michel Foucault (1926–1984), within the post-structuralist tradition, challenges any teleological foundation whether divine or rational for political legitimacy. Instead of focusing on the "essence of the state" or the "origin of sovereignty," Foucault analyzes the "how of power's function and operation."

Productive and dispersed power: From Foucault's viewpoint, power is not a suppressive, centralized phenomenon within the state,

but rather positive, productive, and networked microphysics of power. The state is a "superstructure" that functions solely based on more fundamental power relations.

Mutual implication of power/knowledge: Foucault emphasizes the inseparable connection between knowledge and power, which he terms "power/knowledge." There is no power relation without an epistemic domain, nor any knowledge that is not preceded by power relations and does not produce power. These relations reveal systems of truth.

Governmentality and biopolitics: Foucault centers his analysis of the modern state around the concept of "governmentality," meaning the "guidance" of others, founded on the principle of "state interest," which aims at consolidating and expanding state power. This is realized through biopolitics, which involves the political management of living populations (i.e., birth, death, health, fertility) and the use of disciplinary technologies (i.e., surveillance, control, normalization). The primary intellectual challenge lies in comparing the basis of state legitimacy. Sadr ties state legitimacy to divine appointment and sovereignty of Shari'ah, which is exercised through the supreme supervision of religious authority over elected powers. This requires spiritual teleology and adherence to "religious, legal standards and public interest."

In contrast, Foucault's analysis raises this critical question: How can jurisprudence and religious authority within the modern state structure avoid becoming instruments of power and knowledge? Foucault's logic of governmentality shows that once religious institutions and juridical rulings enter the state-building process, they risk changing from a guiding and perfection-seeking matter (Sadr's purpose) into a disciplinary and managerial mechanism (Foucault's framework).

Specifically, the mechanism of the Zone of Silence, which Sadr designed for legislative dynamism and responsiveness to temporal demands based on public interest, faces Foucault's critique: Does the Zone of Silence, instead of being a tool for spiritual elevation, become a flexible instrument of biopolitics allowing the state to enact and

implement variable laws for technical management and population control based on state interest?

This study, through thorough analysis of each of these three worldviews, seeks to demonstrate how Sadr's effort to maintain spiritual purpose within a modern state inevitably encounters fundamental challenges posed by Hegel (at the metaphysical level of legitimacy) and Foucault (at the level of power mechanisms).

1. Theoretical Foundations and the Structure of the Islamic State in Seyyed Mohammad Baqir Sadr's Thought

Sadr's theory of the ideal state is built on coherent theological and jurisprudential foundations. This section examines in detail the pillars and the evolution of his theory of political guardianship.

1.1. Theological and Philosophical Foundations: Monotheism, Caliphate, and the Teleology of the State

Sadr's theory of the state is not merely a governmental plan but a structure emerging from a monotheistic worldview. He bases state legitimacy on three fundamental theological principles (Sadr, 2009):

- **Monotheism:** The belief in God's absolute sovereignty over the world, which is the source of all right to sovereignty.
- **Justice:** Divine justice which forms the basis for just structures and the rejection of exploitative relations.
- **Human Dignity:** Endowed by God to humans, and as a practical consequence of absolute divine sovereignty, it means human freedom and the negation of any non-divine domination (Sadr, 2009).

Human Caliphate and the Right to Self-Determination

Acceptance of these three principles requires embracing the principle of "Caliphate and succession of human beings on earth by God." This caliphate forms the political dimension of the state, and based on it, "government of the people by the people" (hukm al-nas li anfusihim) as God's successors on earth will be legitimate and lawful (Sadr, 2009, p. 38)

Teleological Necessity of the State

Martyr Sadr regards the state as an undeniable necessity that has two vital dimensions:

- Religious Necessity (Spiritual Purpose): To realize Islam, implement Islamic rulings, and protect religious values.
- Civil and Civilizational Necessity (Material Purpose): To promote social activities, development, prosperity, and to bring people to welfare and civic perfection. Sadr's ideal state is conditional upon adherence to religious, legal standards and public interest, and its lofty aim is to guide society toward spiritual elevation and perfection while preventing stagnation and negligence.

1.2. The Evolution of Political Guardianship Theory: From Consultation to Supervision by Religious Authority

Sadr's thought on how political guardianship is exercised during the period of occultation has undergone a precise evolutionary process that ultimately leads to a synthetic theory (Thaqafi, 2014, pp. 95-110):

- Theory of Elective Consultative Government (1378 AH/1958 CE): In this initial stage (found in *al-Usus al-Islamiyya*), Sadr presents two forms of state: (a) the Divine Government (Infallible), which derives its authority directly from divine appointment; (b) the Consultative or Ummah Government, which gains legitimacy from the Qur'anic verse "wa amruhum shura baynahum" ("and their affairs are decided by consultation among themselves") and remains valid as long as it stays within religious limits (such as the society's leadership not being entrusted to a corrupt person) (Sadr, 1378 AH). In this view, the element of people's choice plays a decisive role in exercising caliphate.
- Theory of Appointive Guardianship by the Majority of Jurists (1395/96 AH): This theory (presented in the practical treatises *Minhaj al-Salihin* and *al-Fatawa al-Wadiha*) rests on four main pillars: guardianship, appointment, jurisprudence, and the general domain of guardianship that encompasses all public affairs (Sadr, 1396 AH). This theory emphasizes the jurisprudential competencies of jurists for managing public affairs during occultation and underlines the governing role of the jurist.
- Final Theory: People's Caliphate with Religious Authority Supervision: Sadr's final theory is a synthesis of the two previous

theories, trying to reconcile the people's electoral right and the guiding role of Shari'ah (Thaqafi, 2014). In this view:

- **People's Caliphate:** The Islamic Ummah, after liberation from tyranny, exercises divine caliphate through universal consultation and majority voting, electing the head of the executive and members of the legislative branch (Dekamjian, 1998).
- **Religious Authority Supervision:** The Ummah's caliphate must be carried out with the approval of the source of emulation (Marja). The religious authority has a guiding, directive, and supreme supervisory role over the powers ascribed to the people (Thaqafi, 2014). The role of religious authority is more of "overseer and witness" than direct governance or ruling (Dekamjian, 1998).

1.3. Continuity of Legitimacy and Acceptance: The Mechanism of "Atmosphere of Infallibility"

Sadr presents a unique theory called the "Atmosphere of Infallibility" to explain how divine legitimacy (truthfulness) and popular acceptance are guaranteed in the Islamic government during the occultation period (Ramadan, 2023). From Sadr's perspective, the establishment of an Islamic government in the absence of the Infallible Imam is essentially impossible unless its infallibility is ensured through the following mechanisms (Ramadan, 2023):

- **Mutual Oversight:** Supervision of the people and elites over each other and over the guardian jurist.
- **Consultation-Seeking:** Having an attitude of consultation-seeking from the leadership and offering consultation from the people.
- **Maximal Allegiance:** Maximal allegiance and participation of the people and elites with the guardian jurist.

The theory of the Atmosphere of Infallibility shows the interconnection of legitimacy and acceptance and emphasizes that "the foundation of the guardianship government lies in the participation of the majority of the people," and divine legitimacy of the government is only realized when popular acceptance reaches its highest level (Ramadan, 2023, p.75).

1.4. Pillars of the State Structure and the Vital Function of the Zone of Silence

Within Sadr's final theory, the powers of the state are divided based on their type of attribution and function:

- **Legislative and Executive Powers (Attributed to the People):** Executive powers (President) and legislative powers (Council of the Wise) are elected by the people. However, the election of the head of the executive branch is conditional on his competence being confirmed by the competent religious authority.
- **Duties of the Legislative Branch:** This council has the duties of enacting laws in the Zone of Silence (Sadr, *Iqtisaduna*, p. 688), overseeing the performance of the executive branch, voting confidence in the government, and selecting appropriate jurisprudential rulings in cases of dispute.
- **Judicial Power (Attributed to the Religious Authority):** This branch, responsible for justice and judgment, is directly attributed to the religious authority (Raj, 2018).
- **Supervision by Religious Authority:** The religious authority supervises the executive and legislative branches. Although Sadr does not explicitly define the supervision as informational or approving, evidence suggests that he intended it to be approving supervision (Raj, 2018). Additionally, the supreme command of all forces should be entrusted to the guardian jurist.

The mechanism of the Zone of Silence is the most important instrument of dynamism and flexibility in Sadr's Islamic state.

- **Definition:** The Zone of Silence is an area where Shari'ah has no fixed and decisive ruling (definitive text), and human and jurisprudential legislation takes place within this domain (Dekamjian, 1998).
- **Purpose:** The goal of distinguishing this zone is to systematically respond to the temporal necessities and social changes based on public interest and within the framework of the unchanging general principles of Shari'ah.
- **Function:** By attributing legislation in this zone to the council elected by the people, Sadr effectively ensures the operational

dynamism of the state and prevents the stagnation of jurisprudence in the face of new issues.

The Zone of Silence represents Sadr's effort to integrate the normative stability of Shari'ah with the operational flexibility of governance so that the state, while adhering to principles, can achieve development and progress.

2. The State in Hegel's Political Philosophy: Absolute Rationality and Ethical Life

Hegel's philosophy regards the state as the objective and purposeful manifestation of human rationality in the course of history and seeks legitimacy through the realization of "Absolute Spirit".

2.1. The Dialectical Process of the State and the Manifestation of Absolute Spirit

Hegel sees the state as the highest form and objective manifestation of reason or "Absolute Spirit", within which the "general order" is resolved. According to Hegel, reaching the highest form of "Bildung" (education or cultivation) is only possible through reason, and in the realm of philosophy and the state, God or spirit becomes conceptualized. The Hegelian state has a thoroughly historical and modern nature, with its main distinction from ancient city-states being its approach to individual rights and freedoms.

2.2. Ethical Life and Rational Legitimacy

Hegel's system of "ethical life" is a path through which the individual attains objective and ethical freedom via connection with the whole. This system proceeds through a dialectical process of three stages:

- Family (thesis): The sphere of emotion and immediate essence.
- Civil Society (antithesis): The sphere of selfish individual interests and instrumental rationality.
- State (synthesis): The highest synthesis of ethical life, which is entirely rational and moral.

From Hegel's perspective, freedom is realized when the individual reconciles what he desires with what he is obliged to do (the state's laws); that is, the individual consciously obeys the rational law of the state. Hegel rejects Rousseau's view on "general will", considering it

based on arbitrary individual wills and neglecting the "absolutely rational element in will." Consequently, the state must be the "embodiment of reason's essence" rather than a contract based on individual consent. This view introduces a kind of "rational appointment" as the source of state legitimacy, contrasting with Sadr's divine appointment.

2.3. The Confrontation Between Religion and Politics: Master and Servant

Hegel affirms the necessity of the coexistence of religion and state to establish internal and external unity within society. However, ultimately, religion in Hegel's thought is seen as a tool serving the state and politics; meaning religion must be the state's determiner in establishing external unity. This instrumental view stands in deep contrast with the perspective of "Sadr al-Muta'allihin", who viewed the relation between politics and religion akin to that between master and servant and did not sacrifice religion to politics.

3. Genealogical Critique of the State in Michel Foucault's Thought: Power/Knowledge and Governmentality

Foucault challenges any transcendent basis of legitimacy, whether divine (Sadr) or rational (Hegel).

3.1. Nature of Power and Its Link to Knowledge

Foucault does not view power as merely a repressive and negative phenomenon. Rather, he considers it positive, productive, and networked (microphysics of power). Power is not concentrated in a specific location like the state but is rooted in all spheres of life in modern societies. The state is a "superstructure" operating solely on the basis of more fundamental power relations.

Foucault emphasizes the reciprocal and constitutive relationship between power and knowledge, which he terms "power/knowledge." According to him, no power relation exists without an epistemic domain, and no knowledge exists that is not preceded by power relations and does not produce power. This production of knowledge reveals systems of truth.

3.2. Governmentality, Disciplinary Technology, and Biopolitics

Foucault focuses his analysis of the modern state on the concept of "governmentality," meaning the "guidance" of others and patterns of behavior in society. The modern state is based on the principle of "state interest," prioritizing the consolidation and expansion of its power above all else.

Transition to biopolitics: Governmentality is linked to the concept of biopolitics—a "technology of power" that politicizes populations as living entities (with phenomena such as birth, death, health, and fertility). It attempts to regulate and manage them through disciplinary technologies aimed at surveilling, controlling, and normalizing individuals and bodies.

3.3. The Challenge of Transforming Jurisprudence into an Instrument of Disciplinary and Biopolitical Power

From Foucault's perspective, the Iranian Islamic Revolution embodied the "collective will of Iranians to resist domination" (Foucault, 1978, p.64) and the emergence of "political spirituality" (Foucault, 1978, p. 68). Foucault emphasized the unique features of Shia religious authority, such as the absence of hierarchy, financial independence, and the role as guide and reflector, which gave it emancipatory potential. However, the main challenge for post-revolutionary state-building is the gap between the liberating ideals of the revolution and the logic of the modern state.

- **Institutionalization of Jurisprudence:** Jurisprudence, as a knowledge system, loses its spiritual teleological logic (Sadr's view) once incorporated into state structures as an instrument of lawmaking and enforcement, becoming subject to governmentality (Foucault's framework).
- **Jurisprudence and Normalization:** Jurisprudential rulings regulating individual and social behavior (e.g., dress codes, family, social etiquette) become bureaucratic mechanisms for surveillance and normalization (disciplinary technologies) as soon as they are institutionalized in state bureaucracy such as police, education, or family services.

- Zone of Silence and Biopolitics: The Zone of Silence, designed by Sadr for legal flexibility based on public interest, under Foucault's logic becomes a pliable domain of biopolitics. In that case, laws within the Zone may serve technical management and the expansion of state power (state interest) in areas such as health, birth, fertility, and population longevity, rather than spiritual perfection.

4. Comparative Analysis and Conclusion

4.1. Confrontation of Absolute Natures in Legitimacy: Hegel's Rational Despotism versus Sadr's Divine Supervision

The fundamental issue in comparing Sadr and Hegel is the confrontation between two types of absoluteness: the transcendent absolute (divine) in Sadr's thought and the steadfast absolute (rational-historical) in Hegel's philosophy.

Hegel's theory, defining the state as the highest synthesis of ethical life, effectively introduces a form of rational appointment as the superior source of legitimacy. In this model, the state embodies the essence of reason itself, and its laws are considered absolute truth. Consequently, individual or particular wills (like Rousseau's general will) lacking absolute rational elements are rejected. The implication of this view is rational totalitarianism, as the Hegelian state claims to embody objective truth and considers any external oversight or critique a rejection of rationality and a regression to arbitrary will. Therefore, the Hegelian state metaphysically resists the supervision by Sadr's religious authority, as the authority represents a non-rational-historical will (divine appointment) incapable of overseeing a structure that regards itself as the embodiment of absolute reason.

By contrast, Sadr attempts to escape this rational despotism. He separates divine legitimacy from popular acceptance and integrates them in the theory of Atmosphere of Infallibility. This theory acts as a mechanism that responsibly frames human freedom (the caliphate of the Ummah) within Shari'ah (Sadr, 1999). By creating mutual oversight among the people, elites, and the guardian jurist, it prevents the deprivation of individual will that, in Hegel's model, is essential for achieving objective freedom (Ramadan, 2023).

Difference in Teleology

Another difference lies in teleology: Sadr sees the state as a means to reach spiritual perfection and to protect religious values. Hegel views the state as the goal of objective and ethical freedom within worldly (historical) affairs. Thus, although both are teleological, Hegel’s absoluteness is secularized, whereas Sadr’s absoluteness remains connected to the transcendental, justifying religious authority supervision.

Criterion	Seyyed Mohammad Baqir Sadr (Divine Legitimacy)	Georg Wilhelm Friedrich Hegel (Rational Legitimacy)	Core Opposition
Source of Absoluteness	Divine will and transcendent Shari’ah (Divine Appointment)	Absolute Reason and Historical Spirit (Rational Appointment)	Secularization of reason vs. theological transcendence
State's Status	Instrumental for spiritual perfection and civil welfare	Embodiment of ethical life and ultimate freedom	The state is instrument (Sadr) vs. the state as end (Hegel)
Supervision/Control	External supervision of religious authority to ensure no deviation	Internal supervision; the state is the embodiment of truth and rejects external oversight	Transcendent supervision vs. rational totalitarianism

Conclusion

- The Mechanical Challenge of Governance: From Jurisprudence and Religious Authority to State Utility

Foucault, by rejecting teleology, emphasizes the operational and mechanical logic of modern power. From this perspective, Sadr’s

project of an Islamic state, despite its spiritual aspirations, is at risk of becoming an instrument of power.

- **Transforming Jurisprudence into a Tool of Power/Knowledge and Disciplinary Technology:** Jurisprudence, as an extensive knowledge system (normative system), when integrated into the machinery of modern state enforcement (police, judiciary, education), inevitably falls under Foucault's logic of "Power/Knowledge". Jurisprudence shifts from a guiding factor to a mechanism for producing "state truth systems". Jurisprudential rules regulating individual and social behavior (such as dress codes, social etiquette, or family laws) become disciplinary technologies aimed at surveillance, control, and normalization to attain what Sadr calls a "Beneficial State Citizen". That is, the ultimate intention of Sadr (spiritual perfection) is subdued by Foucault's functional logic (disciplinary management).
- **Religious Authority and Power Network:** In Foucault's analysis, the Shi'a religious authority during the revolution was a liberating force due to its lack of hierarchy, financial independence, guiding role, and reflective position. However, when the religious authority becomes an "epistemic supervision" (approved supervision) within the state structure, it risks being assimilated into the power network. In Foucault's logic, "Power and politics have their own rules and requirements, and do not submit to anything outside power." Therefore, the religious authority might transition into a producer of official state discourse and a tool of supreme supervision, rather than an autonomous guiding body.
- **Zone of Silence and Biopolitics:** The mechanism of "Zone of Silence", designed by Sadr for flexible legislation based on public interest, is the most vulnerable point in Foucault's critique. Biopolitics, as a technique of power, manages vital phenomena—birth, death, health, fertility—through a flexible sphere of legislation. Laws within this zone could be exploited for technical management and expanding state power, not for spiritual or social justice, but for administrative efficiency and population control (such as family regulation, public health policies, or reproductive technologies).

- Final Summary and Future Theoretical Horizons

Sadr's final theory, namely "People's Caliphate and Religious Authority Supervision" (Sadr, 1999), is a sophisticated theoretical attempt to synthesize democracy and theology. However, comparative analysis with Hegel and Foucault reveals fundamental risks this system faces against the logic of the modern state:

- **Risk of Ideological Despotism (Hegelian Challenge):** If the supervision of the religious authority (as the representative of transcendent truth) is absolute and unquestionable, the logic of rationality and individual freedom is undermined, pushing the system toward a form of ideological totalitarianism claiming complete accordance with reason and absolute truth.
- **Risk of Instrumentalization (Foucauldian Challenge):** If religious and jurisprudential institutions are integrated into the modern structure, Sadr's spiritual purpose is replaced by the mechanical logic of governmentality, and jurisprudence becomes a functional tool for "surveillance, control, normalization, and population management" (biopolitics).

Ultimately, this research shows that theoretical challenges in implementing an Islamic state arise at two levels: metaphysical (confrontation of absoluteness) and mechanical (confrontation of purpose and instrument). This directs future research to explore whether an "ethical power" can be defined in the Islamic state that, despite entering the modern state realm, can avoid becoming a mere technology of surveillance and control (Foucault's power definition) while simultaneously guaranteeing the individual's objective freedom against rational totalitarianism (Hegelian). Sadr's endeavor to ensure non-deviation under the shadow of the "Atmosphere of Infallibility" can succeed only if the logic of public interest derived from jurisprudence genuinely prevails over the state interest logic of power consolidation.

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