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The Position and Application of Jurisprudential Expedience in the Media

Abedin Siyahat Esfandiari^{1*}, Dr. Mohammad Ali Heidari², Dr. Ahmad Reza Tavakoli³

1. * PhD Student in Department of Law, Faculty of Jurisprudence and the Fundamentals of the Islamic Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran, (*Corresponding Author*)

2. Assistant Professor in Department of Jurisprudence and the Fundamentals of the Islamic Law, Faculty of Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran, ma1.heidari@yahoo.com

3. Assistant Professor in Department of Jurisprudence and the Fundamentals of the Islamic Law, Faculty of Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran, a_tavakoli@phu.iaun.ac.ir

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Abstract

SUBJECT AND OBJECTIVES: The main question of this research is, “what is the status and use of the expedience institute in the media?” The research hypothesis is that expedience is the most important rule governing the media and its activities. Therefore, this article is organized to explain the concept of religious jurisprudential expedience in the media and to study the motivations and introduce the expedience determining reference in the media.

METHOD AND FINDING: Used the documentary method to investigate hypothesis. The findings of this research are that the element of expedience in the media determines the propagation of news and information. It was also found that maintaining the country's livelihood and political system, justice and security are among the most important incentives, which are the most important materials that should govern media activities in order not to harm one of them.

CONCLUSION: In the present day, the media is one of the most important and influential means of social communication from the viewpoint of Shi'a religious jurisprudence. On the other hand, one of the sciences that can set norms for the media considering its universality is the science of “Religious jurisprudence”. Among the religious jurisprudential propositions, the “expedience” rule can have the most impact on setting the norm for the media.

* Corresponding Author:

Email:

asiahat@gmail.com

ORCID: 0000-0003-0741-9042

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Introduction

In the present day the media is one of the most important and influential means of social communication from the viewpoint of Shi'a religious jurisprudence, every phenomenon has a Sharia law and therefore the media also falls under the jurisprudential framework and the rulings should be examined from the perspective of religious jurisprudence one of the rules that govern media activity is the religious jurisprudential expedience rule. (Akbari, 2013)

Although media workers are generally expedient; but it should be examined that what is the meaning and place of religious jurisprudential expedience in media affairs, and who or what entity can be the expedience determining reference in media affairs?

This research is organized to explain the concept of religious jurisprudential expedience

in the media and to study the motivations and introduce the expedience determining reference in the media.

The Concept of Expedience

There is no single theory of “general expedience” among scholars, and different approaches can be considered in this regard. Each of these approaches have defined the public expedience based on a particular criterion and each consider the idea can be resulted in different ways. In general, the types of general expedience theories can be grouped into four categories:

- *Realism*: Realistic theories of public expedience portray them as doing nothing more than compromising the expediencies of individuals. This view does not view the public expedience as a matter of discretion and independence; but rather as

the concession of the expediencies of the individual over a minimum and does not consider the public expedience as anything beyond this. Realists tend to be skeptical of any general expedience without the existence of partial expedience as well.

- *Perfectionism*: In this view, goodness is perceived as beautiful and valuable in its own right, and the general expedience must be accepted since it is based on what is good and ultimately aims to reach beauty. This view is normative and idealistic.
- *Utilitarian*: According to this view, the public expedience is the algebraic set of individual private expediencies, and it is an expedient policy that can best benefit the most people and serve the most private

expediencies, so the utilitarian's interpretation of personal benefit is freedom in a variety of areas, including freedom of the media and news.

- *Consequentialism*: This approach considers the criterion of public expedience as the judgment of the consequences of a policy. The consequences of this policy must not only be considered for a certain group but its effects on personal expediencies must also be considered. In this view, public expedience is an act or a choice that is made based on the expedience of the time and the consequences that will follow. These consequences are of expedience for both personal and collective freedom and expediencies. *(Moeini Alamdari, 1999: 160)*

Talking about public expedience based on the outcome of

policies on the one hand gives us a realistic understanding and deters us from abstraction and disregard for social realities; and on the other hand, considering the consequences of the actions has always been crucial to the issue of freedom, which in our discussion is freedom of the media, news and information.

Therefore, on the basis of a few general principles, one can come to a comprehensive theory of “public expedience” that respects public expediencies and individual freedoms.

Such theory must:

- Consider the expedience that is above the private expedience of individuals, while accepting that this public expedience does not negate personal or private expediencies.
- It does not diminish policy theory by talking about private expediencies and the competition that exists; but by emphasizing the importance of reinforcing social attachments.
- This theory lays the groundwork for the responsibility of individuals and is ethical in this respect. According to this view, a sense of responsibility about others forces one to step out of the fence of minor expediencies and to encourage well-being in the city.
- This theory makes it possible to achieve rational adaptation. This theory not only paints a picture of social cohesion and favorable public order; but also, by rejecting fear, lays the groundwork for voluntary participation by individuals to gain political values.
- This theory should be able to achieve a balanced

mix of civil virtue plus individual freedom. It must therefore be able to replace its political culture. A culture where there is no conflict between one's social duties and one's freedoms.

- Ultimately, such a theory of public expedience should be based on the consequences of an action and leave the decision making for when the time and conditions are expedient. *(Alidoust, 2011)*

With these considerations in mind, one can come up with a theory of public expedience that while considering public and collective expediencies it also considers individual expediencies and freedoms.

After identifying the concept of “public expedience” it is worthwhile to consider the expedience motives that occur in information and media work.

Expedience Motivation in Media

Some of the most important motivations for expedience in the media, which usually leads to censorship and not expressing all the news and content, are:

A. Protecting the Government

One of the important motives of expedience is to maintain the government. The term is generally used in religious jurisprudence in three meanings, which in here it refers to the preservation of the state.

Imam Khomeini says about preserving the state of the Islamic Republic of Iran:

“If god doesn’t forbid and a defeat happens upon the nation, Islam will be destroyed”.
(Imam Khomeini, 2000, Vol. 22: 211)

And elsewhere he says to the workers of the media:

“All those who serve in the country must keep in mind that they should preserve the honor of Islam, which the Islamic Republic is the primary flagbearer of”. (Imam Khomeini, 2000, Vol. 16: 414)

In these sentences, the preservation of the Islamic Republic is the embodiment of preserving Islam and its equivalent. It is also stated in several tales that the Imams are committed to maintaining the Muslim system and dealing with the opposition as a matter of disruption occurs to the Muslim order.

Imam Ali states in one of his statements:

“They are inclined to be dissatisfied with my government and I wait as long as I am not afraid of your social unity, what if they will

follow this loose vote to disrupt the Muslim system”. (Nahj al-Balagha, Sermon. 169)

In this sermon imam Ali sees the boundary of tolerance of opposition as it being the disruption of the unity of the state and which in turn indicates everyone’s duty to maintain the state.

Grand religious jurists have also come to believe in the dignity of the state to stop disruptions by relying on various arguments, and the “Saheb Jawahir” considers it necessary to preserve the state. (Ref: Najafi, 2013, Vol. 21: 395)

Therefore, in the media and information, any news that contradicts the preservation of the Islamic government is forbidden, and preventing its propagation is an important necessity. That is why journalists and news outlets must always

keep in mind that if news causes systemic disruption - including political, social, cultural and economic- it should not be published. (*Rahjan, 2013*)

B. Justice

One of the main principles of Islam is the issue of justice, and executing justice has been one of the goals of the prophets.

The Holy Quran says:

“We sent aforetime our messengers with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice; And We sent down Iron, in which is (material for) mighty war, as well as many benefits for mankind, that Allah may test who it is that will help, Unseen, Him and His messengers: For Allah

is Full of Strength, Exalted in Might (and able to enforce His Will)”. (Quran, 57: 25)

The issue of justice has various implications that relate to our discussion of how justice in the media relates to expedience in the media. That is, on the one hand, the principle of media justice has requirements and on the other hand, expediency in the media has its own requirements. Based on religious scriptures justice is above expedience. (*Ref: Nahj Al-Balagha, Sermon. 15*)

Therefore, if media justice requires action, even though it is against expedience and expedience, it must be done because excluding justice is itself against expedience, and abandoning the original expedience and expedience fortifies a greater expedience and unless

said expedience is so important that it is ok to abandon justice, it would be preferable to act on expedience here.

Media justice, for example, requires that a person be given the opportunity to defend himself/herself if he or she is unfairly accused by a person in the same media and be allowed to defend himself / herself in the same media.

But if what the person or legal personality is talking about conflicts with the expediences of the government, and if the media executives know that if given the opportunity, instead of defending themselves, they would endanger the expediences of the government, then they should ignore this justice.

Of course, this is no longer the case with media justice. It should be noted, however, that party and factional expedience should not be interfered with, and it is only the expedience of

the Muslim system -political, economic, cultural and social- that should and should be considered at all times.

C. Security

Although the title of security also comes under the heading of maintaining the government, it should be considered separately because of its importance.

“Security” is one of the most important divine blessings and one of the most pressing needs of mankind and society. The rulers of different governments have recognized this as one of the most essential elements of the survival of governments and an important factor in public satisfaction and are trying to establish public security in their society.

Although the methods of establishing security vary according to the structure and the noetic foundations of governments, its principle is an inevitable necessity.

Therefore, it can be said that no school of law can be indifferent to the question of security, otherwise it is indifferent to its cause and its existential philosophy and cannot stand.

Islam, as a comprehensive legal system that responds to human needs at all times and places, is no exception, and therefore has been emphasized in many tales and sermons on the necessity and importance of “social security”.

In the Holy Quran one of the fruits of faith in God is the matter of “security”. (Ref: *Quran, 106: 3-4*)

Imam Ali also says:

“God! You know that what I am doing is not a struggle for power or for the worthless goods of the world; but for the restoration of religious values and reform of the country so that your

oppressed servants can be safeguarded and the remaining rulings of the religion will be established”.

Accordingly, the media and the media should place social security as one of the most important principles in their activities and actions as a divine necessity for stopping the propagation of any news, report or material that puts the social security of Muslims at risk.

On the other hand, in order to promote social security, audiovisual media need to inform and raise awareness of issues that endanger their security.

D. Expedience Determining Reference in Media

One of the most important issues in applying media expedience is determining the expedience reference in the media. Since the propagation of news and media activities has diverse cultural, political, social

and economic dimensions, it is therefore essential to have a working group of experts in the aforementioned areas with the supervision of a religious jurisperit who knows the media well, to form and propagate news and other media activities under this Working Group.

This suggestion may be criticized by some experts as saying that news releases in today's world are happening in an "instant", so setting such a working group to examine the material and corruption of the news releases takes a lot of time. It fundamentally disadvantages a media having such a workgroup compared to other media and therefore a non-operational solution.

In response to these critics, news and media activities should be divided into two categories:

- News and ordinary content
- News and special content

Ordinary news and content about the day-to-day activities of institutions, agencies, and other government entities or private companies does not require any discussion or expedience to be evaluated; Rather, it is about news and information that goes beyond a mere activity and has major consequences. It is in these cases that the need for consideration is raised in the proposed committee.

It should be noted that the proposed committee should always be present in the media and constantly monitor and evaluate issues.

Conclusion

The expedience rule is one of those rules that journalists and news agencies must use as a basis in the various dimensions and stages of gathering news to propagate it; because in some cases it is of expedience

to ignore a news release or to prioritize it because of its prominence over other news, the jurisprudential rule of expedience will have a wide application in the news and media.

You can control the free flow of information, measure the content and corruption of the news, and then publish it. It was also found that maintaining the country's livelihood and political system, justice and security are among the most important incentives, which are the most important materials that should govern media activities in order not to harm one of them.

Expedience determining reference in media According to the proposal of this research, is a working group of experts from different cultural, economic, political and social fields, including a religious jurispudent that is aware of the media issues, who are constantly

present in the media, and monitor the propagation of important news and other activities of high importance and finalize them.

The incorporation of a religious jurispudent into the Proposed Working Group is because that the application of the jurisprudence principle of "expedience" is in fact a jurisprudential operation and a religious inference that is only within the jurisdiction of the mujtahid.

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AUTHOR BIOSKETCHES

Siahat Esfandiari, Abedin. PhD Stuent in Department of Jurisprudence and the Fundaments of the Islamic Law, Faculty of Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran.

- ✓ Email: asiahat@gmail.com
- ✓ ORCID: 0000-0003-0741-9042

Heidari, Mohammad Ali. Assistant Professor in Department of Jurisprudence and the Fundaments of the Islamic Law, Faculty of Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran.

- ✓ Email: ma1.heidari@yahoo.com
- ✓ ORCID: 0000-0002-0352-4606

Tavakoli, Ahmad Reza. Assistant Professor in Department of Jurisprudence and the Fundaments of the Islamic Law, Faculty of Law, Theology and Islamic Maaref, Islamic Azad University, Najafabad, Iran.

- ✓ Email: a_tavakoli@phu.iaun.ac.ir
- ✓ ORCI: 0000-0001-6353-3910

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