

# Democracy on the Scale of Islam

## Religious Democracy



Mohammad Bagher Khorramshadi

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# Religious Democracy

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**A Collection of Nine Articles**

**About Religious Democracy in Islam**

**Presented to the International Fourum of Religious Democracy- Tehran**

**Mohammad Bagher Khorramshad**

**With**

*Dr. Ahmad Va'ezi*

*Abdolhamid Akuchkian*

*Dr. Mohsen Esma'ili*

*Dr. Masood Akhavan Kazemi*

*Dr. Bahram Nawazeni*

*Dr. Ali Larijani*

*Dr. Bahram Akhavan Kazemi*

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# Introduction

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# Preface

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# Prelude

**Dr. Mohammad Bagher Khorramshad**

## Prelude

What is religious democracy? This was the main question of the seminar, whose collection of articles is with you now. The members of the Seminar's Scientific Council consider the key to finding a comprehensive and to-the-point response to the question lying in the focus on four main points: Conceptual definition and definition of the theoretical foundations of religious democracy; historical background of religious democracy; religious democracy in comparative approaches; and religious democracy through practical approach. The first point tries to identify theoretical fundamentals, identity, various dimensions and different issues relating to religious democracy.

The second axis aims at identifying and introducing the chronology of religious democracy in all societies, including Iranian society, as well as the viewpoints of different Iranian thinkers on the issue. The third axis aims presenting a series of comparative topics, which compare religious democracy with different kinds of democracy; thus, religious democracy is identified in other method and from other angle. Finally, speaking on the fourth axis, there are studies on function of religious democracy from different angles. From this standpoint, religious democracy's function in different sections in Iran is surveyed.

A series of intellectual and objective, i.e. theoretical and practical, exigencies made it necessary and inevitable to deal with the religious democracy phenomenon. On the one hand, Iran's Islamic Revolution has been witnessing unprecedented developments both in Iran and world historically. On the other hand, the superficially solid but actually shaky bastion of one of the intellectual and political poles in the contemporary world, i.e. socialism, had collapsed in the face of the ceaseless attacks of the liberalism camp.

Consequently, it is claimed that history has come to an end and mankind has no other choice but liberalism. What happened and was institutionalized in the years 1986-1987, was neither socialism, which is now on the verge of collapse and degeneration, nor liberalism to accompany the former victories at the end of history. Islamic Revolution of Iran is manifestation of the Neither-East-Nor-West political-intellectual movement of the West, which is now manifested in the Islamic Republic of Iran's model.

The Islamic Republic of Iran's Constitution says:

1. Absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group. The people are to exercise this divine right in the manner specified in the following articles. (*Article 56, Divine Right of Sovereignty*)
2. In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution. (*Article 6, Administration of Affairs*)

3. In the Islamic Republic of Iran, "al-'amro bilma'ruf wa al-nahy 'an al-munkar" (calling people to goodness and prohibit them to do evil) is a universal and reciprocal duty that must be fulfilled by the people with respect to one another, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law. (This is in accordance with the Quranic verse: *والمؤمنون والمؤمنات بعضهم اولياء بعض يامرون بالمعروف و ينهون عن المنكر ...*)  
 "The believers, men and women, are guardians of one another; they enjoin the good and forbid the evil." (Quran: Al-Toba (repentance); verse 71), (*Article 8; Community Principle*)
4. During the occultation of the Wali al-'Asr (may God hasten his reappearance), the leadership of the Ummah devolve upon the just and pious person, who is fully aware of the circumstances of his age, courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article [107](#). (*Article 5; Office of Religious Leader*)
5. After the demise of Imam Khomeini, the task of appointing the Leader shall be vested with the experts elected by the people. (*Article 107; Religious Leader*)
6. (1) Following are the essential qualifications and conditions for the Leader:
  - a. Scholarship, as required for performing the functions of religious leader in different fields.
  - b. Justice and piety, as required for the leadership of the Islamic Ummah.
  - c. Right political and social perspicacity, prudence, courage, administrative facilities, and adequate capability for leadership. (*Article 109: Leadership Qualifications*)
7. Whenever the Leader becomes incapable of fulfilling his constitutional duties, or loses one of the qualifications mentioned in Articles [5](#) and [109](#), or it

becomes known that he did not possess some of the qualifications initially, he will be dismissed. (*Article 111; Leadership Council*)

8. The Leader is equal with the rest of the people of the country in the eyes of law. (*Article 107; Religious Leader*)

Such a composition of government and cabinet is something unprecedented and unique. What is considered is absolutely democracy but certainly democracy is not the liberal or social or the like one. In such a democracy there is word on sovereignty of God, of Valie-Asr, of Supreme Jurisprudence, of Imamate (leadership of Islamic community) and of fair clergyman: This is religious democracy.

In the religious democracy preference of collective government or collective thinking over personal government and personal sense and also rule of law over rule of despotism is welcomed beyond framework of the law. Here, public role in election of rulers and supervision over their behavior, promises and claims is mandatory, helpful and sign of progress. Also, presence of religion and its role in government and supervision and systematization of the conduct of those governing or governed is necessary.

What comes in the model of Iran religious democracy neither exists in other Muslim states such as Saudi Arabia, Jordan, Morocco, Kuwait and so on and even Egypt, Syria, Tunisia, Libya and so on, nor in western democracies such as the UK, France, Italy, the US and so on.

The religious democracy pattern accepts the principle of election of leaders by the public through free competitive elections (*Huntington, third wave, Democracy, p. 8*) and presents strategies within framework of society's Islamic culture. Religious democracy is not a government system in which people attain power and leadership on the bases of birth, luck and fortune, wealth, force and aggression, selection, wisdom, appointment, or passing test (*Huntington, third wave, democracy, p. 8*). In religious democracy, leaders are elected within

framework of a series of legal disciplines and free and competitive elections as the law and religion consider supervision over their conduct something mandatory and their dismissal is predicted. In religious democracy the public have the right to vote and candidacy is free; voting is free; voting should be clandestine; healthy elections should be held, that is the vote should be brought out from the same box it was dropped in; and so on.

A religious democracy should not and cannot be expected to be like liberal or any other democracies because they are different; true, both of them are examples of democracy but of different nature. The religious democracy accepts democracy on the basis of working procedure (*Huntington, third wave, democracy, p. 8*) and as a method and way experienced in government but getting accustomed to Iranian culture. Today, Islam and Shi'ism constitute major portion of Iranian culture and Islam and Shi'ism; Islam and Shi'ism in their present form – politics and government from the standpoint of the law – has been mixed with method of democracy in the government, turning into a new model as is referred to as religious democracy. Iran's and no other Islamic society's democracies would be any longer religious. If religious democracy is to find its way into Islamic countries and serve as a basis for government, it should be certainly religious; otherwise, it would be the one observed in the world of Islam. Democracy cannot deny this in Muslim world let alone discarding religion as something disturbing. Christianity might be disturbing for democracy in Europe or the west and be discarded as a result but it cannot be true in the case of Islam. Experience in Muslim states shows that any action aimed at removing Islam from the public, social, cultural and political lives of people is doomed to failure. It would be wrong and unwise to test somebody over and over again; perhaps, the practice would bring profits for powerful western liberalism!

So, religious democracy sets a path for politics and government in Muslim world both today and tomorrow. On the one hand, certain pious should be

informed of the message that government in Islam cannot be something other than democracy and on the other hand, it is necessary to inform a group of those believing in democracy that Muslim world cannot be detached from religion. This collection tries to provide a definition on religious democracy as clear and profound as possible.

The collection of articles, which were admitted in the First Seminar of Religious Democracy, focus on three main subjects and are presented in three different volumes as such:

1. The first volume: Nature, dimensions and issues of religious democracy
2. Second volume: Religious democracy in Quran, Nahjulbalagha and traditions of Imam Ali (AS)
3. Third volume: Historical background and experience of religious democracy

***Mohammad Bagher Khorramshad***

***Scientific secretary of the seminar***

***Fall 2005***

# **Theocratic Democracy and its Critics**

*Dr. Ahmad Va'ezi*



## Theocratic Democracy and its Critics

*Dr. Ahmad Va'ez*<sup>1</sup>

### Introduction

A theocratic democracy is a model of political system whose founders believe in a combination of theocracy and the people's governance. That means while accepting every individuals' right for interference and participation in the process of macro-scale decision making in political and social fields, and in political power distribution, the system also highly respects the supremacy of religion in social and political fields. This general definition does not all by itself show in which one of the assumed and probable frameworks this combination and amalgamated form of governance can be fit. In other words, democracy in a theocratic mold is a comprehensible concept and at the level of political theorizing, too, it is possible to present various models and types of it; because on the one hand, democracy has the capacity of being presented in various models, and on the other hand, the role of religion in the fields of politics and society yields to interpretations.

Therefore, depending on our assumption and interpretation of the level of interference of religion in the social life of the mankind, and on which type of democracy we prefer, we would be able to present different models of theocratic democracy.

The present article has an eye in the model of theocratic democracy based on which the political system of the Islamic Republic of Iran and the framework of its Constitution are established. The axis of this interpretation of theocratic democracy is jurisprudence. In other words, a very vast realm in the field of social life is secured for the interference

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<sup>1</sup>- Lecturer at Cambridge University

of religion, and the system is determined that the economic, cultural, and political affairs of the Islamic society must definitely be regulated keeping in mind the general and particular rules and regulations of the Islamic jurisprudence.

It is due to this pivotal interpretation of the jurisprudence that this constitution gives a very significant political power to the Supreme Source of Jurisprudence, or Vali-ye Faqih<sup>2</sup>. In fact the political vicegerency of the jurist in this model of theocratic democracy is the interpretation of the prominent role of jurisprudence in the field of social life. That is the reason why some of the critics of this type of theocratic democracy have aimed at the issue of congruency of jurisprudence with the social relations of the contemporary world, and the incompetence of jurisprudence in regulating the social relations.

In this article I am going to categorize the major opponents of this interpretation of theocratic democracy, and to survey and evaluate these challenges. I hope this way through this review and survey the idea of theocratic democracy would be further clarified. Before dealing with these critic approaches it would be convenient to note that a part of these challenges are directly aimed at this particular mentality – jurisprudence-based – of the theocratic democracy, some others generally speaking reject any kind of theocratic democracy which is a combination of the rulership of the people coupled with the interference of religion in social life of the nation, and there is yet another group that rejects any type of political model that depends on acceptance of a certain type of particular ideology, religion, and ethical or philosophical school aimed at centralizing power in an undemocratic manner. The latter group is therefore opposed to the governance of the entire theocratic political systems. The author in his survey of the critic approaches towards theocratic democracies does not segregate himself within the barriers of the first type of critics and tries to present to his readers a relatively comprehensive chart inclusive of the entire theories which in a way challenge the theocratic democracy in question.

## **1- General Criticism on Guardianship Governances**

Throughout the history of political theorizing, probably the most serious competitor of the democratic system has been the group of political theories within the guardianship model. Various interpretations of the guardianship governance have been presented and some great and influential thinkers have had emphasis on this political approach. For

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<sup>2</sup> -High religious vicegerent of guardian

instance we can refer to Confucius, Plato (who lived a century after Confucius), Carl Marx, Stinger, and Lenin. As some prominent supporters of democracy, like Robert Dahl emphasize, the guardianship system has strong and firm roots in the history of political thoughts hand keeping in mind its strong and firm logical background, it is the strongest and most serious competitor of the democratic system and just because of some practical weak points in the historical experience of the guardianship governances we cannot totally reject this important political idea. (*Dahl, 1989, p. 52*)

There are various interpretations of the guardianship governances and this makes it difficult to present a precise definition for such political systems, but observing a little lenience, we can define them as governments and political powers by fit rulers and elite political minorities which due to their scientific and particular capabilities and unmatched competence have become fit for grasping the helms of political power without being elected by the people. Usually the prerequisite for the establishment of guardianship governance is that the masses of people would lack the required competence for taking the helms of major political or social positions and such extremely important posts must therefore be occupied by the elite minority figures. The original source of various guardianship governances is that consensus over the nature of this science and the required competence in it does not exist.

Plato, for instance, by putting forth the theory of the “philosopher-king” believed that such competences and conditions are combined in philosophers and highly taught teachers who have gone through certain trainings. Lenin, too, believed such competence is found in the leaders of the communist party, who are well verse in Marxism and the pioneers of the Proletariat social class. Meanwhile, a psychologist like Skinner<sup>3</sup> relying on his behaviorist analysis of the human mind emphasized the need for competence of those who have political might over the science of behaviorism. Despite these ideological and philosophical differences of opinion, the entire defenders of the guardianship governances share the viewpoint that political decision making and governance must be exclusively in the hands of those who have certain competences and particular features.

To which of these two main trends in the history of political thoughts, namely democracy and guardianship governance does the jurisprudence-based theocratic

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<sup>3</sup>- American psychologist B. F. Skinner is an absolute experimentalist who with his particular theory on “learning” is among the initiators of the “behaviorism” theory in world psychology. His emphasis over the point that the owners of guardianship governance must be equipped with modern behaviorism is understood in his book “Walden Two” and also in his famous work “Beyond Freedom and Dignity”

democracy which is manifested in the framework of the system of vicegerency of the supreme source of jurisprudence (*valayat-e Faqih*<sup>4</sup>) as it is defined in the Constitution of the Islamic Republic of Iran belong? If such factors as the people's participation in distribution of power in the framework of free elections, interference of people in political decision making and governing the social affairs through the people's representatives system and supervision and control over the political power thru freedom of the press and the foundations predicted in the constitution would be considered as the three main factors and the major boosters of contemporary democracies, then we must also accept that the Constitution of the Islamic Republic of Iran by supporting these three columns is considered a democratic model, which is based on the people's votes. On the other hand, the emphasis of this mother law on the article of leadership of the supreme source of jurisprudence and that at the top of the political power there must be a jurist, or a group of jurists, who would be competent in a certain scientific field (Islamic jurisprudence) and with certain ethical and individual characteristics (such as justice and wisdom), puts this system among the manifestations of the guardianship governances.<sup>5</sup> Therefore, the general criticisms made against the guardianship governance by the supporters of democratic systems are naturally aimed at this type of political system, too. At this point I would like to scrutinize over some of the most important criticisms of the supporters of democracy about the guardianship systems to figure out to what extent they are also aimed at the Valayat-e Faqih system, or the ruling democratic theocracy in Iran. What draws our attention at this part of our survey is the fact that this democratic theocracy is not a "pure guardianship governance", and therefore, it is quite probable that some of the faults that the critics have found with the pure guardianship systems – even if they are true and authentic – they would not be true in case of this democratic theocracy.

The supporters of democracy normally believe various types of guardianship governances have taken shape based on this fundamental belief that the ordinary people and the individuals in a society are deprived of the required competence for holding high level political and social posts. This deficiency and lack of competence is made from two points of the view. Firstly, due to their weak political and social insight, and secondly because of the preoccupations of their minds with their personal problems,

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<sup>4</sup> -Or vicegerency of high religious authorities normally in Shi'ite jurisprudence

<sup>5</sup>- Although in this system the people are indirectly involved in the election of their Supreme Leader, Vali-ye Faqih, as their guardian, and in accordance with Article 107 of the Constitution the Leadership Experts Assembly whose members are directly elected by the people elect the leader, but neither the people, nor their representatives at that assembly are allowed to elect a non-jurist, or a jurist who does not have the certain qualifications state in the constitution as the Supreme Leader.

they lack the required incentives for pursuing the interests and ultimate goals of the society. The supporters of democracy criticize this pessimist viewpoint about collective intelligence, firmly believing that if the required conditions are met, the democratic system can eventually with a greater degree of certainty ensure materializing the people's interests.

Today in evaluation of the contemporary democratic system serious doubts exist about the extent of success of the prevailing democracies in taking advantage of the collective intelligence, public participation and free election, and their being soundly informed of what goes on at high levels of decision making. Many critics believe between the mottoes of democracy and what goes on in real context of the democratic societies due to the hegemony of the trusts and cartels in economic and media fields there are very deep gaps. Despite all such critical points about the nature of contemporary democracies we would like to emphasize that the guardianship aspect of the theocratic democracy in velayat-e Faqih system is not based on negating the people's competence in ruling their own affairs.

Therefore, the criticism made by the supporters of democracy on guardianship models – even if we accept their credibility – is not aimed at this interpretation of theocratic democracy. That is because if you would refer to the narrated reasons for the authenticity of Velayat-e Faqih we would realize it is due to the important role of religion in the social lives of the Muslims that necessitates the need for referring to a just jurist in supervising the governance of an Islamic society, not because of lack of the people's competence in accepting responsibilities of their own social affairs. Also in some rational reasoning quoted in some other texts on velayat-e Faqih it is stressed that in organizing the social affairs ideally, the people would be incompetent unless they would seek assistance from divine revelations and the sacred texts of jurisprudence. Such rational preludes are on the need of the mankind to divine revelations and the sacred jurisprudence, not emphasizing on public incompetence in accepting social responsibilities.

Another important criticism by the supporters of democracy about the guardianship governance is that many versions of the guardianship governances have taken shape based on the foundation that welfare and wellbeing of the public society is the result of the summing up of individual cognitions of the individuals about what is fit and what is unfit for them. Therefore, we need a source to be alert, with deep insight and required bright-mindedness, free from inclination towards personal interests, and capable of recognizing the public interests of the society. So decision making on major interests of



the society must be up to such personalities. Some supporters of democracy might criticize at this point that wellbeing and welfare of the society are not objective issues to become the subjects of absolute and credible sciences, as they are subjective and under the influence of orientations, ideologies, and presumptions of the people. Therefore, we cannot get inclined towards guardianship systems relying on this argument that such sciences are exclusively at the disposal of certain individuals. (*Dahl, 1989, p. 71*)

This is a fact that the proponent jurists for Velayat-e Faqih normally do not resort to this kind of reasoning, although its reformed type is an acceptable presumption among the Muslim scholars. Those who support giving roles to religion and Islamic jurisprudence in social life of the Islamic society believe matching the jurisprudence with the network of social relations and regulating the social relations based on sciences and rationalism, side by side with respecting the divine laws equals safeguarding the public interests of the people in this world and their eternal salvation in the hereafter. That is way they emphasize on the role of the jurist as an expert and well acquainted person with the jurisprudence. Of course the above mentioned criticism which is based on relativism and cognitive suspicion at least in the field of ethics and recognition of the wellbeing and benefits is in serious contrast with the cognitive approach of the Muslim scholars, and this opposition is not limited to the proponents of Velayat-e Faqih theory. That is because the message of that criticism is negating the possibility of any type of subjective and eventual recognition on wellbeing, welfare and salvation, either that recognition would be on the part of an individual, or a group, or a philosophical school of thought, or a religious schools of thought, or even a religion. Surveying the dimensions of this issue is not possible within the small volume of this article.

## **2 – A Paradoxical Sample of Theocratic Democracy**

Some critics of the theocratic democracy argue that democracy is based on certain cognitive and humanism foundations which are basically in direct contrast with the cognitive foundations on which Islam and Qur'an emphasize. Therefore, a combination of Islam and democracy and establishment of a political system that would while remaining committed to the Islamic jurisprudence and teachings remain also committed to the governance of the people is a sample of a paradoxical situation. Therefore, the supporters of the theocratic democracy are on the one hand ignoring the nature of Islam and its viewpoints about the human beings and on the other hand disregarding the parts

and parcels of a truly democratic system. (*For instance refer to Paidaar, 1997 – in Persian*)

Proving this claim it is assumed that that democracy in its nature is based on a number of major foundations, particularly on “cognitive pluralism” and “absolute freedom of thought and expressing it” which are the manifestations of the human beings’ absolute freedom to choose. In accordance with cognitive pluralism the truth cannot be distinguished from falsehood and no individual, group, or school of thought can claim to have access to absolute truth. Therefore, there is no way but to leave the choice up to individuals with different tastes, thought, religious schools of thought and particular mentalities to choose freely and no thought and taste can be rejected and considered null and void resorting to the pretext of being false, or untrue. Meanwhile, observation of this unlimited right to choose also leads to accepting the freedom of thought and expression, because without such comprehensive freedoms it is not possible to defend the human beings’ freedom of choice. Therefore, cognitive pluralism is in full harmony with absolute freedom to choose and unlimited freedom of thought and expression and these two which are major foundations of democracy have no place in Islam. One of the supporters of the thesis on natural contradiction between theocracy and democracy writes:

“Combination between Islam and democracy is basically impossible, unless Islam would turn totally secular. One of the theoretical basics of democracy is taking it for granted that to err is the human being. This rule is itself based on another theoretical rule of democracy which considers the human beings as individuals with free wills and with the right to choose freely... the most important manifestation place for the human beings’ freedom of choice is in their field of thoughts and beliefs. The human beings must be capable of choosing one of the existing religions, or to, live as atheists quite freely. Since the truth is not clearly known and it is possessed by the entire human being, any choice is inclusive of a portion of the truth, but it is not the entire truth... If one school of thought would consider itself the manifestation of the truth and the other religions as disbelief and darkness, there would be no room left for a democratic governance. Islam, in accordance with the Qur’anic verses considers itself as the only authentic religion. The below mentioned verses are in direct contrast with democracy:

"... ماذا بعد الحق الا الضلال؟...."

“... and after the truth what else can there be save error? ....” (*Quran: Yunus (Jonah), verse 32*)

"... ومن يبغي غير الاسلام ديناً فن يقبل منه و ....."

".... And whosoever seeks a religion other than Islam, it will never be accepted of him and ...." (*Quran: Ale Imran (Family of Imran), Verse 85*) And the opening verses of Chapter Al-To'bah (Repentance), too, are contrary with the human beings' freedom of choice. (*ibid, pp. 525-526*)

According to the author, the abovementioned interpretation of democracy is too narrow-minded and can by no means be reflective of the existing various models of democracy, either at theoretical, or at practical levels. This interpretation of democracy, in which the prerequisite for the democratic system is lack of any dependence on any certain philosophy, is in fact a certain reading of democracy which is intermingled with extremist liberalism. This pluralist version of democracy tries to image a seriously "neutral" picture of democracy which takes shape at a society with different strong tendencies, in which the state is committed to none and yet observing full neutrality and in accordance with the vote of the majority and full freedom of choice arranges its policies and regulates its programs. This model, as it was mentioned, is merely one of the possible interpretations of democracy and cannot be generalized as the absolutely authentic version, with rules that are observed in entire existing democracies.

The second problem with this analysis is that like the entire theories which are based on full scale cognitive relativism, it is faced with the self-defeating problem. That is because while being pluralist and rejecting all types of dogmatism and negating the possibility of achieving the truth, it resolutely stresses such absolute values as limitless freedom of thoughts, freedom of expression, and freedom of choice, and while doubting the authenticity of entire options, it never doubts the truthfulness of certain others. In other words, having accepted that the truth cannot be achieved, or proven, and that no individual, or school of thought can claim to have achieved the absolute truth, and any choice is inclusive of a portion of the truth, how can somebody meanwhile speak of cognitive pluralism, but have doubts about the truthfulness of the entire options, but then dogmatically and resolutely stick to and defend the abovementioned rules as absolute truth?

My third criticism about that analysis is that this image of democracy is too objective and idealistic. Pure democracy, free from any type of value systems, ideologies, and philosophies and merely based on freedom of choice with any possible tastes and schools of thought that would in law making, executive field,



and policy making be inclined towards no value systems, or ethical norms in broad sense of the word is neither defensible, nor practical. It is due to the same reason that throughout the history of democracy, and particularly in case of the contemporary democracies, we have had “limited democracies” and democracies which have been harnessed within the barriers of such schools of thought as liberalism and socialism, in which always some fundamentals and basic values which are not established based on freedom of choice have been reigning over these democracies. That is the reason why some critics of the theory of neutrality of the liberal governance emphasize that the neutrality of the government and lack of its commitment to any certain value, or ideological systems is basically impossible, and practically paradoxical. The liberal government is at best conditions of neutrality definitely in its decision makings over issues like recreational activities, allocation of subsidies, or collecting taxes, either directly, or indirectly attached to the orientations, ideals and fundamentals of liberalism, and cannot remain indifferent towards the promotion, or demotion of the liberal culture.<sup>6</sup>

If we understand democracy as a political method of governance which is based on three certain axes of the people’s role playing in giving power to individuals for accepting responsibilities, their participation in decision makings either directly, or through their representatives, and being informed and controlling and supervision over the conduct of the system officials, then there would remain no obstacle in way of choosing this system in the framework of certain value systems, or ideologies. In other words, if liberalism with its particular values and fundamentals managed to harness this democratic system in the framework of respecting its own values, then there is nothing wrong with another school of thought, like Islam, or any other ideology, to do the same while respecting their own fundamentals and values systems. Therefore, we should not resort to a narrow-minded interpretation on the nature of democracy and interpret it as a competitor ideology for the other schools of thought and ideologies, so that any type of lenience and compromise would be rejected and condemned in the name of not yielding illogical paradoxes.

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<sup>6</sup>- Various authors have criticized neutralism in liberalism and its opposition to perfectionism. For instance refer to; Galston, 1991

### 3 – Contradiction between Democracy and Islam

Under the previous subtitle we dealt with an interpretation that regarded its own particular image of democracy as the ideal image, and emphasized that Islam is incompatible and non-aligned with democracy. The approach to which I refer under this third subtitle is on mentalities that favor unadulterated presentation of the theocratic system and not matching it with innovative methods in the political field. In the viewpoints of the supporters of this mentality, democracy is based on values and fundamentals which are in direct contrast with some pivotal fundamentals of the sociopolitical mentality of Islam and therefore, theocratic democracy would cost the abandonment of some basic fundamentals of the Islamic mentality and is an incompatible theory with the Islamic teachings and thoughts. As you see this critic viewpoint on democracy would lead to a similar result as the one under the previous subtitle, with this difference that here the ideal is the establishment of a theocratic system based on pure Islamic jurisprudence.

One of the fundamentals that in accordance with this group of critics of democracy has key role is accepting this point that God is the only source that has the right to devise the jurisprudence and to devise laws. Some verses in Glorious Qur'an have reiterated God's Sovereignty in the field of law making:

".... ان الحكم الا لله يقص الحق و هو خير الفاصلين"

“Commanding is belongs to Allah only, Allah will declare the truth and He is the supreme judge.” (*Quran; Al-An'am (Beasts of Burden), Verse 57*)

"و ان اختلفتم فيه من شيء فردوه الى الله ...."

[Say O messenger!] “And in whatever you people differ the decision and the command is with Allah: ....” (*Quran; Shura (Consultation), Verse 10*)

"... فان تنازعتم في شئ فردوه الى الله و الرسول ان كنتم تؤمنون بالله واليوم الآخر ..."

“.... And if you differ in anything among yourselves, refer it to Allah and His Messenger, if you believe in Allah and in the Last Day, ....” (*Quran; An-Nissa (Women), verse 59*)

The supporters of this thought trend resorting to verses like the ones mentioned above have come up with the conclusion that both the governance and lawmaking are merely fit for God, and He is the mediator and his laws are the source for dispute solving

and providing answers to entire ambiguities, totally negating democracy, because rather than yielding to God's Sovereignty, it gives the governance right to the *Ummah*, *nation* or the people. That is because democracy is built upon the votes of the majority and the acceptance of them. Therefore, the law making, decision making, and contemplation would be on the basis of the votes of the majority, or their representatives, and this is in direct contrast with the Divine Governance.<sup>7</sup>

The reason why such thinkers as Abol-Ala Mawdudi and Seyyed Qutb had serious concern about the incompatibility between Islam and democracy, too, has been the same point. Mawdudi writes, "Islam is incompatible with democracy, because democracy is a name for a certain type of governance in which sovereignty is unlimitedly granted to the people, bases on which lawmaking, either the framework of the laws, or their contents, is up to the capabilities and the guidance of the public opinion and the laws are revised and changed in a way to match the occurred changes in the public opinion. (*Mawdudi, P. 30*)

Egyptian revolutionary thinker Seyyed Qutb, too, believed the main essence of democracy, which is the sovereignty of the people, equals seizing the Divine Governance, countering God's might and compromising it with the authority of the others (the majority, or the people's representatives. (*Qutb, 1983*)

It seems as if accepting God's Sovereignty and remaining committed to the jurisprudence creates no obstacle in the way of theocratic democracy, though, because as it was said, this interpretation of democracy limits it within the barriers of the Islamic fundamentals and values and therefore, granting the people the rule over some important social roles in accordance with their own votes and the votes of their representatives does not mean rejecting, or ignoring the jurisprudence and the Divine Laws. In other words, the above mentioned criticism is aimed at pure democracy and also the liberal democracies, some of whose ruling values are incompatible with the Islamic fundamentals, but the model of theocratic democracy is designed based on the acceptance of the sources of jurisprudence and yielding to the supremacy of the power of jurisprudence and the Divine Laws. So resorting to the means of accusing democracy of having seized the Divine Laws and God's Sovereignty it cannot be rejected.

The other point regarding this group of criticisms is that they do not present a proper image of the lawmaking right. The fact that in accordance with the Islamic

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<sup>7</sup>- Many of the fundamentalist and Salafi trends within the Islamic world support the soul of this reasoning (refer to; Zalloom, PP. 33-37)

viewpoint God's will in disposing the rules of the entire universe are above the entire wills does not mean that in newly emerging situations in which God has no certain rule, such as the acts which are neither forbidden, nor encouraged by the jurisprudence (*Mobaah*<sup>8</sup>), or as Martyr Sadr called them are the "Free Zone" (*Manteqat ul-Feraq – Alfarq area*) of the just jurist, or the government and some state organs, they would not be able to devise laws keeping in mind the rules of jurisprudence and without implicitly, or explicitly opposing the Islamic rules. It is absolute simplicity to assume that the lawmaking needs of the societies are restricted to the verdicts that are clearly noted in the holy jurisprudence of Islam. Various fields of social relations, the constantly emerging new issues and the rapid developments in economic and political societies put them in constant need of new and appropriate laws to match the new situations.

Therefore, it is among the needs of remaining committed to the Divine Rules and committed Muslims to devise these new laws within their framework and keeping in mind the Islamic fundamentals, objectives and values. Therefore, the main issue does not suffice to devise verdicts in jurisprudence, as the important point is the contents and make up of these new laws in accordance with the theocratic democracy theory, which is either directly by a competent jurist, or by the people's representatives, and then approved by a group of jurists appointed by that jurist, who is called the *Vali-ye Faqih* in the theocratic democracy in question, so that these laws would not be in contrast with the Divine Jurisprudence. As you seem this image of the theocratic democracy is by no means ignoring God's supreme right to dispose the entire rules of the universe to be subject to the above mentioned criticism.

#### **4 – Theocratic Democracy and Problem of Legal Equality**

Equality of entire individuals before the laws, referred to "Legal Equality" is one of the fundamental and major columns of democracy. Therefore, any political theory that would intend to be regarded as a proponent of democracy, too, must remain committed to Legal Equality of the entire citizens. One of the criticisms made against the theocratic democracy is that the judiciary system of Islam cannot ensure the observation of this right, because certain discriminations are reiterated in this judiciary system. Although Islam has in its turn tried vastly to blow the spirit of brotherhood among the believers and to improve observation of the human rights, yet there are fields in it where legal equality are not observed. For instance, we can refer to unequal civil rights for the non-

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<sup>8</sup> - Lawful; permissible; allowed; or permitted

Muslim groups living in an Islamic society, and there is also the unequal rights if men and women in gaining heritage, or blood money (Diyeh<sup>9</sup>). These legal inequalities are obstacles in the way of establishment of true democracy if societies are committed to the legal system of Islam. (*Jahanbakhsh, 2001, p. 49*)

It is a fact that the modern interpretation of democracy, as it is observed in western liberal democracies, emphasizes on comprehensive legal equality among the entire citizens, but the argument here is whether democracy in its nature is based on comprehensive legal equality, or not? The history of democratic thoughts bear witness that democracy has been compatible with a group of legal inequalities. For instance, in the cradle of initiating the idea of democracy, namely in government-cities of Greece, only free men were allowed the right to participate in political decision makings, while the women and the slaves were deprived of the right to vote, or to express their opinions. Even in modern times' democracies up to the year 1870 the blacks were deprived of the right to vote and the women gained that right in the year 1920. Therefore, democracy is in its nature compatible with inequality, although the contemporary interpretation of democracy has more emphasis on legal equality.

The second important point is that so far as it is related to democracy as a political system, equality in political rights – and the right to vote and its prerequisites – add to the richness and perfection of democracies, but there are rights in fields above the political rights that are logically unrelated to democracy. For instance if a daughter's right of her parents' inheritance would be less than a son's right of it, what kind of hindrance can that create in materializing the political rights of the citizens and the free participation of individuals in their own political fates? Blood money, the guardianship right over the children, and the women's right to become judges, too, are classified in the same group. Even if we would accept all these legal inequalities, which are all irrelevant in the field of the political rights of the citizens, they would create no hindrance in the field of theocratic democracy and participation of the individuals in shaping up the political life of the society. Of course the very existence of these inequalities and the philosophy behind them must be sought in precise technical discussion in the context of the Islamic jurisprudence.

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<sup>9</sup> - Blood-money; fine; compensation for manslaughter and such other offences



## 5- Incompetence of Jurist Management

As earlier mentioned, in the theocratic democracy under our discussion jurisprudence is the main axis. Some critics of this interpretation of democracy have put the sharp edge of the blade on incompetence of the jurisprudence and religion in managing the macro-scale affairs of the modern societies. This group of critics has focused on the point that in contemporary complicated societies with their multilayer network of social relations which is constantly evolving too, the particular management methods fir for them are needed, which is a management based on rationalism, and contemporary empirical and social sciences. A scientific and rational management can properly regulate the contemporary social relations and solve the acute problems that are the particular features of such societies. That is while the problem solving of the jurisprudence is normally limited to societies with simple and traditional textures, that is to say those societies whose social structures are close to the society at the advent of Islam and the Divine Revelations. The teachings in the holy jurisprudence are fit for dispute solving in such societies, but the Qur'an does not have the required competence to regulate the complicated and constantly evolving contemporary societies. Therefore, any image of theocratic governance, even in the framework of democracy which would intend to solve the problems and disputes resorting to the axis of jurisprudence is doomed to be incompetence and unpractical because the jurisprudence is equipped with the technique of discourse, not with the sciences of planning and management. The jurisprudence is merely capable of solving the judiciary problems, but many of the problems and disputes in today's societies are not on judiciary nature.<sup>10</sup>

It looks as if the major problem with this criticism is unjustified contrasting between the jurisprudence based management and the scientific and rational management, as if these two are by no means capable of intermingling and combination. The main source of this biased interpretation is not having a proper image of role and performance of the jurisprudence in the theocratic democratic system. Emphasizing the role of jurisprudence and the jurist, the need for the supervision of a just and fully competent source of jurisprudence over the macro-scale affairs of the Islamic system and taking advantage of the jurisprudence rules in regulating the social relations does not mean that the jurisprudence is the only source for planning, policy making, and

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<sup>10</sup>- This analysis in different wordings and literatures has been circulated among the intellectuals of the Islamic world, particularly those of them who have been inclined towards secularism during the past century, In contemporary Iran, too, such criticism is found in some works of Dr. Abdol-Karim Soroush, such as 'Lenience and Management', and 'Fatter than Ideology' more than the works of the others.

management without giving any share to the human sciences and rationalism in them. Of course I am not denying the reality that in some extremist Salafi<sup>11</sup> and fundamentalist trends there are arguments which are interpreted that the merely implementation of the appearance of the Islamic jurisprudence would lead to solving the entire problems with which the contemporary society of the human beings is entangled with, as if the only problems with which the modern times man is faced are the judiciary problems. The point is that the theocratic democracy system in question emphasizes on the point that rationalism and scientific thinking must not be relied on independently and free from the concerns of the jurisprudence and the religion. The theocratic democracy governance takes advantage of both the empirical sciences and the rational management, but as far as possible, seeks the rationalism and management which are in line with the jurisprudence. The management and rational approaches in an Islamic society must have an eye on the religious teachings and trainings and try to observe and preserve the borderlines of the jurisprudence in heeding the social affairs.

The other point is the source value of religion in the theocratic democracy and the need to abide by the Islamic jurisprudence, which of course does not mean that the entire types of governance activities, from lawmaking to decision making and planning must be directly acquired from the jurisprudence and its sources. This political theory is not after directly pulling out from the heart of the Islamic jurisprudence the details of approaches, the macro-scale economic and political planning, and the solution to the crises of the complicated contemporary societies, needless of taking advantage of rationalism and scientific approaches. This is neither possible, not what the region has claimed to do, Jurisprudence has neither in the past, nor today been the provider of solutions to the social conflicts, but even in the past when according to this group of critics the entire problems and conflicts were solved by the mighty hands of the jurisprudence, too, it had been the human beings' wisdom and rationalism which were involved. The Grand Prophet (Peace be upon Him), Imam Ali (PBUH), and then other caliphs at the advent of Islam in governing the affairs of the Islamic society of the day while getting assistance from the jurisprudence, sought solutions from rationalism and consultations with the others, as well as the traditions and social norms. Jurisprudence has never been the sole source of problem solving in the societies in a way to replace wisdom and rational thinking.

The truth of the matter is that jurisprudence has two particular functions in the field of social lives: it firstly regulated the judiciary affairs in their various aspects and defines

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<sup>11</sup> - *Fundamentalism; a reformist movement of 20<sup>th</sup> century in Egypt (Salafiya)*

the legal boundaries and barriers; and secondly, in the cultural, economic, and political fields, both locally and internationally speaks of the general and particular rules, regulations, and values. The pivotal status of jurisprudence and the theocratic democracy and its concerns about jurisprudence-based management mean that in ordering and prevention and in presentation of services and in lawmaking and planning and problem solving in the society, too, we would both preserve those legal barriers and to have practical planning for implementation of those fundamentals, values, and objectives. The jurisprudence-based management does not mean that the jurisprudence can all alone be able to solve the problems of high inflation, unemployment, and traffic jams, but it means that the managers and governors of the Islamic society in presentation of solutions for the crises and disputes in various fields, and in their planning and impletion of plans adopt strategies would be in maximum congruency with the jurisprudence norms and be as much as possible in line with the Islamic values.

Therefore, what was put forth and emphasized in the context of this type of criticism that jurisprudence is merely effective in the field of judiciary problems has been put forth regardless of these two functions of it, and that always for solving each social problem there are various options, and in theocratic democracy this emphasis does exist that with all due respect for the expert level advice based on rationalism, scientific approaches and empirical sciences, among the proposed options the one that is more congruent with the Islamic legal barriers and matches to a greater extent the Islamic values and foundations is elected.

## **Afterword**

What was said thus far was a fleeting glance at the theoretical challenges against the theocratic democracy in Iran. This does not mean that this innovative political theory is merely faced with these kinds of challenges. Naturally, this political experience, too, like all other new experiences, is faced with numerous practical deficiencies and challenges. By practical challenges we mean the numerous practical vacuums, damages, and obstacles which endanger materializing the objectives and ideals that justify the philosophy of existence and the desirability of this political theory. These scientific challenges can have various cradles and roots. For instance, we can refer to the internal relations among the various parts of the political structure and the power circles. It is very important that the Constitution of the system is based on theocratic democracy of the sources of power, and their internal relations and field of rights and responsibilities should be designed in a way that while safeguarding the barriers of religion, its



fundamentals and values, the governance of the people, the civil rights of the individuals, and the factors that strengthen the foundations of democracy would perfectly be materialized and improves, and the dignity that Islam gives to the human beings, the role that it gives to the believers in the social life, and the rights it has considered for them would be ideally observed.

The other source for the practical challenges must be pursued in the political culture of the society. Just like a liberal democratic system in which the general culture and the political culture are based on the acceptance of the liberal values has higher chances of success, the theocratic democracy, too, would achieve practical success when the intellectual and spiritual supporters of the system would manage to turn the foundations, bases, and fundamental values of this political doctrine into the strengthening factors of its political culture. So long as due to any justifiable, or unjustifiable reason, the political culture of a society would not be in rational and full harmony with its political structure the ground would always be well paved for the lack of practical success of that system. At an rate, the discussion of practical challenges of the theocratic democracy and tactics for defeating them, too, is a very important and interesting discussion, dealing with it calls for another opportunity.

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# **Components & Specifications of Religious Democracy (A Turning Point in Religious Democracy)**

*By: Abdolhamid Akuchkian*

## Components & Specifications of Religious Democracy (A Turning Point in Religious Democracy)

*By: Abdolhamid Akuchian<sup>12</sup>*

*Absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group. The people are to exercise this divine right in the manner specified in the following articles.  
(Article 56 of Islamic Republic of Iran Constitution)*

### Prelude

That's for a long time that we have passed the fall of patriarchy in today's world and now we are speedily passing behind the final days of the winter; democracy – at least in theoretical sense of the word – has been distinguished and stabilized as the best government system, serving as basis of relations between people and the rulers. Even the despotic forms of government in different parts of the world launch propaganda and try to show they somehow adhere to democracy. There is no true social image of such a form of government especially in the developing states.

So, contemporary politics in the world of Islam is undeniably impressed by approaches and efforts which try to found their political doctrine based on relationship between Islam and democracy. Emergency of democracy as dominant image of contemporary political systems and their turning into a dominant value in major current political

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<sup>12</sup>- Seminary, University lecturer and researcher

theories would naturally pose a challenge to religious political theories. The theories should show why political system is based on unfavorable and unacceptable military democracy. Under such conditions, the turning of relationship between Islam and democracy into one of the main axes of contemporary political thoughts of the world of Islam is fully justified.

Undoubtedly, establishment of the Islamic Republic system in Iran, whose constitution explicitly refers to national sovereignty and to many of the institutions of the democratic communities, has added to importance of the religious democracy subject , prompting many Muslim and even non-Muslim thinkers to take modern political theory seriously and take different dimensions of it into consideration.

The rich political debates on the one hand and different changes taking place in different political traditions, introduce the reality to the addressee of political theories. For instance, instead of questioning about meaning of democracy and liberalism, there is word on democracies and liberalisms. In another words, instead of questioning about democracy, the addressee asks: “Which rendition of democracy?” The same way, the first step in assessment of religious democracy is answering the question: “Which sort of religious democracy is the axis of debate and worth contemplation?” It seems that different approaches towards function of religion in a religious democratic system would afford an influential help to conceptual formation of religious democracy. In another word, it should be made clear which aspect of Islam and which parts of the religious injunctions should contribute to society and adjustment of the social and political relationships. On the other hand, which image and definition do exist on religious community? It is fully clear that there is no common, unique and unanimous response to the question. At least, theoretically speaking and from the political theory standpoint, religion has the function to let us visualize social and political subjects in a way resulting in presentation of different forms of religious government. Consequently, it would provide us with different renditions of religious democracy.

On the other hand, lack of a unique image of democracy concept and the possibility of presenting different models of the democratic system, would pose another ambiguity to clear understanding of religious democracy. At any rate, any effort to clarify the religious democracy subject should result in transparent definition of the role of religion in shaping social relationship and creation of religious society, well invigorating the standpoint and role of people in formation of political power and decision making procedure. The analysis and conceptual definition might not end up in a unique fate, practically making it possible to present different renditions of religious democracy.

However, logically speaking, it is superior to many of the current debates on religious democracy. For instance, the debates trying to show the political theory is fundamentally incompatible and contradictory in nature or are unfavorable and non-matching with cultural-social conditions of the contemporary world belong to this section. (*Va'ez*, July 10, 2003)

Any rendition of democracy would have to face the reality that today's world is times more complicated, more extensive and full of information and data than the past and today's man breathes and lives in such a world. He has discovered or even created many of his capabilities and rights.

Attention to demographic indices too shows that our community is a young community, urbanized with high general literacy level and with extensive communicational network and a new middle-class which has been strongly empowered. Democracy is among the most immediate demands of such a man. Under such conditions, he would not allow the government to experience forms of authoritarianism. The social structure and procedures of our society and existence of powerful middle-class (though being unaware of his immense power) would eventually force us to accept the democratic method of controlling and supervising rulers. Undoubtedly, ignorance of the reality would have destructive results.

The cultural, intellectual, political and social growth of a nation has always had a negative relation with the despotic authority of the nation's rulers. The more a human being as member of a community has more comprehensive growth in his insight on the self and on the universe around him, the more he would get informed of his right as a citizen; such a better understanding would ensure more correct, loftier and fairer relations between him and the rulers. In fact the extent the man becomes wiser and more informed, the more he distances himself from patriarchy. To the same extent, the level and standard of sovereignty of "possible" over the man gets higher and higher. The more qualitative people tolerate more qualitative, more complete, more Gnostic and more acceptable sovereignty.<sup>13</sup>

To this end, this article intends to suggest answers to a collection of questions generally raised on the distinctive and supplementary features of religious democracy, trying to disclose some of the most important aspects of religious democracy in explanation of the turning point and central component around which other components are formed. It

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<sup>13</sup> - Hence Man in thereafter can only be under the sovereignty of a complete man or a reformer (Here the Savior Imam)

wants to show the entry point and the impact on the centerpiece; it, however, does not mean destroying or changing the concept of its pillars through undemocratic structure and not wise and free education as the most human and moral method.

But as for religious democracy, we face some serious questions. Some of the questions can be as follows:

Does religious democracy actually exist? Is basically possible to create it? This means, can democracy juxtapose the adjective "religious"? If so, what does the adjective "religious" mean? Does it mean the religious people? Or does it mean the pious society freely and vigilantly adhering to religious government naturally? Or does it mean religious democracy being a special sort of democracy with an embedded religious concept? Should we use "popular democracy" instead of "religious democracy"? Wouldn't the adjective "religious" result in violence of democracy since those claiming loyal to religious take the seats of power? Where are "people" in the phrase "religious democracy?" What is their role? Is their duty only confirming and unconditionally supporting the government? What is the phrase's central component? On the other hand, does the phrase mean democracy is to some extent influential and is officially recognized in such a system as religion confirms it? Immediately, there is another question: Which religion? Which rendition and concept of religion? Is it the attitude of rulers towards religion? What is the attitude of official religious institutions accepted by government towards the standpoint of non-official and independent institutions as well as the Non-Governmental Organizations (NGOs)? Should we let people choose part of the interpreters of religion and those having special rendition of religion? The article at hand tries to answer some of the questions. It should be reminded that at any rate, the commentaries on democracy accepted have in common the approach that democracy is welcomed by today's man.

The style of debated in this article too is comparative-critical as well as descriptive-recommendatory in kind. So doing, it would be tried to criticize current stances in present political sociology, while trying to assess the viewpoint stemming from religious thought, especially excerpts of Imam Khomeini's beliefs in religious democracy and method of materialization of free religion along with religious growth and elevation in social realities, which are descriptive and recommendatory in nature.



## **Chapter I: Fundamental Ideology**

### **in Analysis of Religious Democracy**

#### **1. Today's man**

The philosophy on man's creation and the story of man in religious ideology start with the mysterious and symbolic story of man's creation. The story contains simple but extremely deep elements, being so revealing and vivid. It emerges more clearly as community of human beings gets more knowledgeable.

Now in religious literature, man is successor of God on earth. Despite its depth, lofty position and strategic nature, it is still the basis for political philosophy in the modern world and is not well appreciated by certain pious people. This has its own story.<sup>14</sup>

Man's assigned as God's successor on earth signals his extensive responsibility and in fact it testifies his virtue of existence. This is common destiny of all human beings. So, in Islam man is not getting humiliated in front of God because he is God's partner, friend, and associate on earth. He is trained by God and all God's angles bow to him. (*Shariati, 1987. pp. 15-16*)

On the other hand, the humanities branch of religious studies takes a basic step towards materialization of the needs of today's man. In this zone, man is separated and independent of the society to which he belongs. The social, cultural and economic status are not the points of his residence. Also, fundamental developments are now taking place in human ideology, resulting in development and renaissance in the external world as well as technological domain and experimental sciences. In fact, in the field of ideology, the attitude of today's man towards himself, society, nature and history has changed. As a result, man has seriously stepped into the second-grade sciences and got rid of the current status, looking at it from above. Should we accept the status as gem of modernism, the conceptual analysis of the time and place role the credential and legal issues would be more easily. So, the challenge of tradition and modernism too would be visible more clearly from this standpoint.

From this standpoint, today's man is different with his predecessor in nature and appearance, showcasing drastic difference in ideology and world view as well as in practice and type of life. This means that man's attitude towards world and his

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1. So we see that the deplorable story of slavery, which was imposed on Islam and should have been finished in one or two generations early in Islam at least in the world of Islam through due temporal strategies, was still in effect by the past century, reserving major portion of religious judicial rulings.

expectations have changed from every aspect. Our world might seem the same world the ancestors lived in but in fact the current world has undergone fundamental change, getting new sense. Today, neither economic has its former sense nor ethics, government and money. Perhaps, the concepts have become empty from within and filled up with other materials.

Today's man considers himself as creature, that is not contending and extravagant, while human beings were in the past a guest to a well-designed house and reception. This world was a guest house for man's dwelling. So, he had no right to protest the landlord. Man contended to his daily earning. With ever growing scientific achievements, world of view and new humanities, the method of thinking gradually left behind, replaced with a non-contending and extravagant discipline. The new man, right or wrong, believes that he should build the world as he likes and it is not necessary to hand over the world the way it is built. Today's man has the same insight and courage towards politics that he already had in capturing nature.

He generalized his rational attitude towards nature to society as well and took real politics (and not metaphysics) as his favorite.

In the new world, society, ethics and politics are all created by man and nothing is left unfinished, intact and untouched to be accepted by man. In the new world, man is pleased to speak of human rights because we live in an era that man is mostly preferring to find out and discover his rights rather than understanding and distinguishing his duties. The human rights category has become so endeared and appreciated in our age. Irrespective of political abuses of human rights worldwide, it is both theoretically and morally a subject worth contemplation and interpretation.

In today's world human rights has left behind at least two phases. Initially, when speaking of rights, rights were meant to be chance and will; however, it has not got a different sense and meaning; it is now meant as demand. *(for detailed information on the subject and the consequences please refer to Soroush, 1997; pp. 417-433)*

The new world is naturally a right-oriented world in its evolution procedure. The better man considers himself, the more information he would gain about his natural rights. His attitude towards the world wherein he lives would get more complete and crystal clear.

Man understanding affairs in a new manner through new branches of science, questions and expectations. This new understanding is the basis of reconstruction. The new things are presented from outside religion and each find out new and forgotten part. After



discovery of many of new parts, the geometry of science and wisdom is founded with new parts, thus founding new structure and image of rights and even religious canon law. So, the requisite for materialization of religious democracy is admitting man's right to decide his fate because he is a man.

## **2. Development in fundamentals of humanities and philosophy**

Democracy has common and basic components that with similar meanings and concepts in all the related atmospheres. The adjective "religious" coming before the noun democracy can not be in violation of two preliminary conceptual elements. The principle is based on another Principle: The topic of religious democracy falls within framework of the philosophical subjects and is principally an issue that is beyond religion, shaped in domain of presuppositions. The accepted presuppositions form our attitude and expectations before getting represented in the peripheral branches of religion. The presuppositions concern man, society, power and religion.

Hence, the topic of religious democracy has something to do with philosophy before being concerned with jurisprudence, jurisprudents or philosophers. Development in philosophical presuppositions, changes image of concepts on religious democracy so deeply. Especially, the presuppositions on man, religions, power and then the presuppositions on today's man, rationality, law, contract, social unit and approach towards real entity of society and studies on principality of man and society. First of all, the change impresses the religious committed individuals, especially religious thinkers consciously or unconsciously.

## **3. Power, political and legitimacy of religious government**

In studies on religious democracy, contemplation on formation of related literature would be promising undoubtedly. The literature got its new shape early in the beginning of Islamic Revolution and the attitude of Imam Khomeini on republicanism.

Many thinkers seem to believe that the late Imam Khomeini's choice is the religious democracy (theocracy) as discourse analysis of his ideals shows. To legitimize government, the theory believed in two aspects: God and people. Under such an ideology, people chose the qualified ruler, thus legitimizing him. In a better way, let's say so doing, they complete its legitimacy. (*for further study on the issue refer to Qadrdan Faramaleki, 1999; p. 205*)

Imam Khomeini mixed divine legitimacy with democracy. Thus he presented a theory, which while containing all elements and components of religious democracy, comprised positive aspects and characteristics of divine legitimacy.

Such a rendition of two divine legitimacy and public legitimacy consider sovereignty belonging to people. This is well defined in Article 56 of Constitution. In this principle, sovereignty of God and of man is defined alongside each other; thus an a posteriori relationship holds true with the two.

So it seems that the theory is superior to sovereignty of God from above and sovereignty of people from down because God's sovereignty is in contrast to sovereignty of idols and not to sovereignty of people; what comes opposite to God's sovereignty is sovereignty of idols and basically based on such a well-accepted procedure, God's consent lies in what people are happy with that. So, Imam explicitly calls of officials in charge of the religious government to try to win public hearts and build bases among people because when finding a popular position, God too will be satisfied with them and power will be in their hand as people will support them. (*Imam (Khomeini) Sahifeh, vol. 7, p. 512*)

On the other hand, considering sovereignty belonging to God only, any group or person can monopolize sovereignty somehow by attributing himself to God; in that case, the danger of establishment of a dictatorship and violation of civil rights would most probably arise.

The Constitution legislators too, predicting such a danger, have explicitly prohibited it. So, the strategy which can restore public rights and make them dominate their social fate is commitment to the right of national sovereignty.

The right of national sovereignty too has many manifestations and election of the representatives of the legislation assembly, election of the head of the Executive branch by people is instances of that. However, the token of having most qualified person to hold national sovereignty is election of a leader, who would be the symbol and representative of national sovereignty. In another word, in the Islamic Republic and based on the Constitution, which is confirmed by the late Imam Khomeini, the legitimacy of the ruling cleric indirectly comes from public at large. From the political point of view the late Imam Khomeini, the need for the public deciding their fate through active political contribution into all affairs and the public's well-organized link to pillars of the establishment is one of the most pivotal issues. He says, "This nation, I mean any nation is entitled to deciding their fate; this stems from human rights. In

human rights declaration, any person and any nation should decide his/its own fate; our nation too has now stood, willing to decide its own fate.” (*ibid*, vol. 3, p. 503)

He considered the right to decide the fate as a rational subject: “People should have the authority; that’s a logical; any wise individual admits that he should decide his own fate.” (*ibid*, vol. 4, P. 494)

And finally, in case of being free, people will choose the best and they will do that right: “Our plan is to refer to public votes; people decide one who is president; we too will tell people to who we are going to vote; you can vote our favorite if you like; otherwise, you will be free what to do; absolutely, people will vote to a right person if they are free. There will be no error in the public voting.” (*ibid*, vol. 5, p. 322)

Among the most important cases when public rights are violated and their right to decide their destiny is violated when their rulers term is fixed and turn into an unchanged force. If people have the chance to replace the rulers, they will be free not to elect those not functioning well in guaranteeing public rights and freedom. So, regarding the people’s right to decide their fate, the rulers should admit that people were not satisfied with their conduct, deciding to choose others to rule; they too should bow to public demands without any violence.

The late Imam had on many occasions stressed public legitimacy. As for public councils, that aim behind their formation is establishment of popular governments in Iran and sovereignty of the public over their fate, which is among exigencies of the Islamic Republic establishment, the late Imam instructed immediate compilation of an executive by-law for councils to run the city and rural affairs all over Iran. He says the by-law should be then submitted to government for approval and instant implementation. (*ibid*, vol. 7, p. 168)

In the early years of his campaigns, he cited “Islamic government” as the favorite system but with start of the public uprising, the late Imam cited “Islamic Republic” as the system:

“With revolutionary uprising of the nation, Shah will leave and the government of democracy and Islamic Republic will be formed instead. In the republic a national assembly, comprising real favorites of the public will run affairs of the country.” (*ibid*, vol. 4, p. 244)

Interestingly, the Imam, as the most popular and legitimate leader of Islamic Revolution, never intended to insinuate his view to the public:

“The political system will be established on public votes. We will put the Islamic Republic on public referendum.” (*ibid*)

Such a change in Imam’s ideology transparently reveals legitimacy of the system in the eyes of the public as the definition of the Islamic system so indicates: “The basis of the republic government is based on the principle that people at large are the true rulers.” (*Mansoornejad, 1998, p. 652*)

In his opinion, votes of a nation rule in Iran. That’s the nation that holds the government and violation of the nation’s ruling would not be wise for any of the citizens, especially government officials (*Imam (Khomeini) Sahifeh, vol. 14, p. 165*). Imam has explicitly announced that he is submissive to votes of the nation. (*ibid, vol. 11, p. 34*). The choice is with the nation (*ibid, vol. 4, p. 479*) and the nation should supervise affairs in the Islamic Republic establishment (*ibid, vol. 13, p. 193*). Restricting power of the rulers through supervision would provide a suitable guarantee to protect nature of the Islamic Republic and consequently guarantee sovereignty of the people. So, due to the nature of the republicanism, suitable strategies should be adopted to have effective public supervision. The strategies should be so powerful to institutionalize tradition of criticism among citizens and bring the government rulers down from their imagined “heavenly grandeur”, forcing it to be accountable before the public. (*Ghassemi, Bitā; vol. 2, pp. 323-331 - Also refer to others’ articles in this volume*). To this end, there is an explicit principle: “Any of members of the nation would have the right to impeach Muslims’ ruler before others and criticize him and he should present convincing response, otherwise, he would be regarded as the ruler acting contrary to his Islamic duty, thus getting dismissed from his job as the ruler. (*Imam (Khomeini) Sahifa; vol. 5, p. 409*). More on the issue we have the following in the book: “Of course, we should not suppose nobody has the right to criticize our words and deed.” (*ibid; vol. 20, p. 451*). And we do not intend to impose anything on our nation and Islam has not let us to be a dictator. We are submissive to the votes of the nation. We should bow to what the nation votes. We have no right to act otherwise. God Almighty has not allowed us to act otherwise. Holy Prophet of Islam has not given us the right to impose anything on our nation. Yes, we may demand them to do something; the demand should be humbly expressed; that’s a demand servant of a nation makes from the nation.” (*ibid, vol. 11, p. 34*)

The socio-economic as well as cultural relationships are constantly changing and as a result contrast the political relationships. Under condition when change and development comes to a standstill, the relationship turns into a power relationship as Weber so refers to. It means dictation of the will of the power holder to other. The man

produced under such a system is a man lacking any will, humiliated, pessimistic and waiting; on the contrary when people act like a creator, are the free, independent, prosperous, and accountable individuals. (*Akhavan Zanjani, 1998, p. 99*)

At any rate, the true value of any government in the passage of time is the value of the people forming that government and any government downgrading personality of the people for the purpose so as to make them more obeying (even for helpful purposes) such a government will eventually come with the bitter reality that no big work can be done with small and unwilling men and the submissive social organ, whose all properties have been sacrificed by the government to build it, would stop moving due to lack of any movement in the brain of the system machines without winning any advantage and or incentive for its builders. (*John Stuart Mill; 1996, p. 22*)

Powerful government would remain standing only in a powerful society. The root of power of a government is its reliance on a powerful society.

As a final say, let's speak on the challenge of identifying the origin of legitimacy of Islamic government. The issue is of importance both due to the freshness of the topic in the new era and due to the extensive dimension and sometimes contradictory nature of views expressed on the subject. The discussion of the topic will help consolidate related theory, while sociologically resulting in amendment, correction and constant and progressive adjustment of it.

Our government structure both today and tomorrow would not be in a better status unless seriously and comprehensively criticizing the past records. Naturally, through correcting the past conduct and its constant criticism, we can permanently reform government structure and eventually negate its collapse politically, especially assessing it in bulk and internally.

## **Chapter II: Exigencies of democracy**

Speaking theoretically from the standpoint of political philosophy, one's right to decide his/her fate-- not once but constantly—is the main component of democracy. Lexically and semantically speaking, the word democracy mandates people's direct role in legislation and political decision making, ruling on the self and not having a special group of people or a minority of elite and qualified persons ruling over them. In the contemporary democratic communities, however, people have given their seats to their representatives.



Democracy should be taken as the government of the majority and observation of the majority law. Democracy basically means the majority rule and not government of the vote and will of the minority over the minority. Unconditional observation of the majority rule would result in pure democracy in all conditions and aspects of politics and government. Based on the definition, pure and uncontrolled democracy refers to a political system which all questions and all political affairs are addressed and handled unlimitedly by the will of the majority. In the system, the will and view of the majority has an internal value, being superior to any fundamental values and getting preference over all of them.

Meanwhile, due to much vulnerability such a kind of democracy suffers, the limited democracy replaces it. If the will of the majority is not curbed and controlled through constitution, which is the protector and guarantor of values, fundamentals and special principles, we will face a bitter reality, that is injustice by the majority. In that case, civil liberty will not be guaranteed and it is feared that the majority will ignore rights of the minority.

Contained democracy is based on the idea that many of the fundamental rights as well as the philosophical values and principles being independent of the will and demand of the majority would be credited and right. Since legitimacy and credit of such rights and values are not related to the law and vote of the majority, and are justified and well-established irrespective of it, they would appear as factors containing the democratic decision making procedure and enforcing the will of the majority.

The essential question in the field of democracy is: If pure democracy is unfavorable and should be contained within legal framework, which fundamental values and principles would be right to serve as the framework for vote of the majority.

Liberalism has on a long period of time and through constant efforts managed to find a model of political system that would, while having the advantages of democracy, control and curb it within framework of liberalistic values and principles such as private ownership, free capital market, and civil liberties and rights. But the reality is that liberal democracy is not only the likely form of contained democracy and there would be the possibility for democracy and rule of majority contained within other frameworks other than liberalism and that's the departure point of religious democracy. (*Ahmad Vaezi; ibid*)

The principle of transparency is of high importance in democracy. The conditions of our religiously committed society are the requirements of democracy. The requisites are as

follows: Earthly and popular legitimacy of government, the right of all citizens to contribute to power (politics, economy and wisdom), separation and independence of powers, systematic change of those elected by the public, possibility of changing government structure legally and peacefully in case of demand by majority of the society's citizens.

Taking exigencies of democracy falling within the said limit regarding specifications of democracy, then any efforts to add such adjectives as "religious", "non-religious", "proletarian" and "bourgeois" to democracy would seem to be vain and meaningless. The result of such an effort too would be provoking ambiguity and providing the ground for abuse of opponents of democracy. This is because legal legitimacy of political system in democracy is earthly and popular; in religious democracy however the adjective "democracy" takes the legitimacy to the brink of ambiguity.

To justify the notion, let's refer to concept of government being society's political structure. Naturally and logically, it cannot allow such a preference as well as ethnic, religious, sexual and class discrimination. On this basis, government in its modern sense, should have a biased and stable nature, playing a structural and long-term role.

Government, however, plays the role of phased political management and periodic organization through public voting.

Undoubtedly, government comprises democratic military strategy which has a neutral nature ideologically and government in the framework of such a government is busy deciding public affairs on the basis of their phased demands. Government in nature is based on norms and decided on nation's votes; at the same time, votes of majority of citizens can bring religious forces to power.

It might also be possible that republicanism and democracy have a common value, having simultaneously some specifications. One of them is an extensive general haven in which all citizens have equal share and right to have a role in it because being a citizen. The citizens can decide fate of the society and select the form of government they wish and in proportion to their needs, signing contracts for nationality and service with the rulers.

The reality is that sociologically speaking, the present democracies are not at all an idealistic model; though, such types of democracies are sometimes sanctified by certain groups of people and the principles being the least contradictory to them are taken despotic and get marginalized. There is yet a sort of invisible oligarchy and a version of



legalized and invisible totalitarianism inside them, which are taken into consideration by many of the world's big intellectuals, being considered as a serious theory. However, domestic intellectuals have on many occasions taken such an invisible oligarchy hidden. To this end, our intellectuals mostly consider falseness or truthfulness of collection of religion and democracy, i.e. the part of democratic theories, being effective in their gaining their social status. The dignity has been due to the fact that people's general conscience has consciously or unconsciously endured the heavy load of a sort of inherited despotic morals.

Helpful and profound studies have been made in the academic circles on democracy's intellectual and philosophical foundations as well as on its global effects and functions. Absolutely, the fundamentals and effects have been studied and verified by the least number of Iranian individuals and thinkers. As the puzzle of collection of religion and democracy has been highly important and attractive for the group of people, the collection of democracy and each of the totalitarianism, international aggressions and racism concepts – as they are -- has not been so attractive. Hence, domestic intellectuals' gap of information on global developments and inattention to view of the world contemporary intellectuals has gradually given way to an unreal relationship between them and western democracy; the result is acceptance or total negation of the experience of sovereignty based on domestic political goals. Due to the same reason, a new look to democracy and its internal characteristics, which have given way to many catastrophes such as occupation of other countries, would be helpful for many of our intellectuals who regard the phenomenon as the highest experience of sovereignty of man both in the past and future and as a praiseworthy and sanctified method. Also it should be said that the method of sovereignty comprises many different models and no compulsory rule introduces western democracy as the most superior and most complete type of democracy. At any rate, it seems that democracy is regarded as the best method of sovereignty compared to the existing methods. However, it is not at all the ultimate cause of human being for government.

One of the intricacies of democracy is that election of the rulers by people has become so complex process and made possible through involvement of a third party that sometimes public role in election of the ruler becomes not so much effective. Parties are one of the elements play an intermediary role in the affair. Compulsory election of the rulers from among a group of people, who have managed to be vetted several times, is among the very essential defects of the democratic governments; though evading it

might not be possible because compulsory election would undoubtedly be better than non-election.

What covers up the defects of democratic governments is the rule of law. Rule of law is superior to public votes in formation of governments because public votes are not alone capable of curbing disorder or preventing any despotism. This is, however, possible through rule of law. At any rate, it cannot be said for sure that in the democratic governments, law is the result of public votes. Absolutely, to prevent any disorder and sovereignty of different styles, all communities need to have permanent governments. Therefore, as king holds permanent sovereignty in the despotic or conditional governments, in western democratic governments too, in which personal government is temporary, the law becomes in charge of permanent government. Obviously, the three branches of government in such countries along with heads of the three branches, people and other institutions obey the permanent ruler. The ruler is the one who is not lured by position and temptation alike other human beings and due to the same reason, whose government has the least defects compared to the rule of person.

On the one hand, the key to save mankind from the yoke of despotism, and to promote his welfare and guarantee better social life for him is law; on the other hand, the law restricts length, width, and height of the rulers' government.

Shortening of the period of the rulers' government marks restriction of the length of their government; restriction of the realm of the government marks shortening of the width and the government falling to an inferior position marks shortening of the height. It seems that the major reason for stability and internal health of western democratic governments is the rule of law, whose roots should be somewhere other than the public right to vote and the referendum. This is because the law people chose in the past is now in force.

Finally, many theoretical and practical problems arose in the course of formation of new democracy, prompting socialism to suggest democracy, while emphasizing civil liberties (restricted liberalism) and rule of the majority (restricted totalitarianism).

Hence, democracy is both liberalistic and totalitarianism in essence. What blocks complete and unconditional overcoming of totalitarianism over democratic system, is rule of law. The law in such systems is not only the associate of the principle of personal freedom or government of the majority, but is also like a supervisor, guardian and controller of such principles. This is because once each of the two principles comes

beyond the law, the democratic governments automatically tend to anarchism rather than totalitarianism.

On this basis, it can be said that rule of law on the one hand is for saving democratic governments from anarchy and their saving from despotism of the liberal democratic systems on the other hand. So, their main duty is to secure national interests, including security, and different kinds of development inside such societies. Consequently, there will be no duty versus interests of other nations, which are not under sovereignty. The main forms of the democratic systems are also here. This is because law secures considerable amount of interests of the people of the societies; however, since it pays no attention to global interests, so it leads to democratic governments on international scale turning into despotic and racist governments to the extent that whenever their interests counter global interests, they put interests of other nations in danger and turn to invasion and occupation without honoring any of the general moral and humanitarian principles. This is something repeatedly seen taking place in such countries as Vietnam, Algeria and Japan. In eight years, one million people were rendered homeless in Algeria and as a result of application of nuclear weapons by the United States of America, several generations tolerated irreparable damages in Japan. Many coup d'états occurred in South America, Africa and Asia through intervention of the democratic governments in support for dictators in the three continents.

Thus, the criteria of democratic governments is interests of their nations; however, when there is word on the need for adherence to global interests, the laws securing interests of nations should be inspired by sources beyond the sources. The sources should not be other than ethics and general human values. Evidently, in case of governments' adherence to ethics, justice will be given preference to interests when facing contradictions in interests. If laws of countries are gained out of global interests and human values, vote of no nation will be superior to vote of other nations at a time when each of the governments secures interests of its nation.

So, it seems that safety of the world invasion of democratic powers on the other hand and materialization of democracy as the most logical experience of human government on the other hand depend on a new development, in which content of the democratic laws as the main and permanent ruler of such communities would change into global interests from national interests.

Then, as personal liberties – despite all their importance – were restricted in favor of preventing violation of others' liberties, the rule should be in force globally and among nations.

Now, as democracy is ruling most of human governments and law dominates over rule of democracy, to gain a complete and faultless government, one should wait rule of ethics over human regulations and laws. (*Organi, June 11, 2003*)

The concept of democracy has an extra-territorial, extra-ethnic and extra-racial look at mankind. Governments are artificial structures founded by the public. Even the concept of patriotism takes one step forward and turns into a philanthropic ideology than a land devouring nationalist. In such an ideology borders of countries do not block sensations and philanthropy and as an instance, children in whole the universe would be our children.

### **Chapter III: Turning Point in Religious Democracy**

In subjects relating to religious democracy we first of all deal with the simple but important notion that sometimes religious democracy is theoretically different from what is really outside from the standpoint of the proponents and opponents. The claims do not correspond theoretically with actions of the agents. Realistically speaking and from sociological point of view, what is presented by religious government contrasts the theoretical components that are declared. On many occasions and from reasoning standpoint, the two are mixed.

Also taking the descriptive, normal and prescriptive domains of study into considering, the second domain is more active than the two others. This means that sociology suffers serious vulnerabilities in the field. The first vulnerability is erroneous and propagandistic approach towards the domain of study dealing with norms. The other vulnerability concerns the descriptive domain of study. The third vulnerability too arises from the descriptive domain of study, which is times serious than the other two.

Now, it's religious democracy's turn. (*see Darvish, 2003*) From certain people's point of view, religious democracy has some internal ambiguity and logical contradiction. That's because, rationally and from the standpoint of Quran, democracy (no adjective is supposed coming before the noun) can be the most favorable system being consistent with our religious injunctions. So there is no need to resort to such ambiguous concepts as religious democracy.

On the one hand, taking religious democracy synonymous to absence of democracy, there will be a noun phrase having contradictory words put together.

At any rate, the idea of religious democracy has been formed on the notion that religion can serve as a framework to contain and guide votes of the majority or at least take an influential share in drawing up the framework. Different opinions have been raised on share of religion and the contribution of the religious injunctions into drawing up the framework. This will present different renditions of religious democracy.

The dominant approach of Muslim intellectuals, who build a link between religious sovereignty and democracy, is support for a model of jurisprudence-oriented religious democracy. On this basis, existence of a powerful constitution, which gives special emphasis to the standing and position of the divine laws and Islamic jurisprudence and guarantees it against likely changes and aggressions arising from the will and demand of the ruling minority group and public representatives, is necessary. Such a law would guarantee the favorable political model of religious community which while respecting Islam and religious culture of Muslims, provides them with advantages of democracy such as contribution into the political decision making, distribution of political power and supervision over the conduct of rulers. Such a rendition of religious democracy, that the Islamic Republic is based on it, relies on the pre-supposition that social injunctions of Islam generally and the social jurisprudence particularly is not restricted to a special spacio-temporal geography. It has the potential to adapt itself with any economic condition, earning and life styles. In another words, the mission of compatibility of Islamic canon law with the personal and social relationship and the need for adjustment of social relations network on the basis of Islamic laws is not limited to special social frames such as traditional communities like Islamic societies being as close as the age of the Holy Prophet of Islam. Muslims have the duty to run their own religious community based on religious injunctions and Islamic jurisprudence has the capacity to play a serious role in even in the contemporary industrial societies and despite present complicated social relationships within category of organization of social order and drawing favorable structure of social system.

In this jurisprudential-oriented version of religious democracy, religion is not downgraded to jurisprudence and Shari'ah and insistence is on ethics, spirituality, and present fundamental values and wishes in Islamic injunctions.

Based on the model, religious government has not only the duty to side Shari'ah laws but also take into consideration the goals of religion, human dignity, ethics and Islamic



spirituality in major political, cultural and economic decision makings. The drawing of social life and organization of the judicial system and social duties – the Islamic society's structure – should be so that all values and fundamentals, emphasized by Islam, are covered. However, the jurisprudential aspect of the rendition of religious democracy is emphasized due to the clear, extensive, fully outstanding and less abstract features of religion's role in man's social life.

The image of religious democracy, especially what comes in the Islamic Republic of Iran's Constitution, acts less ambiguously in deciding the role of religion in this area of political system. Authority, solidarity, and religion's and Shari'ah<sup>15</sup> laws taken as Marja' (source of reference) are clearly pictured out and such institutions as 'Velayat-e Faqih'

(Guardianship of jurisprudence) and Guardian Council are set up to stabilize and guarantee such a kind of reference.

The point worth taking into consideration is the definition presented on the component of democracy in such political systems. Undoubtedly, the liberalistic version of democracy in all is not consistent with the above version of religious democracy. So, the question is: Which one of the main indices of the present democratic systems and the democratic institutions, which serve as backbones of their materialization, can be materialized?

If such affairs as public participation in distribution of political power through free elections, involvement in the political decision making through the representative system and accountability rulers and public supervision over political power are among main components of the democratic systems, there will be basically no impediment to materialization of the affairs in the jurisprudential version of religious democracy. Of course the degree of success in materialization of the components depends on creation and development of the institutions and organizations, without which present democracies are not distinguished.

Usually, in such democratic institutions and organizations political decision makings rest based on the Constitution with those being somehow elected by the people. Free and fair elections take place constantly in their case. Freedom of expression is observed by them. Access to such independent information sources as press, books and specialists is easily made possible. Independent civil institutions such as political parties and guild

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<sup>15</sup> - *Sacred law; the religious law or divine law*

associations are prevalent there. Inclusive citizenship is welcomed by them. (*Ahmad Va'ez, ibid*)

Irrespective of customary renditions of democracy, there is a rendition which tries to build reconciliation between religious government and liberalistic approach towards human rights. The approach gives the priority to the western societies' view on human rights as referred to in the human rights declaration. It wants the religious aspect of government being taken in a way that would not block materialization and observation of the rights. So, Islamic jurisprudence cannot serve as the axis and basis of religious democratic government due to certain inconsistencies with the versions of human rights. Contrary to the jurisprudential view point, religious community is not defined based on the role of religion in earning a social living and adjustment of economic, social and political relationships.

This is because in certain communities like contemporary complicated societies, jurisprudence might not have the potential of management and adjustment of social relationships. Religious society is the society which cares for religion and tries to adjust itself with religious injunctions.

Irrespective of the authenticity and truth of the claims raised on the version of religious democracy, what is vividly seen is the ambiguity existing on the role of religion and religious injunctions, especially the one falling within framework of inferential and judicial sciences, in the political model. It seems that if the values and rights existing in the contemporary democratic and developed societies are taken highly welcomed and the major political and social decisions are made merely through reliance on experimental sciences and rationality and on the other hand, the jurisprudence and Shari'ah laws do not play a role in organization of relationships and ties, description of the so-called religious government would come across with a serious ambiguity. Basically, such a version of religious democracy does not present a clear equivalent to the anxiety of having a religion and it is not clear in which form and frame the anxiety is seen; or it is not clear what the mechanism of its influence on the process of society's management is. This is while the jurisprudential model of religious democracy presents a clear image of religion's function in politics and macro management of society. Of course, the democratic aspect of recent version of religious democracy is completely free of any ambiguity because it openly invites to coordination with current models of democracy prevalent in contemporary western societies and does not emphasize presentation of a model of democratic government. (*ibid*)



Of course, a middle version on the issue also exist, which seriously criticize both jurisprudential version and liberalistic version. It poses essential questions on the first version for its inferior rendition of religion and on the other version for its limitless worldly basis.

What comes of collection of present dialogue on political ideology is that current constitution has the capability to tolerate both macro versions of religious democracy. Under such conditions that's estimation of social forces that would bring one of the two versions on power in the future. The selected version, due to being backed by general conscience, would be fulfilled like it or not and it would contain a middle class which would shape it with higher quality and more qualitative self-conscience.

On the other hand, it seems that democracy is not an independent school standing before the school of Islam; rather, it is a method to control rulers and provide peaceful and natural course of power. Now, the method can be adopted by liberalism; it can adopt with a religious thought, especially Shiite thought and ideology.

Among Islamic sects, Shi'ite<sup>16</sup> and Etezali<sup>17</sup> thought have the highest possibility and capability to appear in religious democracy. Especially in the Shi'ite interpretation two categories of justice and rationality provide a highly suitable ground for materialization of religious democracy.

To provide and build a model of power pyramid in different positions, while showing a model of religious democracy through it, we will come across with a serious of conclusions:

Usually, the power zone in the so-called model is pyramid in kind. However, it might take the dwarfing shape with small height in the whole picture. It would hence have major difference with the pyramid model: The top of the pyramid will show accumulation of power. In the midst there will be gap of intermediary institutions, preventing both aspects of the current vulnerabilities of unjust distribution of power.

First picture: (Despotic systems)

1. The brow institutions are getting constantly aggrandized and multiplied
2. The trumpet dimension of the pyramid has weak power (the self) and there is open and invisible inclination for grading citizens

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<sup>16</sup> - *The folloers of Imam Ali (PBUH); or Imami Shi'ites*

<sup>17</sup> - *Seclusionists or the Separitists*

3. The distance of the top of pyramid from the basis (height of power) is growing
4. The solidarity between the top and the base is a show-down, propagandistic, superficial and principally based on preaching
5. Disloyalty of each of people in the base with those in the south would result in punishment and social and political deprivation
6. Pro-ocracy (faithfulness-cracy) is prevalent in it.

Such a pyramid is highly probable to collapse due to its less-durable shape. It is also more probable to face social and political crises. The crises are usually controlled by such powers as military and disciplinary forces as well as non-official groups.

Under the condition, if rulers suffer the disillusion that expansion of the brow institutions can consolidate their powerful arms and add to the coefficient of their perseverance they would then enter a whirlwind like current with positive setback, which would eventually ruin their bases of authority and legitimacy from within. The attrition is no so easily observed.

In the despotic countries there is political blocking since when a group of elite reserve a special right for themselves. In face the right of sovereignty is blamed when serve interests of special group of people and majority of people, falling beyond the group, would start drawing borders of identity and automatically a kind of deep rupture of dignity comes about in different ranks and strata. (*Hajjarian, 2000; p. 253*)

The pathology of such a condition too shows that such countries have had many golden opportunities and they failed to properly use them, then forced to accept many things and bow to many things. Such a loss of chance results from lack of political responsibility affected by two disorders.

One, are the officials who do not consider themselves accountable before people; rather, they consider themselves having the duty to be accountable before a more powerful ideology. The ideology is of course not religion specifically. Rather, the ideologies based on which no discount is given and act based on all or none principle.

After the officials there are the people who are not at all political and the less political commitment they have, more guaranteed would be their survival. In face after senior officials is the rank of the obedient agents, whose foreign political system mainly comprises non-political officials. In fact, there is inflexibility in the high rank, which causes lack of initiative in the next rank.

The intricacies have nothing to do with morals or accountability; rather, it is problem with authority system and the system suffers problem with lack of political responsibility and it cannot benefit from golden opportunities and as a result suffers the syndrome of political affliction. (*Sadri; August 21, 2003*)

The trumpet like pyramid of power is a pyramid being tiny within in which the concept of citizen is taken synonymous to the slave. By slave it is meant a man who is an unknown and unmarked entity supporting decisions made by the rulers rather than making decisions in the best possible condition. Such unknown people are the bewildered people who are usually afflicted by the most powerful institution of the religious society, i.e. government, and have no other option but submission and satisfaction. This is meant that power tends to get centralized and if set free, will take away all identities so as gain identity to the self. This will go to the extent that it fills all existence dimensions of people and leave a society like a mass and powder. The best impediment to accumulation of power and despotism is piety and monotheism of officials and non-organized identities and affiliations of members of society at large. In fact having such specifications would not only be a moral and religious issue, but would also serve as a precondition for elevation of human beings and flourishing of their talents. Obviously, a Muslim cannot deny the role of faith and piety in people, including statesmen, in prevention of despotism. The point is that one should not be ignorant of the growth of wisdom and organization of people only on the said hope (*Hajjarian, ibid; pp. 392-393*); this is because we also need social supervision to control power.

In this view, government and political institutions are created by human beings and are the products of our distinguishing. God wants people to decide their fate. This is the weak point of all human beings; sometimes we suffer suspicion and take our creatures and products something natural and heavenly; something which is prevalent here is the government and power getting like an idol, trying to appear under the guise of magic and illusion. (*ibid; p. 395*)

The totalitarian and ambitious government seeks to bring citizens from all strata under its yoke. It wants to tell them how to live, which arts to practice, how to love and how to worship as if those were not people who formed the government, rather getting overcome by an idol called government that decides their fate. Here, government adopts a stance of governing politics at large. (*ibid; p. 740*)

What we should learn here is that what has subjected the newly established Islamic Republic of Iran to a historical and destiny making test is the fact that in practice we

take the result to the direction which would make the claim dominate over anything else. Hence, sovereignty of religion in the Middle Ages, i.e. political sovereignty, would face a common destiny. In practice, government agents would bow to superficial religion and secular brain just to survive, considering any moral or immoral tool religiously allowed just in order to remain. The result is times away from what lofty training and heavenly goals of religious government draws up. (*ibid*, p. 740)

1. Brow institutions have become so mild drastically
2. The dwarfed dimension of the voluminous power pyramid (the self) has been downsized.
3. The distance between top of the pyramid to the base (height of power) is shortened.
4. Solidarity between the head and base is actual, deep and sincere.
5. Solidarity of the parts of the base to the top is natural and free.
6. Meritocracy in it is accepted.

Such a pyramid has a high degree of resistance in its consolidated form and political and even economic crises have not resulted in explosion and rebellion in it, being in solidarity with the middle institutions.

The people who choose their government based on its goals and capabilities to serve them have in the first turn become so mature to select the type of government from among other choices. So, they expect the government to expand the political maturity and make ways of people's deciding their fate so extensive; also by promoting fundamentals of democracy and levers of public guidance and control they get bases of their government through public support more consolidated. Through such a cohesion and unity of government and nation as well as the people and the country, the people will immunize themselves against foreign powers, nasty goals of enemies and of international rivals, thus guaranteeing prosperity of their nation compared to other nations, while guaranteeing national pride and patriotic solidarity among people from different ranks, race, clan and ethnic groups.

The political ground might not be the most important duty of a government but absolutely, is the most vivid of its kind in showing government's policy of rights of the nation. So doing, the government consolidating bases of democracy is superficially

expanding its power and legitimacy, originated from nation. It would benefit from public support when enforcing economic, cultural and social projects.

No government would succeed in confronting foreign threats unless through firm bond with its nation; that's a rule always prompting us to assess the relations between government and the nation so as to rectify past wrong records and bravely acknowledge to its mistakes, thus narrowing down the gap between government and people.

The democracy pyramid is strong in the mid point. The midpoint has in fact formed the concept of citizenship. To define the term, it should be said that it is synonymous to free and at the same time committed man. Civil institutions too are formed from well-specified and directional assembly of citizens. Political parties, worker unions, independent press, common social groups and even religious organizations and mosques are collections of the intermediary institutions.

To the extent we have established civil society's institutions and to the extent the institutions are powerful, we can benefit from the blessing of freedom and democracy; otherwise, the unpurified and unfinished demands of masses, that are not well guided, could be a burden falling on the political structure.

The point is how to guarantee implementation of the divine rules and constitution? How can we get the government to act on the befitting Constitution? No other absolute way exists for handling the affair unless through people's constant supervision.

Democracy provides an atmosphere to remove magic of the government<sup>18</sup>. Under such conditions, the atmosphere gets transparent and any hostility in the political atmosphere is thus removed. People would hence see with their own eyes that they in fact hire a body to serve them. Since the decision making is transparent, citizens can see the effect of their votes in different decision making phases. The idol of government would hence be removed and a direct democracy would be in place.

On the other hand, weakening of democracy would provide the ground for restoration of the royal system under the guise of religion. Disrespect to people and their political and basic rights could gradually penetrate into people's minds, reproducing their pre-revolution systems (irrespective or without reliance on public votes) in a new form.

In a democratic system, the only way to reach higher ranks of power is influencing the public. The right and most moral method is their wise and free training. The point of the

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<sup>18</sup> - The notion was used by Ernest Cassirer in such a situation. (See *ibid*, p.741)



central component's influence in the process of materialization of political power is here. Basically, to form a religious government – as was the case in the beginning of Islam and Islamic Revolution of Iran – is starting from the base of the power pyramid, i.e. people and society. In another words, through propagation, training, self-purification and in fact education and training in the broad sense of the word, the base of the pyramid would be influenced so much so that would consider itself a committed to the foundation and supporting the religious government.

The centerpiece of a society's development is the elite. To survive, it should spend the most important part of its power on training human beings of a society and their culture and civilization. Quantitative increase of technology and capital is not enough. In fact, the argument on the most important capital of a society is its people and the elite who fulfill the important duty through ideology, far-sightedness, wisdom, love and interest. Development anywhere signs time is spent on human beings and broad rational, logical, social and cultural training has been provided. The people would hence be those guaranteeing progress automatically, ensuring durability of internal grounds, development and progress. (*For detailed discussion on the issue refer to: Sari-ul-Ghulam, 1993, p. 78*)

It would be highly pleasant to observe in the high ranks the manifestation of the proposition “Observing religion is not compulsory”, which reveals freedom in religion. Islamic Revolution of Iran too proves the fact that Muslim Iranian today is in high stage of intellectual and political puberty. Founder of the Islamic Republic of Iran says: “I consider vigilance, awakening, commitment, devotion, resistance spirit and firmness of dear Iranian nation as something right; I hope that under God Almighty's grace, the humanitarian concepts would be transferred to incoming generations of the nation and the generations would add to them. I bid farewell to sisters and brothers with a tranquil, confident, and happy spirit and with optimism, ascending to permanent position.” That's an invaluable sentence, whose second party is broadly quoted. The first part, however, has not been practiced in word and deed for unknown reasons.

So, taking “demo” synonymous to “all people” and accepting the phrase “free religion”, we will then have: The only entry to religious democracy is changing and upgrading people culturally, scientifically and in terms of their non-affiliation, insight, love and dignity.

The existing realities show that we have not been well successful in this domain, especially in the government section with the approach of guidance. “Training” is times

more worthy and powerful than its mere citation in clichés and directives because training is invitation to life not sending voluminous size of information – even the religious ones—into memory of a nation, whose life is over speedily through leaving the exam sessions.

We have worryingly managed our education system, which the Achilles heel of cultural revolution, in an inferior status as sometimes interpreted as its ruining. The strategic bottleneck and non-education of research-like attention to the universe around, including religion and religious commitment, has in action failed to materialize lofty cultural and strategic aspirations.

So, taking the three components of “Demo”, “-cracy” and “Religious”, the human component, i.e. demo (people), is the master component. Therefore, it is taken as the central point of influence of change and social development and promotion ideology. Therefore, government and rulers would be the secondary component, i.e. the slave. It is a superior fact also called servant.

Let's provide a precious quote from Imam Khomeini on the issue: “If Islam's plans on government, nation, rights of the nation to be observed by government, the rights of government to be observed by the nation, are well implemented, and people honor them, all would be provided with welfare. People would not hence fear government. This is because government is not a tyrant to be feared by others. All would support it. The government would not rule over them. The point is government's serving the nation not government's ordering the nation.” Alternatively, the principle (of monotheism) teaches us that human beings should be submissive before God Almighty and no man should obey unless obeying God; therefore, no human being will have the right to force others to follow him; we teach from the ideological principle the principle of freedom of mankind. (Imam (*Khomeini*) *Sahifa*, vol. 5, p. 387)

Also there is another quote from the Imam: “You might probably expect others calling me a servant rather than the leader. Leadership is not the point; what is important is serving.” (*ibid*, vol. 10, p. 463 and vol. 12, p. 456)

The quotations are not mere political protocols; rather, they reveal an excerpt method. That's a method revealing the relationship of the leader to people politically and collectively not a subordinate like relationship; that's relationship of people to their own servant. For many of us, who love him and are attached to him, seeing his ailing eyes and falling in his love, it is too difficult to understand very difficult reality; however, we



have no other option but accepting it from the standpoint of the politics of Islam and to safeguard citizenship rights and interests of Muslims at large.

The tears of separation say: “How great was the leader and how heavenly was the servant and how lovely was the love.”

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**RELIGIOUS DEMOCRACY  
AND  
PRINCIPLE OF  
NATIONAL SOVEREIGNTY**

By: Dr. Mohsen Esma'ili

## **RELIGIOUS DEMOCRACY AND PRINCIPLE OF NATIONAL SOVEREIGNTY**

By: Dr. Mohsen Esma'ili<sup>19</sup>

In the midst of all questions surrounding religious democracy, the establishing the actual position of national sovereignty is of great significance. The importance of these are arises from the fact that national sovereignty is the basis of democracy. On the other hand, religious democracy considers itself sincere to national sovereignty (in the absence of 'Velayate Faghih' (Vice –regency) of high religious authorities of Shi'ite jurisprudents). If both the facts are placed together, it is natural to question whether the thoughts of religious democracy can be loyal to actual national sovereignty or not?

The present article, which seeks to provide answers to these questions, is organized in two parts. The first part under the topic 'The Principle of National Sovereignty and the Theory of Democracy in the West and in International Documents' will shed light on the analysis and the meaning of national sovereignty and its application and also on the fundamentals and context of the theory of democracy in the west and finally the aspects of national sovereignty, based on the theories of democracy. Given the multiple definitions of democracy and different readings and official definition of this theory which has been coded in international documents, notably in the 'Universal Declaration of Human Rights' and 'the International Covenant on Civil and Political Rights'.

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<sup>19</sup> - Senior lecturer of Imam Sadegh University

In the second part, the same topic will be reviewed from the point of view of founders and supporters of the theory “Religious Democracy” and eventually, comparative studies will be conducted. The second part will focus on defining the position of “Principle of National Sovereignty and Religious Democracy Theory” in the constitution of Islamic Republic of Iran. The reason for allocating this section is to study the Constitution so that it can and should be known as the most reliable official and documented interpretation from the point of religious democracy and we can thus avoid the differences of opinion and definition of this theory.

This section will start with the history of the theory of Islamic Republic and its analysis which surrounds the internal conflict of this theory and the response to it. After that, Article 56 of the Constitution will be studied since this is the only article under the topic ‘People’s Sovereignty and Its Powers’ which expresses the concept ‘National Sovereignty’. A historical and analytical look at the history of inclusion (compilation) of Article 56 and the related discussion and developments is the basis of the present article and can be a good guide for our researchers of Human Rights. In conclusion, an explanation of how integration of democratic practices with monotheistic worldview, on the basis of several principle of law, will be given.

## **First Part: The principle of national sovereignty and theory of democracy in the west and international documents**

### **1- National Sovereignty; Basis of Democracy Theory**

People’s theory on ruling and democracy: No matter what’s the definition, it is based on national sovereignty. The influence and impact of people’s vote which decides the social destiny of people is interpreted and expressed differently. The various scientific points of view describe the nature of sovereignty but the output of all these discourses indicate that the meaning of sovereignty is the application of superior power, complete and uncontrollable power which has full capability and is not affected by any other powers<sup>20</sup>. In other words sovereignty is higher power of authority or possibility of implementation of wills higher than other wills. (*Ghazi, 1994, p. 187; and Katoozian, 1998, pp. 186-203*)

For example, ‘When it is said government is ruling, it means that it has a power which has not been taken from any outside sources and there is no other power and

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<sup>20</sup> - *Black’s Law dictionary, West publishing Co. 6<sup>th</sup> Ed. 1992, p. 1392.*

enforcement authority. It does not accept any obstacles and does not accept subordination to any other power. All types of competency drive from it, but its competency is from its own existence. (*ibid*, Ghazi)

But the main question is that who has this competency? We will see important response to these questions later on. Here we should know that according to the current political culture especially in the western world, the authority is given to the people. John Milton an English poet and writer and John Locke an English philosopher found the people of the seventeenth century as having the ultimate source of political power and the French revolution brought this principle into action. The US 'Declaration of independence' also confirms this principle and says that Governments gain their just power by the consent of their makers.

The principle of people's sovereignty (rule) has been approved by most of the world and the constitutions of countries refer to this principle, that the governments' rule is higher than the demands of the people or nation. In this respect, the current regimes or governments draw their legitimacy and legality of their rule from the constitutions and obtaining the consent of people through their vote. (*Ashoori, 1999, p. 129*)

However, to understand clearly the meaning of this term one should take two points into consideration. Firstly, there is a very fine and important difference between 'people's sovereignty' and 'national sovereignty'. Supporter of people's sovereignty feel that the right of government is set and every person has a share in it. The clear example of this belief can be found in the famous saying of Jean-Jacques **Rousseau** in his book "Social Contract". He wrote, "Let us assume that the government state consists of 10 thousand people. The share of each member of Government is one by ten thousandth of ruling power.

In comparison, the aim of supporters of the theory of national sovereignty is that 'the rule belongs to the masses called the nation. Nation is a legal entity which makes it distinct from those who constitute it. It is understood that it is an abstraction of the population residing in the territory. The concept of 'nation' equals to 'people' was created and in 1791 it was added to the constitution.' The power is an integral and non-transferrable part and is related to the country. No section of the people or no person can own or allocate it.

The difference between the rights of people's sovereignty and right of national sovereignty can be linked to the difference between general submergence and overall mass in the terms of methodology.

The second point to be considered in order to understand exactly the meaning of National Sovereignty is the application of this term in different areas of law. National sovereignty is generally used in two areas, public international law and constitutional law. That is why it has different meanings and sometimes creates mistakes.

In the International Law Dictionary 'sovereignty' is defined as: higher indivisible authority or power for its own condition and applying its rules especially about individuals, properties and events within its boundary. (*Bledsoe, 1996, p. 82 and also refer, Black, op.cit. pp. 1391-1392*)

Sovereignty is equal to denying the mandates of the other countries and is the political independence of the government of each country. This term, in the area of basic law means every individual has a role in decision-making for his/her own social destiny. In this regard, the theory of national sovereignty compared to other views, is that an individual or special class has been given the priority over others and has the right to decide and determine for others. The meaning of national sovereignty is the basis of the present document and later on, the origin and evaluation of its concept will be highlighted.

## **2- The context and principle of democracy**

It is undeniable and unquestionable for any wisdom that a rule or government is necessary for human life. But acceptance of this fact will not solve any problem but raise a lot of question. The questions kept the curious of critic's minds absorbed for centuries and gave rise to attractive sciences like philosophy, politics and law.

The latest and main question after the acceptance of necessity of government is that who is the ruler and how should he rule?" Freedom loving nature of human beings and the desire for more finds him accepting limitations and following regulations of rulers. But at the same time he questions himself as to who and why anyone can limit his freedom by introducing laws and making its execution compulsory the area of freedom and choice of public be restricted? Why should the legislative or executive will of someone, for example the ruler, be preferred to the will and freedom of individuals? What is the source of this power and origin of this supremacy? When this question is asked in the executive areas issues relating to source of law are created and when it comes up in areas of politics or philosophy and it is followed by discussions related to source of legitimacy.



In response to the question of why and who has the right to rule the world, the simple mind and inherent nature of human beings directs him towards a higher power, which he truly knew that the original creativity and its being comes from that point. That's why the oldest belief about is that it is from beyond nature, according to which the power of a ruler emanates from the creator of the universe. The will of God to hand over the work of governing and the source of power to an individual or a special class involves the creator. That is the same concept according to the framework of the law of the creator and is well known as theocratic<sup>21</sup> rule.

But, due to passage of time and the wrong doings of the rulers, who pushed aside the true rulers who had strong faith on the Creator, have gained illegal benefits from this intellectual backing (of mass). The concept became obsolete and was replaced by ideas and by seeking to remove the role of super-naturals in the government they were looking for some other solutions.

This move which in its evolution tried to take out religion from social life and limit it to individual issues is called secularism<sup>22</sup>. It is although due to atheism and misunderstanding and ill-will, but in so many cases the result of the misuse and unjustifiable functions has been mentioned above. The people who have seen and felt the rulers misusing religion and religious backups for justifying their ways and manners tried to disconnect these sequences of thoughts and remove the false aura of sanctity from the rulers. Also by criticizing the rulers, they tried to bring hope of freedom, goodwill for themselves. Unfortunately the ruling systems of the Caliphs of Islam were also of this type. Different Caliphs like Umayyids, Abbasids, Ottomans and similarly the Pope of Medieval Europe claim to have the same type of Government. Although in reality, though filled with royal glory his kingdom is more similar to autocratic monarchy, especially since the succession was hereditary. (*Ashoori, ibid, p. 329*)

Hence<sup>23</sup> the scholars especially those Westerners are believed to have weak and vigor beliefs and on the other side had experienced sufferings from the so called God

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<sup>21</sup> - *Theocracy is also interpreted as Yazdan Salary or "God-oriented" (Ashoori, ibid, p. 329)*

<sup>22</sup> - *Secularism - by ignoring the differences in the expression of the exact meaning of the word, is clearly an output of "secularism" as said before.*

<sup>23</sup> - *It is seen from this analysis that to what extent the actions of the church were effective in giving birth to the philosophy of modern politics and isolating religion from the social activities. However, as it has been mentioned, the performance of the Caliphs and Muslim kings were also effective in this process. Their behavior also were responsible to separate religion from politics (secularism) in Muslim communities because we see from the very beginning (some of the Muslims were also strong believers of it, but why religious intellectuals? These Muslims, in reality had suffered from something else. The Sunni caliphs and kings were considered known as Authorities or Governors and obeying them was considered a religious must. Therefore the co-*

rule in the name of God, found new ways for getting answers to their latest questions. In their early departure from this new course of thought they ignored the role of religion in government and politics and on this assumption, they again asked who has the right to rule over them?

In response to this question, three theories are presented:

- A-** A group of people who have been under the influence of this past thinking were in search of an individual who could be better than others and has the right to rule over others and none has any right to supervise over his unlimited powers. This is called autocracy. The autocrat may gain his power from social traditions or social customs and or either acquired it by force. In the first case, the legitimate autocracy is hereditary or by accepting the rulers. In the second case it is dictatorial. (*Ashoori, ibid, p. 330*).
- B-** In comparison, another group of people tried to keep distance from individualism and tried to find out the favorite rulers from other classes or better groups. Aristocracy or ruling of elites is the result of this group. The meaning of this word, which has ethical justification, is the rule of elites whose advantage depends on hereditary or about blood and hence can be interpreted to “racial democracy” or “rules of the nobles”. To find the general criterion (except hereditary) for supremacy is very difficult and until now, in practice, the criterion have hardly been used for choosing the best people. In practice, the Government is called autocratic if the power of the Government is absolute and is in the hands of the upper class who have taken the rule by inheritance or by class privilege and other classes are not in its way. (*Ashoori, ibid, p. 19*)
- C-** C- Eventually the third group got the proper answer that neither autocrat nor aristocrat but people’s rule or democracy<sup>24</sup> is the proper answer. They did not

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*relation of religion with politics or governing meant misusing of religion by politics side. Those who were the real supporters of separation of religion from government or politics had this concept of politics in their mind. They meant that the Ottoman Caliphs or rulers should be considered only as a worldly authority and not a religious authority and religious and national conscience. The nation should be free to criticize them and in this was a correct saying as: .... Some of the Arab Muslims who defended the notion of the separation of religion from politics, did not want to deny the interference of common people in politics as a religious duty and even did not want to undermine the religion and religious validity of political leaders ....., and the co-relation of religion and politics as and according to above given explanation means rulers having a divine position: is based on the Muslim Sunni concept. In Shiite there is no such concept. Explanation of Shiite from the point of view of OLEL AMR (leadership of prophets or Imam) has never been as mentioned above. (Motahhari, Bita, pp. 27-29)*

<sup>24</sup>- Democracy- Democracy is made up of two Greece words “Demos” (means people) and “Cratos” (means reign or governing)

find any proper reason to consider an individual or class or group to be better than others and worthy to rule.

The supporters of rule of people considered the people as the source of legitimacy and transfer of the government to the rulers and that is why that the vote of people is the only source of legitimacy of the government. Their (the people) will is the only deciding criterion and their satisfaction is the aim and unique desire of rulers.

### **3- Dimensions of National Sovereignty According to People's Rule Theory**

Vast differences in expression of the entities, various kinds and levels of democracy, (*Shahsa, 2002, pp. 10-14; Alem, 2001, pp. 296-311; Misbah Yazdi, 2001, vol-2, pp. 198-200*), theoretical and practical objections to that has no conflict with the minimum agreement and its overall acceptance. In spite of several views available in this regard, today, from the point of view of concept as well from assessment indicators and measurement, democracy can find the magnitude. These values, which have gained legal aspects by being embodied in international documents, can be a source of arbitration and comparison of topics of the Constitution of Islamic Republic of Iran, as a written and official document of Shi'ite law with international standards.

In short, the concept 'right of participation of everybody in decision-making for public social affairs' can be considered as an ultimate theory of democracy. The right includes participation in decision-making for basic selection and establishment of a special political system and granting legitimacy and power to it, making rules and regulations and choosing the rulers and executors.

According to indicators also, matters such as public participation in politics, presence of freedom, political diversity, rule of majority and respect for the minorities, equality of people, prudent distribution of power are the characteristics of democracy in the new age. (*Ghazi, ibid, 758,771 and refer to Huntington, ibid, pp. 44-45*).

It is clear that it is not necessary that involvement and participation of people in decision-making, regarding their own and their ruler's destiny, should be done directly. This process, which can be implemented in primitive and very small societies, is imaginable. But in the present time it is impossible and it can be implemented indirectly<sup>25</sup> and through representative democracy.

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<sup>25</sup> - Directive Democracy: This type of democracy is called direct democracy. This type of rule came into existence especially in Athens (fifth century B.C) and there every person (except women and slaves) took part in law making and for

However whatever is reflected from the theory of democracy is in strong and official forms in valid source of international law is that the people have free involvement in selecting the type of Government and executives. The basic text in this field is the Universal Declaration of Human Rights which was adopted by the General Assembly of the United Nations on December 10, 1948 and has come in the preface. The General Assembly has declared the Universal Declaration of Human Rights as a common goal for everyone and all the nations so that every individual and all the elements of the society should constantly keep in mind this declaration and should try to respect this law and freedom through education and training and be expanded by progressive measures both nationally and internationally. It should be ensured that the declaration should be identified and implemented among the nations or group of nations and among the people of various nations which are in its domain.

According to Article 21 of this Declaration:

- 1- Everyone has the right to participate in the affairs of his country directly or indirectly through its representatives.
- 2- Everybody has the right to equal opportunity for getting jobs in their countries.
- 3- People's will is the basis of the Government's power. The will can be given by election which should take place periodically. Election must be general and with respect to fraternity or by secret ballot or any other ways in order to assure free voting.

Same terms have been emphasized in Article 25 of International Convention on Civil & Political Rights passed on December 16, 1966 by General Assembly of the UN. (Act 16, December 1966 United Nations General Assembly)<sup>26</sup>

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*executive management to take up posts and responsibility in turns and for court hearings they were chosen by lottery. The Roman Republic also knew some aspects of democracy and for the first time they used the methods of representatives but with the emergence of imperial system, democracy vanished. But in the present world of 'Government-nation', which is known as democracy, is indirect democracy through representatives. It means that electing representatives for legislative assemblies who implement the demands of the majority. (Ashoori, ibid, p.157) Although it is said that 'still direct democracy is implemented in some of Switzerland Counties and states of America'. Even in the laws of some countries like France and Italy the public opinion or people's votes which are considered as people's manifestation and instruments of democracy has been forecast. Though in almost all countries, the basic organization of democracy is indirect since this method, from the point of view of implementation, is more feasible.' (Ghazi, ibid, p. 766)*

<sup>26</sup>- Article 25: Every person who is a member of a society has a right and the possibility of him that (without considering) any one of those discrimination mentioned in Article 2 and without the unreasonable limitations:

- a- Participate in public affairs management directly or through representatives who have been elected freely.

But in some sections of the Islamic Declaration of Human Rights, different issues have been expressed. Article 23 of this declaration, which was adopted on August 5, 1990 by the Foreign Ministers of Islamic Conference Organization in Cairo, states:

- a- A province is a safe keeping and any despotism or misuse of it is strongly prohibited because it guarantees the fundamental rights.
- b- Everybody has the right to participate in general administration of his country either directly or indirectly. In the same way he can get general post according to Shari'a Laws.

The second clause 'b' of this article is not inconsistent with those regulations declared in International Declaration of Human Rights and International Convent on Civil and Political Rights. But it is clear that in clause 'a' the literature is entirely different from the above-mentioned documents. The reason of its differences will be seen in coming discussions.

On the basis of what has been said, the final claim and output of this theory of Democracy, two issues are given below. These two issues can be called theoretical and practical aspects of Principles of National Sovereignty.

Firstly - Basically God's demand and order has no influence in the social life of people. Whatever is there is the result of the will of human beings whether in the area of legislative, executive or in the form of executers.

However it is the people's vote which has chosen ruling law and rightful ruler and has declared it legitimate. In one word the will of the people is the basis and source of Government power. (*Article 3 of paragraph 21 of Human Right Declaration*<sup>27</sup>)

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- b- *In the periodical elections which are done authentically by equal public and secret voting and ensures the free will of the electorates to be elected or elect.*
  - c- *With equal rights based on general conditions get public services in his country.*

<sup>27</sup> - 1-1 Such an understanding from the paragraph cannot be complete and without compromise. Anyhow for the continuation of this argument with those who have interpreted 'Source of Power' to 'Source of Legitimacy' and for completing their talks, they avoid conflict. The power of the Government as it is clear is different to its legitimacy though power itself is crystallized from 'will of the people' and this meaning is accepted from our point of view. Nevertheless it should not be forgotten that in the original text the word 'Authority', which in political terminology means 'Power', is used. Also regarding differences of 'power' there are lots of sayings and if we recognize it as a legitimate power, it becomes closer to the above interpretation even if its translation is not correct. Even though the original part of this text is from paragraph 3 of Article 21 of World Human Rights which is: "The will of the people shall be the basis of the authority of Government."



Secondly - People can and should play a role in the administration of their country. They are not only the source of legitimacy of rule and the rulers but should also involve themselves periodically in elections and by selection of administrators and executors of their choice, they can complete their involvement in the socio-political affairs of the country. Therefore everybody has a right to participate in the general affairs of the country directly or through elections of their representative in the parliament.

These two articles are indicators of innovation of philosophical theory of democracy and its practice. The issues related to world view of democracy, in the previous article whose outputs are practical and in the second issue the practical process which is the product of belief in the absence of role of religion in the social life has been emphasized.

However in the West, what has come up and become popular as a democracy theory is not the only world view and not only a practical method but a special practical process based on the special belief regarding God, human being and the world which has been taken from and prescribed worldwide.

The second part of the article shows that, from the point of view of supporters of Religious Democracy theory, differentiation can be done between that world view and this practical process, and the method of democracy can be combined with monotheistic world view.

## **Second Chapter: Principle of National Sovereignty and Religious Democracy in the Constitution**

### **1- Projection of theory of Islamic Republic and its coordination with the Principle of National Sovereignty.**

From the time that Imam Khomeini, the leader of Iranian Revolution, has chosen a political system known as 'Islamic Republic' for administering the society after the collapse of the monarchical system in Iran, the public role in this form of Government and its interaction with having a faith on rule of God and Velayat-e Faghi has become an important question in the mind of people in the world.

In that era his (Imam Khomeini) strong faith for creation of Islamic Republic was not an unknown issue especially when he was in exile in Najaf in Iraq he got a special



opportunity for compiling and producing the theory of Velayat-e Faghi and its issues and in addition the jurisprudential issues 'Kitab-ul Baey' (Book of Buying) were made available, but the announcement of 'Islamic Republic' had raised many questions.

He emphasized that his intentions of announcing a republic is the same as everywhere and on the other side he stated that the Absolute Republic or the Democratic Republic or Democratic Islamic Republic are wrong explanations and that which is acceptable to us and our people is Islamic Republic only, neither one word more nor one word less.

Due to this, the actual place of national Sovereignty as a basis for (Republican and Democracy) in political system is based on the will of God and Velayat-e Faghi was one of the important questions and it was very natural especially when Imam Khomeini said: The Islamic Republic which I mean is exceptional in the world and has no instance in the outside world. (*ibid*, vol. 4, p. 213)

Imam Khomeini in response to several questions from foreign journalists in this regard tried to give a brief explanation. In one historical analysis we can find two new interpretations of his answers which can truly be considered as a complete explanation to the theory. The latest explanation for the first time he gave to London reporters. This news reporter asked 'You say that Islamic Republic must be established. It is not clear for the French because Republic can be without religion as a base, is your opinion based on socialism? Is it based on constitutionalism? Is it based on elections? Or based on Democracy? Or dictatorship? How is it? Imam replied, 'Republic carries the same meaning wherever there is a Republic, but that we say Islamic Republic is because the provisions and conditions present in it are dependent on Islam but the election depends on the nation. (*ibid*, vol. 2, p. 351)

In the next interpretation of the sentences used in response to the question of the British reporter of Financial Times who said that the western world has no clear picture of your Islamic Republic, Imam Khomeini answered that we build Islamic Republic, Republic gives the framework of the Government and Islamic Republic is the content of that form which are the rules of God. (*ibid*, vol 4, p. 157)

These responses show that acceptance of Republic as the framework and style of Government and the way the society is managed is in the political thinking of Imam Khomeini. Imam Khomeini in reality without accepting the basic concept of the theory of National Sovereignty and Democracy (separation of politics from religion and denying influence of religion in the management of the society), welcomed them as a

proper way of ruling the country. But is this differentiation possible? Whether it can limit the principle of national sovereignty with respect to some special principles and orders or obey any terms and condition such as following Islamic Rules and Regulations, prohibits it from its own meaning, or in other words, whether phrases like 'Islamic Republic' or 'Religion Democracy' has no inherent differences or minimum ambiguity?

These were the question which arose after the explanation of the founders of Islamic Republic and especially in a referendum<sup>28</sup> for declaring the form of Government and during the compilation of the constitution in political and practical circles.

In short, the answers to these questions were that not only there is no need to assume the principles of national sovereignty without the reservations of the theoretical framework, because these assumptions are against reality as is impossible.

All these speeches which were made in response, point to two views which can be useful and instrumental. The problems of both analyses are common but their origins are different. In the first example, Martyr Murtadha Motahhari in response to claim by some people regarding the ambiguous meaning of Islamic Republic says:

'The word Republic clarifies the form of proposed Government and the word Islamic specifies the content. It is their mistake that they consider the concept ambiguous because they consider that right of National Sovereignty is equal to not having a method or ideology and lacking responsibility to a series of principle of thoughts regarding the world and intellectual principles about life. They believe that if a person is a follower of and committed to a group, method, ideology and religion and wants to implement those principles or criteria, it is not free and democratic. So if the country is Islamic, it means the people have faith and belief in Islamic Principles and without any questions accept these principles, it will endanger democracy.

As I said, the issue of Republic is related to the form of Government which is obligatory for a form of democracy. It means the people have the right to undertake their destiny in their own hands and it does not mean that the people should consider themselves not to be exempted from orientation of any school of thoughts or ideology or from commitment to any school of thoughts. The meaning of democracy is that everybody should have their own doctrine or that no one should have doctrine and they

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<sup>28</sup> - First Article of the Constitution: 'The Government of Iran is Islamic Republic which the people of Iran..... voted in favor of in the general referendum of March 31 and April 1, 1970.

should have no tendency towards any doctrine and they should not accept the principles of any doctrine. These people should be asked whether belief in a series of logical philosophical and intellectual principles and considering these principles as indisputable are against democracy? Or what is against democracy is that the people do not accept those principles which are approved by the majority of the society and consider them as disputable and do not permit others to dispute their own beliefs and thinking?

Thus this Republic being Islamic is not compatible to national Sovereignty or Democracy as a whole, and the principles of democracy do not necessitate that in any society there should not be the rule of ideology and doctrine. We see that political parties usually relate themselves with an ideology and this issue is not considered against the principles of Democracy and instead take pride in it. (*Motahheri, around Islamic Revolution, pp. 79-83*).

Second speech regarding the absence of compatibility of Principles of National Sovereignty with Islamic System was from Dr Naser Katoozian. In his articles which were published in those early days of the victory of Islamic revolution, he emphasized that 'Republic is the overseer of the form of Government and Islamic provision is related to the content'. Meaning, in Islamic Society consultation is in the form of customary practices in republican form of Government by forming national parliament and the division of duties is done through enforcement agent. But, in this republic, the members of parliament are not free in consultation and law-making and are limited by the content of Republic which means Islam and they cannot make any decision against any Islamic principle.

In response to the question that whether this limitation means negation of national sovereignty, he gave a historical and intellectual explanation in this regard and provided a detailed analysis. Those analyses can be summarized as under that the roots of this thought that in democratic government, the government has absolute powers to rule and no obstacles can limit it, is from Rousseau a renowned Swiss writer. Rousseau indicates that the origin of his own theory is based on freedom-loving nature of human being. Free human being cannot be restricted by anything except his own will, hence the foundation of government depends on the consent of all members and gets its power from the agreements, and by creation of a society for meeting their needs.

All the powers are related to this spiritual personality and is the ruler and no one has the right to deny the rule and regulations which has been made by him. Rousseau termed this collective power as 'National Sovereignty' which is neither transferrable nor

divisible and no power can take it from the nation and hand it to other rulers. But these powers should be given importance that giving the weapon of 'national sovereignty' in the hands of rulers is also dangerous. No government--either authoritarian or socialist or democratic- can be trusted for handing over the nation to them. There must be respected principles which could stop the misuse and selfishness during necessary times.

Those who view 'national sovereignty' as useful for saving the powers of legislative assemblies try to safeguard at least the rights and freedom which are necessary for every human being from violation by the law-makers and not leave everything to the government. Adoption of regulations under the name of 'human rights' at the international level and obligations of the governments to respect it and those matters which come under the 'right of nation' or 'freedom' or 'general rights and freedom' in the constitutions of all the countries, more or less, has been seen as efforts which has been made in this regard. Introduction of these regulations in the constitution means that the law-making government has no right to proclaim any regulations against it.

Now it is the time to put forward the question: why the prohibition of the government to violate the principles of human rights has no any base in the views of Marx and Lenin in the constitution of Republican form of government and national sovereignty. But when we speak of the Islamic Principles such harsh conflicts are evident which one cannot sum up in the concept of Islamic and Republic. (*Katoozian, ibid, pp. 106-119*)

### **3- Chronicle and Suitable Explanation of Meaning of National Sovereignty in Article 56**

Academic discussions on the right of national sovereignty and how to implement it in the Islamic system became very serious when the issues of drafting the constitution as an official interpretation and document of the theory of Democracy and Islamic Republic become an agenda of the Government of Iran.

In different places 'details of the parliamentary debates on the finalization of the constitution of the Islamic Republic' we can find discussions which are explanatory of different and appealing visions regarding this. Anyhow the most serious discussions can be found during the compilation and approval of Article 56 of the Constitution of Iran by the parliament. This article is the only one for which the application of the term of

‘National Sovereignty’ had been introduced and while in the final compilation it could not so happen, but still its meaning has been mentioned under the same article ‘The Right of Sovereignty’ and has also been discussed.

For better understanding of different opinions regarding this article and its coordination with the divine rule, it is necessary to emphasize on three issues: Analyzing past records of principle of National Sovereignty and the necessity of expressing it and finally its relations with the divine rule and Velayat-e Faghi from the point of view of constitutional writers.

#### ***A) Analyses and background:***

In Article 15 of the draft of constitution, it has been proposed that under the topic of (Rights of and the National Sovereignty and the powers resulting from that) the under-mentioned text has been approved. The right of National Sovereignty is the right of the people and must be applied for the benefit of all and no individual or group can monopolize this general divine right either for their personal interest or group interest.

In Article 16 of the Constitution also it has come that the powers resulting from implementation of National Sovereignty rights are: Legislative powers, judiciary powers and executive powers. (*In detailed in ..., 1985, vol. 4, p. 7*)

The above-written proposal after preliminary studies by different groups of the parliament for finalizing of the Constitution of Islamic Republic of Iran went through some under-mentioned changes and was introduced for approval of the parliament:

“Right of National Sovereignty which is the right of deciding the social fate, is a general right which God has given to every individual of the nation and should be implemented, directly or by nominating or electing qualified people in full compliance with the law. No individual or group can allocate this divine general right for themselves or use it to serve their own personal profit or special group benefits.” (*ibid, vol. 1, p. 510*)

From discussions and arguments which have taken place among groups who have studied the proposed Article 15 of the Islamic Republic Constitution have no information as such but anyhow it has the following variations.

- 1-** Suitable definition and comment on National Sovereignty which is ‘the Right of Determination of Social Destiny’.



- 2- Even though, in the previous text it has been mentioned about this right being 'divine', in the second version of the text it has been added that this is the God-given right to all individuals in a nation.
- 3- The technique of implementation of the Right of National Sovereignty in the new draft has been clarified, that the nation can implement its sovereignty directly or by nomination or by electing other persons. Of course these persons must be qualified and meet the conditions and their selection must be completely as and according to the law. Nevertheless the proposed text of the analyzing group was not approved by the members of parliament and after a long and fruitful discussion Article 56 was introduced in its present form for voting.  
 'Absolute Sovereignty over the world and human beings belongs to the Almighty and it is He who has made human beings the ruler of his social destiny. No one can take this divine right from human being and it cannot be used for the benefit of the individual or special groups. And the nation can implement this God-given right in different ways which will be presented in the next articles.  
 This text was finally approved and ratified with 51 votes for and six votes against and nine neutral votes. (*ibid*, vol. 1, p. 536)

### ***B) The Necessity of This Principle***

The necessity of this principle is that some of the writers of the constitution were opposing the inclusion of this article based on National Sovereignty. The various reasons for opposing this can be summarized in two arguments: firstly, the contradiction with basic religion and secondly repetitions in its contents and meaning.

Some of the parliament members in explaining their opposition to the proposed article said, "The Right of National Sovereignty is foreign term, and what place does it have in Islamic legal system. What verses or anecdotes do you have in this respect? If you take any alien legal point then say that right belongs to the complete nation or belongs to every individual or according to you it belongs to all sections of the nation? In the verses of 'ان الحكم الا لله' In al Hukm Inall Lillah' Sovereignty is confined to the Almighty, so what is your claim to sovereignty? (*ibid*, p. 524)

One of the members of parliament pointed out the differences of impressions about the content of this article that 'it has not the slightest relation with Velayat-e Faghi' and due to its ambiguities in its content he opposed it as it is not known after 20 years how it may be misused. (*ibid*, pp. 518-519)



Another group of members of the parliament opposed the compiling of articles of National Sovereignty not because of its difference with basic religion issue but because of the fact that National Sovereignty was equivalent to dependence of the affairs of the country on the vote of the people and the participation of the people in administering the society. They believed that there is no need to repeat it. (*Article 514*) (National Sovereignty) While having all those articles, there is no need for this article. (*ibid*, p. 517)

This group has added that inclusion of this article is because of the blackmailing by others and tried to make it a big issue. (*ibid*, p. 513) This points out the repetitive question of the two members of parliament regarding the right of people especially after the approval of the article on Velayat-e Faghi. But in respect to the above opposition, majority of the members of parliament believed that national sovereignty has no contradiction to divine rule and Velayat-e Faghi. (*ibid*, p. 512) As stipulated ‘the rights of sovereignty’ is not the repetition of articles related to people’s participation because this article expresses the question of relations. It means to see the relation between National Sovereignty and God-given freedom to human beings with the right of Divine rule which are related to Islamic Jurisprudence. (*ibid*, p. 518)

On the other hand, the articles under consideration are fully written in the first chapter of the Constitution and because the first chapter contains the general article and in the subsequent articles based on these overview the inference of the matter will be done and in the beginning of each chapter or in the middle of each chapter in future chapters, issues related to these general principles will be discussed again. (*ibid*, p. 523) In the beginning of the chapters related to the country’s powers, the plan and discussions related to national sovereignty is necessary. The matter, which we say that these powers of the country emanate from one center, is eloquent in this chapter. (*ibid*)

On this theme also ‘why the right of sovereignty which is a term of other culture has been brought up’, it should be the pride of our culture and religion and literature that we should be able to answer the different topics and prevailing questions in the human culture and if, supposedly the right of sovereignty is not available in our culture and literature (the argument on this is a separate issue and not our present concern). As the type of terms and thoughts are raised, we shall include in our Constitution and say that those issues which are available in the legal and political culture of the world are considered. From our point of view it has this provision and this source and resurrection. (*ibid*)

### **C) Relation Between National Sovereignty and Divine Rule and Velayat-e Faghi**

Except for those few who know the issues of national sovereignty as contrary to Divine Rule and topic of Velayat-e Faghi, the writers of the Constitution emphasized the lack of contradiction of these concepts with each other. In between the discussions related to this principle we can extract several analyses which could prove the relation between National Sovereignty with Divine Rule and Velayat-e Faghi and among all those the issues related to the right of election is most significant.

According to other views, even though the right of sovereignty belongs to God and from His side the provinces received Islamic Jurisprudence (Foghaha) the presence of election rights can be considered as a right of National Sovereignty. We are the people and all the nation who chose the religion...this means the same supreme (jurisprudence) that we mentioned in Article 5.....the majority of the nation has chosen him and elected him and wanted him.

Therefore in everything, even in choosing religion and the leader, the right of rule and right of election belongs to the nation.....and is not in contradiction with the real argument based on forging God's rule.

Therefore in everything, even in choosing religion and the leader, the right of governing and the right of election belongs to the nation.....and has no contradiction with the real argument based on forging God's rule. But it is the nation who chooses, so the right of National Sovereignty is for the general public without having a special relation with a group or association. And on the basis of the right of national sovereignty they elect Velayat-e Faghi (rule of Islamic Jurisprudence). (*ibid*, p. 512) "So Article 50 is not free of the role of people." (*ibid*, p. 523)

Therefore from the point of view of the writers of the Constitution there is no doubt about the right of sovereignty which basically belongs to God and from the other side God has given this right to the people. They have named this God-given rights as a right of sovereignty and interpreted it as 'the right of deciding social destiny'. According to them this right has no contradiction with Divine rule and Velayat-e Faghi because firstly God's rule is an overall responsibility and not for pleasure. Secondly even though in the absence of the Twelfth Imam (Hazrat Valiasr Ajjullah Taala (Heir apparent that May Allah hasten his emergence and uprising)) the management of the general work of the society is entrusted to justifiable Islamic Jurisprudence, virtuous and faithful, aware of the global situation and skilful administrator. But according to Article 107, the

(Islamic Jurisprudence) alone, is responsible for that and according to that article 'selection of the leader is the duty of experts who are elected by the people'<sup>29</sup>.

The presence of the right of the election shows that the people have God-given rights for deciding their social destiny, under the framework of regulations and religious orders.

However due to the reason for all the theoretical challenges which came up during the compilation of Article 56, the first constraint 'national' (*ibid*- 522) and after that the term (Right of National Sovereignty) was deleted from the main text (*ibid* p-535) and the preference was given to emphasizing on 'the absolute sovereignty over the world and mankind belongs to God' should be mentioned only for the equivalent term 'the Right of Deciding Social Destiny'. Hence against the proposed national texts this topic has been added under Article 56 that 'that the nation will implement the God-given rights freely in the way which comes in the next article'. Those articles have included the three branches of the government (judiciary, executive and legislative) under the full control of Velyat-e Faghi and leader of Ummah (nation) without limitation.

Deputy speaker of the parliament stressed at the end of the discussion related to this article that the final review of the Constitution will focus on later articles and will reflect the contents of this article and the meaning and limitations of this rule (*ibid*, 530).

This article should also be considered as an enlightening preface for later articles.

As we will see 'later articles' make clear the ways to apply the principle of National Sovereignty based on acceptance of democracy as a way of administration of society and its denial is equal to special worldview.

#### **4) Combining the Methods of Democracy with Monotheistic Worldview.**

Now is the time to come back to the first question: What is the place of the principles of National Sovereignty in the theory of religious democracy as approved in the Constitution of Islamic Republic of Iran?

We can come to the conclusion that in all the articles of the Constitution, democracy can be equivalent to the methods for management of government and general public affairs. It has no contradiction with the political jurisprudence views of the Shi'ism which is emphasized and approved explicitly and practically. Democracy as a world

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<sup>29</sup> - Article 117 of the Constitution has been reviewed in 1980.

view that naturally has effect in practice cannot be approved. By consulting the text and those approved articles and interpretation which lack Islamic explanation, this point is clear that in ‘Human Rights Declaration’ after the approval and acknowledgement of all the Muslim countries as seen in Clause ‘a’ of Article 43 of that Declaration instead of the phrase ‘the base and source of the government is the will of the people’ which has come in the Human Rights Declaration, the element ‘Velayat’ or a trusteeship of God which should not be misused, has been emphasized. Differentiating between the two can put an end to practical conflicts, misunderstanding<sup>30</sup> and public fallacy and erroneous beliefs.

## **B) Acceptance of Democracy as Being Equivalent to the Ways of Managing the Society.**

According to the Constitution of the Islamic Republic of Iran, management of the country must depend on the general views of the Iranians, by election of the President, Members of the Islamic Republic’s parliaments and Council members and the like. Or through referendum on matters which are laid down in other articles. (*Article 6*)

People of Iran, irrespective of the clan or tribe they belong to, have equal rights and color, race and language cannot be a privilege for anyone. (*Article 19*) The non-Muslims or the followers of other religions and well-known faiths also have the same

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<sup>30</sup> -Unfortunately, this type of misconception does not only prevail in the political atmosphere of the country but it can also be seen in a large scale in intellectual gatherings. For example, Ayatollah Mesbah Yazdi, by pointing to this “basis of western Democracy in the area of law-making is based on that which is a fact and is not separated from the demands of the people till we can derive the should and should not.” (1992, vol.1, p.163) it is concluded that ‘acceptance of Islam as a set of rules and regulations and law governing the society and acceptance of Democracy in law-making is not compatible at all’. (ibid, p.165) But Hojjatul Islam Mohammad Murtazavi compares Democracy as the only and only ‘form and method of Government’ without paying attention to the basic obvious difference, he criticizes him as ‘one of the opponents of Religious Democracy’ (1991, p.108) It is so that Ayatollah Mesbah Yazdi clarified ‘if Democracy in terms of law-making means giving authenticity to the people’s vote even if the laws are against Almighty’s order. This type of democracy is not acceptable from the point of view of Muslims and Islam. But if Democracy has any other meaning by which basic tenets of Islam and Islamic values can be preserved, people can be involved in the legal and social issues of their society by electing their representatives, and by specifying their representative can formulate special laws for special time and place. This is the process which is available in our country. It means that the people elect the representatives of the Assembly, consult and discuss the bills and then adopt it but the adopted issues are so conditioned that they should not be against Islamic Law. Anyhow the people for specifying the regulations variables, under special conditions of time and place, chose representatives. This is the process which is available in our country and Imam (Khomeini) has signed this process, our Constitution has also acknowledged it and if democracy in law-making has the same intention then democracy exists and nobody is against that. (ibid, p.181)

equal rights for voting for the country. They have their representatives in the Islamic Consultative Assembly. (*Article 64*) They are free to perform their religious ceremonies and are free to follow their own faith in personal matters and religious education. (*Article 13*) Also the Government is responsible to provide all the facilities and implement it to avoid unjust discrimination and provide justifiable facilities for all. (*Article 3, Paragraph 7*) 'Providing the socio-political freedom under the limitation of the law (*Article 3, Paragraph 8*) provided the base for 'general participation in deciding their political social and cultural destiny' (*Article 3 Paragraph 8*) and 'alienation of all forms of tyranny, dictatorship and monopoly'. (*Article 3, Paragraph 6*) Government officials are responsible for 'organizing economic planning of the country so that the form, content and working hours are such that every person apart from his/her professions, has enough time and energy for spiritual, political and social self-building and can actively participate in leadership and for the betterment of their talents and imagination. (*Article 43, Paragraph 3*)

Moreover, 'in Islamic Republic of Iran, it is the responsibility of everyone to call for charity, propagating of the good and forbidding of the evil and everybody is responsible towards each other, Government towards the people and the people towards the Government. (*Article 8*) In this way people not only participate in the selection of the ruler and management of the country's affairs but are also involved in 'Right to General Supervision' of the ruling party, as they say in today's world.

This is not only a right but also considered a responsibility. In this way, 'no office bearer has a right to deny the legitimate freedom of the people, by making rules and regulations in the name of preserving independence and defending the sovereignty of the country. (*Article 9*)

'Inquisition is forbidden' (*Article 23*) and the press and publications are free in expressing issues. (*Article 24*) Establishment of parties, societies and political and trade associations and Islamic association and the well-known minority religious establishments (*Article 26*) and also gathering and demonstrations (*Article 27*) are considered rights and freedom of the people.

Even from the point of view of law-making in the prescribed range of the Constitution, 'The legislature is from the Islamic Consultative Assembly which is made up of the elected representative of the people' (*Article 58*) and above all 'in highly crucial economic political, social and cultural issues it is possible that legislature can take place through referendum and direct voting by the people'. (*Article 59*)



People, even in the villages, by forming local councils supervise ‘all social economical, developmental, healthcare, culture and educational programs’. (*Article 100*) Governors, officials and other office bearers, who are appointed by the government, according to the power of the councils, are obliged to respect the decisions<sub>2</sub> of these councils. (*Article 103*)

All officials of the government get their positions from the vote of the people. But sometimes with the direct vote like the president (*Article 114*) and members of the Assembly (*Article 62*) and sometimes through ‘indirect voting’ such as ‘the selection of the leader which is the responsibility of the experts who have been elected by the people’ (*Article 107*) and the experts on behalf of the people watch his activities and if necessary ‘he is removed from his position.’(*Article 111*)

### **B) Denial of Democracy as a World Order.**

The Constitution of Islamic Republic Iran based on world order and Islamic Jurisprudence did not accept democracy as a special world order and clearly states; based on several articles of the constitution which some have been mentioned, the vote of the people for selecting the principles of political system<sup>31</sup> management of the country’s affairs and selection of all office bearers play main role but this does not mean that the Constitution does not consider any role of religion and Divine Law in the social lives of human beings.

In the Islamic Republic of Iran, the ‘the criteria of vote is the nation’ (or vote is the deciding factor of the nation) not because of ignoring the amount of votes of the nation is exactly the religious demands and one of the Divine laws and regulations. Due to this, people and their representatives are responsible for using their rights to obey the Divine obligations. For example choosing the leader is the responsibility of experts elected by the people.(*Article 107*) But from this choice of theirs should not violate the Articles 5 and 109 which are the regulations of juridical (ibid). In the same way the Islamic Consultative Assembly cannot formulate laws which are contrary to the principles and rule of country’s official religion (*Article 72*) and Islamic norms are ‘applicable to all public principles of the Constitution and other rules and regulations’ and even the President ‘who is directly elected by people’s vote’ (*Article 114*) is not recognized without ‘the leader’s signature after being elected by the people and has no

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<sup>31</sup> - 1-“The Government of Iran is Islamic Republic which the Iranian people voted in favor of in their referendum.”



religious or legal legitimacy for assuming office<sup>32</sup>. Because according to religious norms ‘the leader elected by the experts has the duties of guardianship and other responsibilities related to it’. (*Article 107*)

Acceptance of democracy as one process and its denial is equivalent to the theory derived from the same analysis of western thoughts towards democracy. It has been seen that the issues of democracy have been introduced in those region where the denial of religion in politics and government has been accepted. They have accepted this preconception that God and his divine rule have no control over the social destiny of human beings, finally came to this decision that the best philosophy and method of management of society is based on the votes of people.

This apt sayings cannot be denied that ‘the main difference between Islamic thoughts with democracy is on this point that ‘whose rule it is originally’. Democracy says it is from the people themselves while Islam says it belongs to the Almighty. Democracy states that no one, not even the Almighty, let alone the prophets and Imam and Velayat-e Faghi, has the right to rule and decide for human beings. Anyone else apart from man can rule over mankind if man has himself given this right to him ‘.... unless human beings do not give this permission to anyone no one has the capability to govern and rule over them, neither God nor prophets and neither Imam Masum nor the country’s guardian or anyone else. (*Mesbah Yazdi, 1901, p.134*)

It is natural that this view would not be acceptable to those who with the establishment of ‘The Principles of Denial of Supremacy’ and on the basis of intellectual and religious reasoning have reached to this conclusion that apart from the Almighty no one originally has the right to rule over others not even the prophets or the messengers. (*Sadr, 1421, p. 19*) The outcome of this belief is that every legitimate government is dependent on the selection and appointment by the Almighty and the rules and regulations of social life and ways of managing the society is based on the ‘Divine Revelation’ of the Almighty, which in the absence and prevalence of religious orders, can facilitate the demands of the people and their representatives.

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<sup>32</sup> - Imam Khomeini R.A. believed that ‘If the President is not appointed by the Faghi (Islamic Jurisprudence), it is not legitimate. When it is illegitimate, it is idolatrous (*Sahifeh Noor*, vol. 9, p. 251) and on the basis of this belief and in the process of implementation of paragraph 9 of Article 110 during the signing of the appointment of the first president, wrote, “.....On the basis of this appointment, I validate the votes of the nation and I appoint him for this post, but validation and appointment and the votes of the Iranian nation is limited to this that he should not violate any sacred rules and strictly follow the Islamic Constitution of Iran” (*Sahifeh Imam (Khomeini)*, Vol. 12, p. 139). This same content was repeated in the appointment of the next president of the country. (*ibid*, vol. 15, p. 168, vol. 15, p. 279, vol. 19, p. 371)

The Constitution also, which is based on this theory is not forced to respect the votes of the people's rule. According to the Constitution, the Islamic Republic is a system based on the faith:

- 1- God is one and dedication to Him and abiding by Him is necessary.
- 2- 'Divine Revelation' and its basic role in rules and regulations.
- 3- Resurrection and constructive role in the process of human evolution towards God.
- 4- God's justice in creation and legislation.
- 5- Continuous preaching and Leadership and its crucial role in continuation of Islamic Revolution.
- 6- Dignity and Value of human being and their freedom along with responsibility towards God.....'

Article 56 also speaks about the right of National Sovereignty, before everything emphasizes that 'Absolute Power over the world and human being is only of Almighty and He has made human being as the ruler of his own social destiny....'

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**The position and role of  
leadership  
in religious democracy and  
its comparison with  
western democracies**

*Dr. Masood Akhavan Kazemi*

## **The position and role of leadership in religious democracy and its comparison with western democracies**

*Dr. Masood Akhavan Kazemi*<sup>33</sup>

### **Prelude:**

Religious democracy is a system established and promoted only in a religious community and once the faithful willingly accept sovereignty of a religion on their social and political life. Since one of the most important and pivotal difference between a religious democracy and customary western democracies has something to do with leadership in such systems, this article will try to draw a comparison between the role and status of leadership in religious and western democracies so as to specify their commonalities and distinctive features well. It's worth mentioning that whenever there is word on religious democracy it means specifications of the Islamic Republic system as clear example of such systems.

The author claims in the first section of this article that in the religious democratic system special attention is paid to leadership, especially with respect to the characteristics and conditions specified for a leader and in comparison with the western democratic system, it is so sensitive and nitpicky, envisioning exceptional and beyond expectation features for any person intending to take the highest post in the government.

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<sup>33</sup> - Member of the Board of Instructors in Razi University of Kermanshah

Western democracy in return has sufficed to minimum qualifications a highest ranking official in the government should have; specially, it does not pay the least attention to morals, fairness, virtues and other valuable criteria that a religious democratic system envisions for a leader in order to provide a tool for internal control of him.

The second section of this article surveys and scrutinizes methods to decide a leader in the democratic system of the Islamic Republic system and compare it with the western democratic systems. Especially it emphasizes that leadership position cannot be decided in the Islamic Republic of Iran through candidacy of volunteers and panel consensus of the Experts Assembly and experts in general is a criteria to identify and determine the qualified person. The method is superior to that in the western democratic systems in which the highest government body is decided exactly through public votes. Moreover, this chapter would provide a justified answer to a “vicious cycle or circle” on method of leadership election in the Islamic Republic system.

The third part, however, analyzes authorities of a leader in the religious democratic system of the Islamic Republic of Iran. It would specially investigate absoluteness of ‘Velayat-e Faqih’ (Guardianship of Supreme Jurisprudence) and related doubts. Moreover, it would draw a comparison between leadership authorities in the Islamic Republic of Iran and other forms of government. It would be shown how ‘Velayat-e Faqih’ is abused by the ill-wishers and opponents of the system. This section will prove that Velayat-e Faqih does not mean despotism and overwhelming freedom of a leader in the religious democratic system, rather it merely means having necessary authority for government to the extent that in its absence no government would be able to run a society and safeguard resources and interests of a nation.

The fourth section will draw a comparison between leadership control and supervision mechanisms in the western democratic systems and the religious democratic system. It would be shown that Islamic Republic system, while checking the leader's qualifications such as piety and justice and using internal control mechanisms, benefits



from external control mechanisms to be ensured of his conducts and behaviors. It can be said with confidence that the leader is more disciplined in the religious democratic system than the western democratic system. Let's say application of more careful and reliable methods has made the leadership control and supervision more possible in such a system, removing any possibility for power abuse as is customary in the western democratic systems. So, in the section, sketchy reference would be made to the role and position of people in control and supervision over the government and rulers in the religious democratic system. It would be made clear that based on religious documents and injunctions and out of their religious, civil and social duty, the pious consider themselves duty bound to have active and dynamic contribution to political and social affairs so as to administer divine rule through deciding their own fate.

### **Part I: Characteristics and conditions of a leader in religious democratic system vs. western democracy**

A leader reserves an important position in a political system – either religious or non-religious one; He has a decisive role in policy making, management of affairs, enforcement of laws and regulations, and guiding society towards the pre-determined goals. So, in any governments and systems, necessary precautions are made in selection of the highest government authority so that the most eligible and qualified one takes up the lofty position. So doing, possibility of corruption, error, despotism, dictatorship and abuse of power is minimized to the lowest level. Hence, drastic difference is observed between the religious democratic (Islamic Republic) system and the western democratic system in terms of features and conditions of a leader that is the highest government authority, which we are going to highlight them in the following section:

In any government system, a person with specific title and position eventually takes up the highest position in the pyramid. In monarchical systems in which such positions are inherited, the person, taking up the position, is called king; however, in the

republic systems, s/he is called president and in the Islamic Republic system named the leader. A clear look to basic rules of considerable number of western democratic systems would reveal that the ones taking up the highest government authority position, i.e. presidency, they should have no qualifications other than gaining overwhelming majority of public votes in favor, falling within specific age range, having a specific kind of nationality and residence in the country's territory for a specific period of time. In another words, minimum number of features and specifications are envisaged to the person supposed to take the position, irrespective of his/her moral ethics, religious commitment, knowledge and profession, managerial power and specialization as a person that is to take the highest governmental position<sup>34</sup>.

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<sup>34</sup> - French Constitution, Article 6 (on term of Presidency): *The President of the Republic shall be elected for seven years by direct universal suffrage. The procedures implementing this Article shall be laid down in an organic act.*

*French Constitution; Article 7: (Election of President): The President of the Republic shall be elected by an absolute majority of the votes cast.*

*The US Constitution; Section 1; Clauses 3 & 5 on President: The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."*

*Japan Constitution, Chapter 1, Article 1: The Emperor shall be the symbol of the State and the unity of the people, deriving his position from the will of the people with whom resides sovereign power.*

*Japan Constitution; Chapter 1, Article 2: The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.*

Whereas the Islamic Republic system, representing a religious democratic system, considers lofty features and specifications as well as maximum number of moral, ethical,

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*Japan Constitution; Chapter V; Article 65: Executive power shall be vested in the Cabinet.*

*Japan Constitution; Chapter V; Article 66: The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law. 2) The Prime Minister and other Ministers of State must be civilians. 3) The Cabinet shall, in the exercise of executive power, be collectively responsible to the Diet.*

*Japan Constitution; Chapter V; Article 67: The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business. 2) If the House of Representatives and the House of Councilors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councilor fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.*

*German Constitution: The President is elected, without debate, by the Federal Convention. Every German who is entitled to vote in House of Representatives [Bundestag] elections and has attained the age of forty years is eligible for election. The term of office of the President is five years. (Naqibzadeh; 1993: p. 181)*

*Italy Constitution: The president is elected in joint session of parliament for seven years.. Three delegates from every region, elected by the regional councils in a way guaranteeing minority representation, participate in the election. Presidential elections, conducted by secret ballot, require a two-thirds majority of the assembly. Any citizen over fifty years enjoying civil and political rights is eligible for president. (ibid; page 216)*

*Constitution of Russian Federation: Chapter IV (The President of the Russian Federation) Article 80: The President of the Russian Federation shall be the head of the State.*

*Russian Constitution; Chapter IV; Article 81: The President of the Russian Federation shall be elected for six years by citizens of the Russian Federation on the basis of universal, equal, direct suffrage by secret ballot. Any citizen of the Russian Federation, not younger than 35 years of age and with a permanent residence record in the Russian Federation of not less than 10 years, may be elected President of the Russian Federation.*

religious and professional features for a leader, times superior to those in the western democratic systems.

The features and qualifications specified for a leader in the Islamic Republic of Iran system are referred to in the Constitution principles five and 109. The features of a leader, as referred to in the principles, fall into three categories:<sup>35</sup>

**a. Moral characteristics:** Justice, piety, bravery (Article 5)

**b. Religious specifications:** Jurisprudence (*Article 5*), scholarship, as required for performing the functions of mufti in different fields of Fiqh<sup>36</sup>. (*Article 109*)

**c. Specifications relating to competency:** Full awareness of circumstances of his age; courage; management and prudence (*Article 5*); justice and piety essential for leadership of Islamic Ummah; right political and social perspicacity, prudence, courage; management and full power for leadership (*Article 109*).

Hence, under the Islamic Republic Constitution, the leader, as the highest government authority, should possess the highest and sublime features and qualifications envisaged for such a sensitive and decisive post. Hereby it should be said that basically, designating a wise, superior, fair, pious, brave, faqih, insightful, and prudent as the leader would be a rational and wise job, based on the religious evidence. Why not envisaging the most splendid and unique features for the highest government authority? Why not looking for such a person?

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<sup>35</sup> - *The features and characteristics for a leader in a religious democratic system are determined based on the several traditions and sayings. One of them is: “*

*” و اما من كان من الفقهاء صائنا لنفسه، حافظا لدينه، مخالفا على هواه، مطيعا لامر مولاه فلعوام أن يقلده و ذلك لا يكون الا بعض فقهاء الشيعة لاجمعيهم.”*

*”And either of Fuqaha (Mujtahids) who preserve himself, kept to his religion, self protect himself from carnal desires or concupiscence, obedient to his master (Allah) is liable to be imitated by people (Followers) .....”*

<sup>36</sup> - *Jurisprudence; divine law; canonical law*

Would it be wise to suffice to ordinary and minimum qualifications possessed by the highest authority of a country or trying to find the most qualified person for the post? Naturally, any wise individual would admit that regarding sensitivity of the post and the influential role of the power holder in financial and spiritual welfare, prosperity and fortune of a nation, it would be wise to try in any possible way to be ensured of putting the most qualified one in position.

There may be criticisms over the issue, judging that the so-called superior features have something to do with the innate, so it would be very difficult or impossible to diagnose them and therefore they should not be set as the criteria for choosing a leader. It should be said that firstly, many of the said features and qualifications have superficial manifestations based on which one can judge about the one holding them. Any individual lacking such features as justice and piety has shown or would show it in practice on some occasions ; also, management, political perspicacity, prudence and courage are among features with specific signs that can be distinguished by all or at least specific group of people eventually. Secondly, the authority in charge of distinguishing the said lofty features possessed by a leader are not ordinary individuals or public at large, rather, they are the experts and thinkers who are in the Experts Assembly, having the responsibility and mission based on the Constitution Article 107 to identify such features and characteristics possessed by a leader. Naturally, it is possible for such experts to identify such features and qualifications. At any rate, the percentage of error in distinguishing possession of such features by a leader is times lower for the experts than ordinary individuals. The Islamic Republic of Iran Constitution too has not ignored the least possibility of error in distinguishing the most qualified leadership candidate. The Constitution article 111 refers to such an issue: When the Experts Assembly distinguishes that the elected leader has not had some of the features since the beginning, he can dismiss him from the post.

So, contrary to the western democratic system, the religious democratic system of the Islamic Republic envisions maximum and lofty features and qualifications for a leader, while considering exceptional arrangements such as formation of the Experts Assembly so as to designate the most qualified candidate precisely and principally based on expert views. So, the claim that the said maximum features and qualifications cannot be identified and should not be taken into consideration in the case of the highest government authority is rejected and has no room in the Islamic Republic establishment; consequently, maximum efforts are made to ensure a person taking up the leadership position has the lofty and sublime features, thus maximizing the possibility of higher coefficient of safety and maturity of the political system under his rule and management.

In another words, it should be said that in the Islamic Republic of Iran it is believed that leader of the Islamic society in time of occultation is not an innocent individual with no possibility of committing any sin.

For the best it is tried to find a person as a leader having lofty features almost similar to the infallible Imams so as to replace Imam at time of occultation under emergency conditions.<sup>37</sup>

Hence, based on Islamic legislation, God Almighty sets infallible Imams as leaders of Islamic community; however, in absence of innocent Imams and leaders during occultation of the last Imam, a person should be designated to succeed the innocent Imams, having necessary qualifications and features, while being very similar to the innocent Imams, pleased by God and the society of the pious individuals.

Having compared qualifications and features of a leader in a religious democratic system and western democratic system, it would be possible to find out the superiority

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24 - Hence, based on “ما لا یدرک کله لا یتدرک جله” one should not ignore the thing whose full materialization is impossible; rather one should try to gain maximum amount of it. Though finding somebody who is the complete example of leadership, i.e. Imamate of infallible household of holy Prophet, we cannot abandon finding the person having maximum amount of top qualifications.



and advantage of the method of specifying the highest government authority in the Islamic Republic. As said earlier, the criterion for election of such an authority in the Islamic Republic establishment is possession of a series of moral, religious and professional features and it is only possible for a group, comprising experts and the Experts Assembly members, to identify the superiorities and merits. While, the only way possible to vet the leadership characteristics in western democratic systems is overwhelming majority of public votes irrespective of the fact that the candidate possesses maximum features and qualifications. Such a method of elections suffers two essential problems: Firstly, the coefficient of error in designation of a leader by ordinary individuals and the public at large would dangerously rise. This would be explained in detail in second part of the present article.

Secondly, failure to take moral and ethical, religious and ideological and professional features of a leader would be in contradiction with the cultural and ideological fundamentals and standards of any society, being in contrast with exigency, logic and ration.

Why should merely give preference to opinion of the majority rather than all the criterion and standards? Which logic and wisdom confirm such a method and discipline? Haven't many political thinkers and philosophers in the west questioned the method of democracy by providing strong logics and justifications?

Would the leaders and presidents, elected in such a weak, unworthy and irrational way, be necessarily the best people acquiring such a sensitive post?

Weren't Hitler, Mussolini, Saddam, Reagan, Clinton and Bush elected that way? How obstinate the people, and rulers of the western democratic systems are towards the ethical and ideological values and standards and even profession and specialization! What's the problem with such conditions as justice, piety, management and courage that should not be taken into consideration in election of the highest government authority?

Couldn't public votes and views be taken into consideration logically, while envisioning such sublime features for a person who is going to take the highest government authority?

These are all the questions that might penetrate into mind of any wise, fair and perfect individual – no matter religiously pious or not – in dealing with the issues of government and leadership; the religious democratic system has provided rational and logical answers for all of them.

The religious democratic system (the Islamic Republic) is tough in probing into the leadership qualifications and characteristics on religious and ideological as well as logical and rational criteria. Contrary to the western liberal democracies, the religious democratic system does not suffice to possession of minimum possible features and qualifications by the highest government authority.

Below, we are going to have sketchy look into a number of religious fundamentals relating to leadership qualifications in the Islamic Republic of Iran system.

### **The need for perspicacity, jurisprudence, and power**

"... هل يستوى الذين يعلمون والذين لا يعلمون ..."

"... Are those who know equal to those who do not know?... " (*Sura Zumar (Groups), verse 9*)"

Prophet Mohammad (SAWA) says:

"من ام قوما و فيهم اعلم منه او افقه لم يزل امرهم فى سفل الى يوم القيامة"

"The person accepting the Imam and leader of a tribe, while there is another person among them being times superior to them in terms of wisdom and jurisprudence, their society would follow line of deterioration up to the last moment. (*Al-Mahasen; Vol. 1, p. 93*)

" ان احق الناس بهذا الامر اقواهم عليه و اعلمهم بامر الله فيه " Hazrat (Imam) Ali (PBUH) says:

The most rightful of all persons for this matter (namely the Caliphate) is he who is the most competent among them to maintain it, and he who knows best Allah's commands about it." (*Nahjul Balagha; Sermon 173*)

The leader and ruler in the Islamic Republic system should be jurisprudent and `Mujtahid<sup>38</sup> : Naturally, any Jurisprudent and Mujtahid would not be necessarily a leader for having the features. Rather, Jurisprudent or Ijtihad<sup>39</sup> are broad terms and any person having the said qualifications would be elected while having other qualifications too. God Almighty says Talut (Saul) was elected as a leader for his superiority over others in terms of management and commandeering, wisdom and knowledge, as well as physical power:

" ... ان الله اصطفاه عليكم و زاده بسطه فى العلم و الجسم ... "

"Verily, Allah has chosen him over you and has increased him abundantly in knowledge and physical strength; ..." (*Quran; Baqara (The cow); verse 247*)

The Commander of the Faithful, Hazrat Ali (AS) too, describing features of social rulers and authorities, says:

" ... و آن يكون اعلم الناس بحلال الله و حرامه و ضروب احكامه و امره و نهيه و جميع ما يحتاج اليه الناس. "

"The rulers of Islamic society should be more informed than others of the divinely allowed (Halal<sup>40</sup>) and prohibited (Haram<sup>41</sup>) things as well as the type of divine rules, orders and instructions, while being aware of whatever people in an Islamic society need to." (*Baharul-anwar, vol. 25, part 165*)

<sup>38</sup> - High divine or religious authority or shi'ite legist, Unrestricted Jurist-Scholar

<sup>39</sup> - Exertion (logical deduction on a legal or theological question by an expert, or doing an independent judgement; personal reasoning and or juridical opinion

<sup>40</sup> - Lawful; Permitted; declared lawful by Allah

<sup>41</sup> - Taboo; prohibited; forbidden; unlawful; illegal

## Justice and piety of Leader

"... ان اكرمكم عندالله اتقكم ..."

"... Verily in Allah's sight the most honorable of you is the most pious of you; ..."  
(*Quran; Hujurat (The Chambers), vers 13*) and [Allah] said:

"... لا ينال عهدى الظالمين." "...My covenant (regarding prophethood or leadership) does not reach the polytheists and the wrongdoers (implying they should be righteous and well-qualified for the position)." (*Quran; Baqara (the Caw), verse 124*) Hazrat Ali (AS):

"فاعلم ان افضل عبادالله عند الله امام عادل هدى و هدى" You should know that the most superior among creatures to God is the fair ruler who is guided and spreads guidance.  
(*Nahjolbalagha; Sermon 163*)

It's worth noting that justice from the standpoint of Shiite jurisprudence has special meaning and is drastically different with the one referred to by people at large. On justice, the late Imam Khomeini writes in his book *Tahrir-al-Wasila* (By Imam Khomeini):

"Justice is a spiritual concept which is human special and gained as a result of self-restraint and self-assessment. As such, the man would not commit any big sin and avoid commitment or re-commitment of any minor sins intentionally, while performing his religious duties. Moreover, piety is something spiritual and the pious person, fearing God, tries to obey God and try to further gain God's consent. (*Imam Khomeini, Bita, Volume 1, p. 10*)

So, noting that a person standing top in the political system pyramid should observe justice and piety, one can rest assured that such a person, relying on the asset of faith, moral backing, justice and piety, would not get inclined to do any corruption, sin, rebellion, plundering public assets and violating their rights, abusing power and

standpoint. He would not event bow to any foreign power and bullying governments, giving the priority to country's independence and Muslim Ummah's prosperity in light of God consent, considering government as a divine asset and not a tool to acquire worldly desires.<sup>42</sup>

### **Bravery, management, prudence, and right political insight**

To be a leader, a person should have power of management, prudence, and very high level of courage. A leader should be able to manage a society wisely in many and sensitive junctures. He should coordinate and run three branches of government. (*Article 57 of the Islamic Republic of Iran Constitution*)

Firmness and bravery along with wisdom and insight are among basic needs for a leader so that he would be able to lead a society well both domestically and internationally under critical conditions on the basis of right political and social perspicacity. There are several quotes in this connection as follows:

"... آفه الزعماء ضعف السياسه" "The problem with rulers is their weak insight, weak viewpoint and weak political action. (*Ghurarul Hekam; volume 3931*)

"... سوء التدبير سبب التدمير" "Wrong interpretation would have negative impact on affairs. (*ibid, p. 5571*)

Evidently, though possessing maximum and minimum features, a leader would still need to consult with experts and thinkers as well as those having enough knowledge on politics, economic, social and military issues and so on. Basically, due to wide-spectrum and diversity of social and political management issues, no king, president or leader would in today's world be able to fulfill affaires alone without others' consultation. Due to that reason and based of religious sources, a leader in a religious democratic system should based on the divine verse "... وشاورهم فى الامر..."

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29- Hazrat Ali (AS) tells his agent in Azarbaijan, Ash'ath Bin Ghais: "... ان عملك ليس لك بطعمه و لكنه فى عتقك امانه..."

Your post and ranking should not result in your abuse; rather it is a big burden on your shoulder. (*Nahjul Balagha; 5<sup>th</sup> letter, p. 839*)

...And consult with them in affairs." (*Quran; Ali Imran (Family of Imran): verse 159*) Consult and seek views of people and thinkers on important social and political issues. Prophet Mohammad (PBUH), who was the wisest in universe and the late messenger of God, consulted his companions and friends on ample occasions, seeking their expert views, respecting their views and ideas.

So, it is necessary here to deal with basic difference with the features and qualifications of a leader in a religious democratic system and the western democratic systems. The two are different in terms of duties and responsibilities of their leader as well as the goals the governments are pursuing in assigning a leader. In the western democratic systems, the person put on top of the power pyramid seeks consent of the majority and meets their expectations, needs and materialistic demands, including water, break, housing, health, security and so on, having no other responsibility. So the leader in such systems should have no superiority other than higher vote casts in his favor. While, in a religious democratic system (the Islamic Republic system), the Islamic leader should, while preparing the ground for materialization of the materialistic needs of the society as mentioned earlier, try to pave necessary path for growth and promotion of spiritual and moral virtues as well as spiritual values of a society. Hence, while being the standard bearer of such virtues and features, the leader should be powerful, knowledgeable and wise enough to help society reach such a lofty point. Due to difference in nature of the goals of their governments and politics, the two systems use different methods for selection and assigning their rulers. Selection of a ruler in Islam and religious democratic system is fundamentally different with that in other political systems and schools of thought. The basic difference stems from difference between political philosophy of Islam and political philosophy of western democratic systems. That stems from different answers given to basic questions raised in the field, including "What's the goal of government?" "What does prosperity mean?" "What are the specifications of a favorable government?" "What's the goal of man's life?" "How prosperity is gained?" "Sovereignty stems from what?" "Whom should we obey?") Answering the questions would be possible in another time and context, other than the present one.

In conclusion, it should be said that in a religious democratic system, leader should have the intended features and superiorities in the beginning and at time of election to the post, as possessing them in the whole period of assuming the post and power. In another words, a leader should keep holding the merits and features exactly at time of election to the post and while holding it. In the fourth part of this article, it will



be shown how the Experts Assembly supervises and has necessary control over continued holding of the features by a leader.

## **Part II: Methods of deciding a leader in religious democratic system**

### **Vs. western democracy**

In this section we are going to draw a comparison between religious democratic (Islamic Republic) system and western democratic systems in terms of methods of deciding and choosing the highest government authority so as to make it clear which of the two political systems provide more precise, wiser and more logical mechanisms to elect a person for the top of the power pyramid. This section goes on with the claim that in the religious democratic (Islamic Republic) system there has been extreme amount of efforts to set up clear-cut institutions and mechanisms to ensure that the leader, possessing supreme extent of specifications and conditions, is found and named in a careful and rational as well as popular and democratic manner so as to minimize the possibility of any abuse, error, corruption and deviation from the post and responsibilities. But before surveying the methods, institutions and mechanisms, it is necessary to take a short glimpse at methods of deciding the highest government authority in a number of the western democratic systems. As said in the first part, specific age range, residence in the intended country for a specific period and holding the country's nationality are the most important conditions for an individual to turn candidate for the top government post in the western democratic societies. However, as for the person running candidacy for the post in such a democratic systems, s/he is either introduced as head of the executive branch by major and powerful parties, that hold majority of seats in the parliament, or personally signs up the candidacy list and then elected by the public directly in a one-phase or run-off elections (presidential system). In the first case, the president is usually holding the post as a show-down, lacking extensive executive authority and the prime minister elected by the parliament holds main executive power (parliamentary systems).

In the US, to win elections, the presidential candidate should get candidate by one of the two major and big parties (the Democrats or Republicans) and any person falling outside the two groups would in fact have no chance to be elected. The candidates of the said parties would have no chance to be elected. The candidates of the two parties too would be chosen and introduced by a convention comprising party representatives from different states. In this method, however, many undemocratic measures, including political ploys, economic dealings and exchange of many incentives, take place and

hefty financial investment and propaganda expenditures are spent to meet the goal. Particularly, since morals and ethics and even specialization have not so much role in the election and only economic profits and factional interests and profits of the parties supporting the candidate are import, the possibility of the disqualified or opportunist individuals' getting presidential post could not basically negated.

In France, the president gains his/her power from direct elections. S/he, who was initially elected as president for seven years by a 90,000-man election team based on the 1958 constitution, is now chosen to the post through direct public vote cast and after winning overwhelming majority of votes based on an amendment to the constitution, which was endorsed in 1962. Among conditions of the person taken as candidate for post in France are his/her introduction and confirmation by at least 100 French nationals, who are member of parliament of economic council or general city councils or elected mayors in at least 10 states of the main land of France or the overseas. If none of the candidates win overwhelming majority of votes in the first round, the elections would lead to run-off in which only two of the candidates, who in the first round managed to gain higher votes compared to other candidates, would be named as the presidential candidate in elections. Eventually, one of the two would be elected in the run-off as president of France through direct public votes. (*Madani, 1995, p. 103*)

In Japan, emperor is the highest government authority, gaining the post on inheritance basis with is position being a protocol one. While, Japan Prime Minister holds highest executive position, being head of state from the view point of the country's parliament, while is the highest government body. The Prime Minister is elected from among the parliament members (*Articles 1, 2, 41, and 67 of Japan Constitution*).

Based on the Russian Federation's constitution, Russian Federation's president is head of state (*Article 8*). He is elected by Russian Federation nationals for a period of four years based on equal, direct and secret public voting. Each of the Russian Federation nationals, having more than 35 years old, might be selected to the presidential post on condition that their permanent residence in Russia is not less than 10 years (*ibid, p. 220*).

So, as you see majority of the western democracies do not care too much which distinctive specifications and conditions the highest government authority should have; the method used for election of such a person is not much logical and precise as a result;

so, the opportunists and incompetent persons getting the highest position in the power pyramid is completely possible and worth taking into consideration.

Having provided the readers with instances of models and methods of deciding the highest government authorities in the western democracies, now it's time to deal with methods and mechanisms of determining a leader in the religious democratic system (the Islamic Republic system). Firstly, we are going to emphasize again that any individual who is going to take the important leadership position in such a system, that is the Islamic society, should be based on articles five and 101 of the Constitution – as said in the first section of this article – possess a series of lofty specifications and conditions; so the pious people in the Islamic community would have the duty both legally and religiously to identify and determine the qualified person through special mechanisms that would guarantee maximum amount of reliability. In other words, the conditions that the legislator envisions for leadership in the Islamic society are general and broad in kind during the time of the last Imam's occultation and only people would have the duty to decide and identify the person possessing such characteristics. The methods used to check the qualifications should be reliable and they should be fully consistent with democracy.<sup>43</sup>

In other words, religion has not set the conditions or specifications for leadership during the time of occultation, not assigning any specific person to the post; rather, all political systems more or less envision a series of qualifications for the person who would win the highest position atop the power pyramid. All societies consider a series of conditions for those elected for the post and that is not inconsistent with democracy.

Since finding the individual bearing the leadership specifications in a religious democratic system (Islamic Republic) is a specialized task, needing expert views, so in such a system a leader is set in two rounds: Firstly, people decide in a democratic and direct way the well-experienced experts with specific characteristics, setting hard conditions for them. The experts in turn would find a person having leadership qualifications. In fact, the top experts choose and determine the person qualified to be 'Velayat-e Faqih' (Guardianship of Supreme Jurisprudence). The superiority of the

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30- *In the religious democratic system there is real belief in the role and position of the public in the sovereignty. On this basis, absolute sovereignty over the universe and man belongs to God and that's God that has made man rule over his social fate. (Article 56 of Islamic Republic of Iran Constitution) So, from this standpoint, approach to people and their position in politics and government is not instrumental or superficial. So, the role and presence of people in religious democratic system is not a protocol, rather they have influential and decisive presence in tendencies and behavior of the political system.*

indirect method of deciding a leader by experts in the Islamic society over direct methods of choosing the highest government authority in the western democratic communities is very evident and visible. Obviously, the possibility of error in such a method is times low compared to the methods through which a leader, or president is decided through direct public vote. In this method, the thinkers who are experts and are elected after passing tough conditions are assigned by the public to undertake the grave responsibility of deciding a leader through their wisdom, information, specialization, faith and commitment.<sup>44</sup>

A very important point, which is highly necessary to be considered here and has unfortunately been taken less into consideration, is that in the religious democratic system (Islamic Republic) attaining the leadership position is not possible through running candidacy. This means that the person(s) are not turned candidate personally or by political parties and groups to gain such a leadership position; and people directly or indirectly choose a leader out of a group of candidates. The method (let's also include the characteristics and maximum number of qualifications supposed to be enjoyed by the leader and the process of finding the qualified individual by a group of experts and thinkers to the parameter) adds to the genuineness, precision and reliability of way a leader is decided in the religious democratic system. In the western democratic system the people running candidacy to attain the top position of the power pyramid are introduced or turned candidate by parties or groups; there is however the strong possibility that there would be among the individuals the group of opportunist and power mongers that step in the political and election scene to win power, wealth, position and the like for private or group gains. Since they are selected by ordinary people, there would always remain the possibility of victory of incompetent individuals and power mongers possibly through demagogue, propaganda, lies, deception, and money.

Hence, the process of election of a leader in the religious democratic system (Islamic Republic system) necessarily by a group of committed experts relieves the possibility of power mongers and opportunists attaining such a position, thus testifying the superiority of such a method over the alternative ones in which people or individuals

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31- Even some thinkers believe that based on Islamic regulations, the best way is to hold several-round elections for other officials too and anybody should vote and testify to a subject in which he /she has the specialization and profession; he/she should not comment on the issue not having competence and specialization and delegate the task willingly to the ones having such a profession. In that case, social interests would be met better and that would be more logical from every respect, being more consistent with religious regulations. Many facilities are required for the job, however; presently, the society too is not well prepared for it. (See Mesbah Yazdi, 1998; p. 52)

get candidate for top post of the power pyramid either personally or by political parties and wings.

On the other hand, the hard conditions and specifications that a leader should possess provide a very important guarantee that he would not get deviated. The care and toughness of the Assembly of Experts in spotting the qualified individuals prove the advantage of the method over other election systems that lean on propaganda, money and factional affiliation of a candidate.

It's worth mentioning that the Assembly of Experts is a fully independent specialized institution<sup>45</sup> that envisions tough conditions and qualifications for the persons getting its members. Article two of the law on elections and conditions of experts, passed on first of October 1980 (and was revised in July 1990), specifies conditions of an Experts Assembly member as follows:

- a. Known for his religious commitment, reliability and moral eligibility**
- b. Attaining highest religious position (Ijtihad) to the extent to well understand and digest certain jurisprudential issues, being able to identify the 'Vali Faqih' (Supreme Jurisprudent) having leadership qualifications.**
- c. Having political and social insight, being update of latest political issues**
- d. Believing in the Islamic Republic of Iran establishment**
- e. Not having any political or social black record**

The tough conditions the Experts Assembly experts supposed to enjoy remove the possibility of any wrong doing, deviation and mistake in the Assembly and in all the grave decisions made in the body. It's worth mentioning that for every one million population of the nation there is only one representative in the Assembly of Experts, elected for eight years through overwhelming majority of votes. The voting is clandestine and the members are elected directly by the public.

Since people are not well acquainted with and informed of the supreme jurisprudent qualified for the leadership job, so, the job is delegated to experts or the

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*5- Article 108 of the Constitution well proves the Experts Assembly independence of any personality of institution: "Since then, any interpretation and reconsideration of the law (the law on number and conditions of Experts Assembly members, the quality of their election and their meetings' directives and by-laws) and ratification of other regulations on the Assembly duties falls within their own jurisdiction.*



Experts Assembly members. Basically, it is highly difficult and even impossible for ordinary people to identify the qualified person for the leadership post. Consequently, under such a condition the pious and thinkers advise referring to the Experts Assembly members and experts to handle the problem. The Experts Assembly is a fully independent body, getting its power from people and public votes. It is not affiliated to any of the three branches of power, namely the Judiciary, the Executive and the Legislation powers. Neither does it depend on approvals of the Guardian Council or the Leader. It is not indebted to the either one and no power, even the leader, can interfere in its affairs. Based on Article 108 of the Constitution, the body acts fully independently in regulating, interpreting or revising the related laws and by-laws. In another word, the Guardian Council is not needed to take a final look into the Experts Assembly laws and by-laws. The laws are neither needed to get final approval of the leader. Contrary to the Experts Assembly laws, the Expediency Council laws should get the leadership's final approval (*Article 112*). Here, independence of the Experts Assembly in legislating related laws and its independence of any other institution, organ or official, even the leader, is evident (*Javadi Amoli, 1998, p. 1312*).

The Experts Assembly's duty to identify the leader and introduce him can be considered from "Expert's Testimony" standpoint. Due to their specialization and profession in fulfilling the vital and divisive task and due to ordinary people's lack of insight on the issue, the qualified person for leadership should be identified and introduced to the public by the experts. Any violation of the duty and responsibility would be synonymous to "Denial of Testimony", "Denial of the Right", "Distortion of the Right and portraying it as wrong", "Denial of Divine Verses", "Denial of Guidance" and "Denial of Divine Grace" as is harshly criticized by Holy Quran. (*Amid Zanjani; 2004, Volume one, p. 443*).

So, testimony of the expert for qualification of the leader is a religious and logical priority. So, based on Article 107 of the Islamic Republic of Iran Constitution determination of the leader rests with top experts elected by the public. Based on articles five and 109 of the Constitution, the Experts Assembly consult on all the clerics qualified for leadership post. They select the one who they find superior to others in terms of his qualification and high information on religious rules, jurisprudential subjects as well as political and social issues. The qualified person should also be popular and superior to others in terms of one of the features referred to in the constitutional article 109. Otherwise, the experts select one of the candidates and



introduce him as the leader. The leader elected by the Experts Assembly would have the right to issue orders and fulfill all the related responsibilities.

So, the Experts Assembly hold consultations after identifying and deciding a leader based on Articles five and 109 of the Constitution once identifying the qualified clerics. Then they choose the most qualified one for the job. Article 107 of the Constitution too mentions such conditions as “the most wise”, “popular”, “possessing special feature” as the qualifications of the candidate who would be selected by the Experts Assembly. “The most wise” one is not the one being fully informed of all the jurisprudential subjects and of latest political and social issues. The feature “popular” too does not mean the qualified person is superior and popular than others in terms of his morals, social influence, reputation, and intellect; to the extent that public have special interest in him. As for possessing “special feature” the author does not mean the qualified individual is superior to his mates and considered top by the Experts Assembly and society members in terms of one of the scientific, moral and political conditions expressed by Article 109 of the Constitution. (*Hashemi, 1999; volume II, pp. 58-59*) Since investigation and identification of the person qualified for the leadership post is a special profession that can be fulfilled through enough care and long-term studies on the candidates’ features, specifications and behaviors, the Experts Assembly has been charged with note 17 of Experts Assembly’s directive, passed in July 1983, to form a commission, comprising 15 of its members, to study and assess the qualified persons and the like for the leadership post so that he would be well prepared to take the job when necessary.<sup>46</sup>

The topic under discussion is whether the Experts Assembly chooses the qualified person for the leadership and the election gives him the legitimacy or the Assembly discovers the qualified person and his legitimacy is only because of his identification and introduction?

Based on the election theory, none of the jurisprudents are assigned to the ‘Velayat’<sup>47</sup> position by the infallible Imams, rather, clerics are introduced and turn candidates to undertake management of society due to their qualification. So, that’s

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6- Note (article) 17 of Experts Assembly by-law, dating July 17, 1983, says: “To get the Experts Assembly prepared to implement Article 197 of the Constitution and identify the boundaries and conditions of Article 109 of the Constitution, a commission, comprising 15 deputies, convenes to conduct research on all related issues and investigate all the leadership candidates so that the Experts Assembly would take them into consideration finally.

<sup>47</sup> - Guardianship of jurisprudent; sainthood; vicegerency; spiritual office of an Imam; devotion of Holy Imams; the esoteric function of interpreting the inner mysteries of the Holy Quran and Shari’ah

people themselves that firstly, possess sovereignty and 'Velayat' (guardianship) and secondly, delegate sovereignty and Velayat directly or indirectly through selection of one of the clerics for the post. While based on the appointment theory, that is the theory the current article discusses, the Experts Assembly have the role of an expert here. In another word, they undertake the duty of identifying, discovering and introducing the leader and in fact testify competency and merit of a qualified cleric whose features are mentioned by faithful Imams to lead Islamic Ummah. So, they only identify and discover his Velayat and legitimacy and then introduce him to the public.

Hence, based on the election theory, the Experts Assembly has an intermediary role; this means that by electing a leader, they (Experts) delegate the affair (giving legitimacy), that is entrusted to the Experts Assembly by the public, to him and in fact they have the mission to direct and offer the legitimacy (to the leader) already put at their disposal by the public. But based on the appointment theory, election of 'Valie Faqih' as the leader by the Experts Assembly and public obedience to such a leader bring his legitimacy and Velayat to the approved from the approved stage, thus translating the goal into action. Take for instance a person having medical profession and specialization; he is naturally qualified as a physician no matter the public refers to him. But if the public refer to him as patients, his medical profession is materialized; this does not mean that public reference to him has made him a physician; nor does it mean that people have made him a physician. Even if the public do not refer to him, he is still a physician.

So, based on the theory of appointment, the infallible Imams consider all the qualified clerics as persons eligible for Velayat and running political and social affairs of Islamic society; generally, the Imams have appointed him to Velayat over Islamic Ummah in general. But since diversity of leadership would stir order of Islamic society, it is on the public to determine one of the qualified clerics. The cleric, who gets his Velayat (guardianship) from the public, can rule over the community of the pious. So, that's the people themselves who either directly or indirectly (through experts and Assembly of Experts) play a basic role in materialization of Velayat by the qualified cleric. They entrust government and Velayat that is a divine trust (as God Almighty has delegated it to his successor on Earth, i.e. man (*Article 56 of the Constitution*) given to one of the persons assigned to Velayat by infallible Imams. They in fact add the popularity to his legitimacy.

So, the Experts Assembly is not responsible to set the leader or grant the post to the qualified cleric. Rather, based on the theory of appointment, such a post is set for the

most qualified cleric, being granted to the legal entity and not real entity (not to him rather than to his fairness and his being a cleric) of the cleric. Neither of the two affairs, i.e. setting the post and its granting, is among authorities or duties or the Experts Assembly. Rather, it has only the duty to identify materialization of the conditions in the jurisprudent and commenting as an expert on the issue. That's discovery of existence of collection of the qualification in a special person (*Javadi Amoli, ibid, p. 14*).

Sense and logic rule us to admit that method of leadership election in the religious democratic (Islamic Republic) system is one of the most careful and most reliable methods with times less possibility of error and deviation. So, in the religious democratic system, the people, who have welcomed general sovereignty of religion over all affairs and follow its fundamentals and regulations on establishment of government and conditions of its rulers, would consciously and freely and in a democratic way have the most wise and committed experts and pious people to identify a person as the one taking the highest post in the religious system, thus raising the percentage of observation of rules and regulations in the society. The experts would thus exercise maximum care and conduct all-out study to find a fair, pious and religiously committed as well as efficient, courageous and politically wise individual for the vital post. So, it can be claimed that election of the Experts Assembly members by the public is both rational and religious (as far as reference to the expert and the wisest individuals for consultation and testimony is concerned), resulting in people's having a role in political and social affairs and deciding leader of the Islamic community. This would eventually result in growing public participation and promotion of the fundamentals of religious democracy.

### **Responding to “Doubt Cycle” in leadership selection in Islamic Republic of Iran**

Defining the “Doubt”: One of the questions and doubts that are generally raised on selection of a leader in the religious democratic (Islamic Republic) system result in the “Doubt Cycle”; there are doubts on the method used for selection of the leader in the Islamic Republic system, resulting in a philosophic cycle. Based on the argument, since any cycle is doomed to annulment, the method of leadership election in the Islamic Republic too is on a wrong basis.<sup>48</sup> Supporters of the idea claim since Guardian Council

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7. Dr. Seyed Mohammad Hashemi in page 57 of the second volume of his book, entitled “Basic Rights of the Islamic Republic of Iran”, calls identification of scientific competence of candidates running for

clerics are elected by the leader directly and approval of the competency of the Experts Assembly candidates rests with the Guardian Council clerics, and since the Experts Assembly, whose competency is approved by the clerics already, have the duty to identify and set the leader, so a philosophical cycle takes place, which should be annulled; therefore, the result too would be annulled.

**Answer to the Doubt:** Let's answer to the "Doubt Cycle" from several standpoints:

1. Basically, "philosophical cycle" means mutual dependence of existence of two things on each other. In another word, if existence of A depends on existence of B and existence of B depends of existence of A, there would come about a philosophical cycle. That's not our case. Let's say existence of something does not depend on existence of something else. Hence, existence of leader does not depend on existence of the Guardian Council; neither does existence of the Guardian council depend on existence of the leader or existence of the Guardian Council and the Experts Assembly on existence of something else. So, interpreting the issue as "philosophical cycle" is basically wrong.

2. What the doubt holds in questioning authenticity of the method of approval of the qualification of the Experts Assembly candidates by an authority, called "Guardian Council", is prevalent and ordinary in all political systems and societies. There is an authority in all election systems to investigate competency of candidates, especially those turning candidate for membership in an association of an expert and professional panel. Nowhere on earth, you can find a person allowed to be put in the candidates list automatically merely because he believes is qualified to be member of the professional gathering. Rather, an expert authority firstly investigates the applications and studies

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*the Experts Assembly membership by the Guardian Council jurisprudents a "philosophical cycle." In the second footnote of the same page, he defines "philosophical cycle" as "End of something to something"! Then he claims that the philosophical cycle falling under note 2 and by-note 2 of the law on election and qualifications of the Experts Assembly members, which says those, whose Ijtihad is implicitly or explicitly welcomed by the revolution leader are not needed to undergo investigation by the Guardian Council jurisprudents in terms of their scientific knowledge.*

most immediate qualifications and then allows him to get candidate. Can everybody turn candidate for the Medical Organization or Panel of Lawyers just because of “being a physician” or “holding the lawyer license” and without undergoing early investigations and get introduced to the public? Isn’t it a kind of treason to the public trust? Shouldn’t a group of experts investigate the proofs and evidence on abilities and information of the people? Doesn’t early investigation of the people’s claims and proofs mean their election by an investigation body?

Consequently, investigation of evidences, proofs and claims of those, volunteering Experts Assembly membership, by the Guardian Council is first of all customary in other communities worldwide and secondly, does not mean their final election as the Experts Assembly members. Thirdly, those are people who would eventually elect the trusted individuals as the Experts Assembly members directly and in a democratic way. So, even if accepting the doubt as “philosophical cycle”, the cycle would be cut in relation among the Guardian Council clerics and approval of competency of the candidates of Experts Assembly membership.

3. The Guardian Council clerics are six clerics who are fair and well informed of the latest daily issues, being elected by the leader (*Article 91*). The existence and materialization of jurisprudential conditions and such features as fairness and information on latest daily issues in the clerics provide reliable guarantee, well rejecting the doubt arising over confirmation or rejection of competency of the Experts Assembly members on factional and partisan tendencies or worldly interests.

4. The Experts Assembly is a fully independent Assembly and credit and legitimacy of its members as well as credit and legitimacy of the foundation of the Assembly do not at all depend on approval, endorsement and confirmation of the leader. If competency of those, volunteering membership of the Assembly, should be approved by the Guardian Council that’s because of a law devised and passed by the Assembly itself and not in accordance with the Constitution. So, that’s a right that the Experts



Assembly itself reserves for the Guardian Council as an independent Assembly. Article 108 of the Constitution well demonstrates full independence of the Experts Assembly of all other institutions and branches of power; it is even independent of the leader. Experts Assembly is also fully separated and independent of the Guardian Council; Guardian Council cannot dissolve it or force it not to dismiss the leader. Even the leader, who is the highest authority in the Islamic Republic, cannot dissolve the Experts Assembly.

5. The heavy conditions and qualifications envisaged for the leader and the precise and complicated mechanism forecast for his determination negates to a large extent the doubt that he elects the Guardian Council clerics based on his personal and private interests. This would minimize the possibility of his corruption and deviation too. Let's re-consider the fact that leadership is not a post in the religious democratic (Islamic Republic) system to be won through candidacy and election from among the group of candidates, that among whom there might be power seekers and opportunists. So to remove such a possibility, the Experts Assembly gets the mission to find and identify the qualified person for the leadership post. Principally, those struggling to get the post are discarded since the beginning. So, it can be said that method of leadership election in the religious democratic (Islamic Republic) system is times more reliable and reliable than the method used in other systems for election of the highest government authority.

6. Being member and representative of the Experts Assembly does not garner any social or political position and post for anybody. Neither does the membership provide any a job for the person. The Experts Assembly members do not receive any salary or financial advantage for membership in the Assembly. The Assembly only puts a heavy duty on shoulders of its members. So the Assembly does not provide any position, post and wealth for its members. Even in case of dismissing the leader the Experts Assembly is not dissolved and its members are not laid off. The Assembly members are the wise



and committed 'Mujtahids'<sup>49</sup> and religious people who have undertaken a heavy legal and religious responsibility to elect a leader and supervise his conduct. The Experts Assembly is also duty bound both legally and religiously to monitor leadership behavior and qualifications (*Article 111*). Thus, being a member does not reserve an executive or managerial post or economic profit and position for any individual; rather, the Assembly puts a heavy burden on its members' shoulders to elect the leader and supervise his performance and conduct; so, the possibility of the Assembly's having a series of reservations before the leader to keep their post and position or income is totally negated regarding the members' moral and ideological position.

7. Even if accepting the "Doubt Cycle" with leniency and generosity and welcome the idea, one cannot conclude that the Guardian Council clerics would always and necessarily act in line with interests and wishes of the leader only because he elects them. Neither can one conclude that since the Guardian Council is responsible for approving qualification of the Experts Assembly membership candidates, the Assembly members would always serve demands and policies of the Council. It would not also be wise to conclude that since the course begins with the leader, the Experts Assembly would follow his orders and directives completely, turning a blind eye to his deviations. The conclusion is not at all logical, being in full contrast with the structural hierarchy of all the human societies and organizations. Admitting the conclusion, we should believe that all the low ranks of human structures, organizations and gatherings should be always submissive and obedient to the high ranks, following their demands and serving their interests and tendencies. You cannot expect the lower ranking managers or low ranking executive officials definitely and necessarily please interests and demands of the higher ranking officials and keep silent towards their deviations and not to enforce law in their case just because they are in the higher ranks. All over the world, the legal system and structural hierarchy is up-down with nobody raising the doubt that the higher

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<sup>49</sup> - *Top religious Alims; authority on divine law; Shi'it legist*

ranks are exempted of observing laws and regulations, supervision and punishment just because of the hierarchical system.

All over the world presidents choose the cabinet as the ministers decide the lower ranking managers. So, the lower ranking individuals cannot ignore law and regulations in the case of the higher ranking officials. All over the world there is a traffic police in charge of punishing the president in case of violation. A minister might be imprisoned for any abuse and a minor police officer can be in charge of looking after him in the prison, not letting him flee. All over the world the taxation officers and low ranking employees of the taxation office can levy taxes on the higher ranking officials, forcing them to pay the taxes. In the US, the Supreme Court head is assigned by the president as he could try the president. Based on Article 107 of the Constitution, in the Islamic Republic, the leader, as the highest official of the country, is equal with other country citizens before the law. Based on Article 142 of the Constitution, the Judiciary Chief, as the once assigned by the leader, is legally responsible to monitor the leader's properties and assets.

8. Moreover, the Guardian Council clerics would be the Council members for six years, while the Experts Assembly members can be the Assembly members for a period of eight years each term. So, the beginning and end points of the two institutions never overlap. In another word, when the Experts Assembly legally comes into existence and gets inaugurated officially, the Guardian Council clerics might change; as the new comers do not play any role in approval of qualification of the Experts Assembly members. On the other hand, the Experts Assembly membership term might end while the leader and the Guardian Council are still there. The next Experts Assembly too would convene with new composition. In that case, the newly established Experts Assembly would not play any role in determination of the current leader and his identification as the leader; it would however have the duty to supervise the leader.

9. Given the above, let's emphasize the point that since establishment of the Islamic Republic there have been two leaders. No "Cycle" has been observed in either of the two cases. The so-called "Cycle" never took place in identification and determination of the religious democratic system's incoming leaders, namely:

**a. The late Imam Khomeini:** All know well that the late Imam Khomeini stood at leader of the Islamic Republic's democratic system following Islamic Revolution and public support <sup>50</sup> and basically, no Experts Assembly existed that time to decide the divine leader as leader of the Islamic Republic establishment. The far-sighted and wise Imam was the main architect and innovator of an institution such as the Experts Assembly, with the duty to decide the leader and supervise his conduct. So, no Doubt Cycle would be logical in the case of the late Imam Khomeini's leadership at all and no such a Doubt does exist at all.

**b. Ayatollah Khamenei:** On June 4<sup>th</sup>, 1989, then Experts Assembly convened immediately after the late Imam Khomeini's demise to set Ayatollah Khamenei as the Islamic Republic of Iran's leader after a series of consultations and final investigations as the body was already well prepared to face such an event.<sup>51</sup>

Hence, the Experts Assembly elected Ayatollah Khamenei as the leader. Ayatollah Khamenei did not have any role either directly (through explicit or implicit approval of the qualification of those volunteering membership of the Assembly) or indirectly (through the Guardian Council clerics) in formation of the Assembly. In another word, the Experts Assembly and the Guardian Council did exist well before his determination as the leader. So, the Doubt Cycle is totally negated in connection with the current leader of the Islamic Republic establishment.

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<sup>50</sup> - It's worth mentioning that based on Article 107 of the Islamic Republic Constitution the method is only realized and accepted in the case of leadership of the late Imam Khomeini; after him, all the incoming leaders should be decided by the Experts Assembly.

<sup>51</sup> - As cited in the former pages,, based on note 17 of Experts Assembly by-law, the Assembly has the duty to launch necessary investigation on all persons qualified for the leadership position, being always well-prepared to find a successor for leadership.

c. On this basis, the new leader would be identified and decided by the Experts Assembly and the Guardian Council eventually any time the leadership change deemed necessary. Both the institutions (The Experts Assembly and the Guardian Council) do exist and officially operate practically and the new leader plays no role in approval of competency or appointing any of the two institutions' members. Hence, no Doubt Cycle would ever arise in the future in connection with determination of leader in the religious democratic system of the Islamic Republic.

### **PART III: Leadership authorities**

#### **in religious democratic system vs. western democracies**

The most important reason raised by those opposing the religious government and the 'Velayat-e Faqih' (Guardianship of Supreme Jurisprudent) is that the leader holds extensive authority in such a government. The extensive authority is synonymous to concentration of power in one individual as it contrasts the principle of power decentralization and division of power. Due to the same reason, we would try in this part to draw a comparison firstly between authorities of the highest government official in some western democracies with that of leader in the Islamic Republic. Then we would provide explanations on extent of leadership authority, specifically dealing with the word "Absolute" as far as the "Absolute Guardianship of Jurisprudent" is concerned.

Among authorities French Constitution envisions for the president, as the highest government authority, are appointment of the prime minister (*Article eight*), head of the cabinet (*Article nine*), demanding parliament to reconsider approvals relating to the article (*Article 10*), ordering referendum on many occasions (*Article 11*), dissolving national parliament (*Article 12*), appointing the state and military officials (*Article 13*), setting commander-in-chief of armed forces (*Article 15*), deciding head of high judges' council (*Article 65*), and appointing head of the constitutional council (*Article 56*). (*French Constitution, 1997*)

The US Constitution too foresees the following authorities for the president:

Determining Head of the Executive Power (*Note 2, clause 1*); Deciding commander in chief of armed forces; Suspending punishment; Giving amnesty and commuting penalties (*Note two, clause ii*); Offering guidelines and proposing policies to the Congress (*Note two, Clause III*); Dismissing and installing secretaries; Dismissing and installing head of the Central Intelligence Agency (CIA); and deciding Head of the Civil Aviation Organization, the FBI Chief, the Head of the Environment Protection Organization, Governor of the US Exports and Imports Bank, Governor of the US Federal Reserve, Head of the US Space Organization (NASA), Head of the Atomic Energy Commission, Head of the American States' Affaires Foundation, and Head of the Elections Commission (*Civil Law, ibid, p. 98*).

President in the Russian Federation has authorities times more extensive than the US and France. The following are some of the authorities:

Setting head of government, drawing highlights of domestic and foreign policies, coordinating affaires of all state organs, appointing head of government board of the Russian Federation, proposing dismissal and appointment of the Central Bank Governor, deciding Constitutional Court judges, determining Russian Federation's Supreme Court, introducing Russian Federation's chief justice, deciding head of the Russian Federation's Security Council, approving military doctrine of the Russian Federation, dismissing and installation the plenipotentiary representatives of Russian Federation's president, dismissing or installing top commanders of the armed forces of Russian Federation, dismissing or appointing diplomatic representatives of Russian Federation, announcing referendum, submitting bill to State Dumas, signing federal laws, being general commander of armed forces, announcing martial law in case of invasion on Russian Federation or its getting subject of direct threat, or announcing extraordinary condition in the federation, having the right to give amnesty to the convicts, issuing orders and directives, having immunity, dissolving State Dumas, etc. (*ibid, pp. 220-223*).

Article 110 of the Islamic Republic Constitution too in 11 points sets forth authorities and responsibilities of the leader. Investigating of the responsibilities would lead one to the conclusion that the leader in the religious democratic system has not an extraordinary authority compared to those in other political systems of the world. He has as series of authorities relatively similar to those of the highest government officials in the western democratic systems; he might on some occasions too have times fewer authorities than those of his mates elsewhere. For instance, some western systems might reserve the president or prime minister the right to dissolve the parliament; however, no such authority is forecast for the leader in the Islamic Republic Constitution. Moreover, based on the Islamic Republic's Constitution, the leader cannot directly dismiss the president (*Article 110, clause 10*). Even on some occasions when the leader is in charge of drawing up general policies of the system, he should fulfill the task through consultation with the Expediency Council. (*Article 110, Clause 1*). Also the leader should give amnesty or commute imprisonment term of prisoners within framework of Islamic regulations and after Judiciary Chief's proposal (*Article 110, Clause 11*). Besides all the afore-mentioned points, there are other restrictions and controlling mechanisms used in the Islamic Republic in connection with the leader which minimize to a large extent the possibility of his abusing his powers.<sup>52</sup>

Having drawn the comparison, it's worth mentioning two points: Firstly, as said earlier, the leader, who is a jurisprudent, does not have an authority in the religious democratic system broader than the authority of the highest government authority in the western democratic systems; rather, religious standards and regulations besides the law provide considerable restrictions for his conduct, behavior and authority. Secondly, there are some essential authorities that are required for any measure and policy adopted in any government. Let's say, to fulfill its duties and missions, i.e. to guarantee domestic and foreign security, administer justice and eradicate addiction and handle hundreds of

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10- Refer to Part IV of this article



other duties, a government should have enough authorities and tools so as to handle his duties. A weak government, lacking any facilities and necessary mechanisms without enough authority, would never be able to provide security, welfare, prosperity and peace for people in the society.

Now let's answer this question: If 'Velayat-e Faqih' (Guardianship of Jurisprudent) has no extensive authority, what does the adverb "Absolute" that is used beside it mean? Does "Absolute" mean something other than unconditional and despotism? To answer the question, we should say that unfortunately the wise enemies and unwise friends have suffered misunderstanding in explaining and interpreting the adverb "Absolute," which has resulted in the misconception of the adverb. In another word, "Absoluteness" of Velayat-e Faqih is by no means synonymous with absolute power or such a guardianship being unconditional. That's basically different with the so-called "Dictatorship" or "Despotic Government" expressions in politics. So, not only the jurisprudent (cleric) but also messengers and infallible Imams have the so-called absolute and unconditional guardianship and basically, God Almighty does not have any absolute guardianship in the said sense. Let's say, God acts and rules within framework of definite principles, regulations and standards. Hence, it has thus far become clear what "Absolute" does not mean.

Now let's say what the adverb "Absolute" mean? In answer we should say that the theory of "Absolute Guardianship" has been raised along with other theories on Velayat-e Faqih (Guardianship of Jurisprudent), based on which the jurisprudent has the authority restricted to limited cases, called daily affaires.<sup>53</sup>

In another word, some jurisprudents believe that the jurisprudent has only the right to act on daily affaires; while, a number of other jurisprudents, including the late Imam Khomeini, believe that jurisprudential authority covers all the government affairs

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<sup>53</sup>- *Those are the affairs which are urgent and get handled immediately; nobody is specifically in charge of the affaires in Islamic society. Taking care of the orphans and the insane; protecting the endowments and properties of those who are in occultation and the like are examples of such affairs.*

in the Islamic community. The latest group of jurists believe that to form and run a powerful Islamic government, a jurist, laying atop such a government, should have the same authority as top officials of other political systems have enough authority to run the Islamic community; let's say he should have the free hand. It should be said in reality that in that sense, all the world political systems and governments have absolute guardianship and the guardianship is not restricted to a religious government and jurists. Any government willing to fulfill its duties should have absolute guardianship in the sense just referred to. It does not mean that people are minors, insane or unwise; neither does it mean that people need a guardian. Existence of such a powerful government is necessary and wise anywhere to run community of human beings. It does not mean that people in any country are minor, insane or unwise. In another word, all communities, not being unwise, insane or minor, should identify and admit the need for existence and establishment of such a powerful government. So, "Absolute Guardianship of Jurist" is a theory raised with respect to the theory of "Restricted and Limited Guardianship of Jurist".

Now that the meaning of "Absolute Guardianship" has become clear and its fundamental difference with the flagrant and despotic governments has come to light, it should be re-emphasized that rule of Velayat-e Faqih is conditional; this means that it is not only not unconditional and flagrant but is also times more committed and conditional than other political systems. In another word, Velayat-e Faqih is type of government that is committed to the Constitution like other governments and it adheres to other solid frameworks such as religious regulations, the ideological bases, the religious and moral standards and safeguarding and observation of public interests. In Velayat-e Faqih system, all behaviors, decisions and policies of government and the rulers and even of the jurist himself are subjected to the religious and divine regulations and standards. So, if the jurist deviates from divine rules or the

disciplines being consistent with religious regulations, he would be dismissed from guardianship.<sup>54</sup>

Here, it would be wise to provide a quotation from founder of the Islamic Republic:

The Islamic government does not fall within category of any of the current governments. For instance, it is not a despotic government with head of state being despotic and willful, playing with properties and lives of the public and capture them in the way he likes, killing anyone he wishes, receiving tip from anybody he likes, giving land to any person he pleases and offering land of the nation to this or that person he likes. Holy Prophet of Islam and 'Commander of the Faithful' and other caliphs too did not have such an authority. Islamic government is neither despotic nor conditional. Of course by conditional we do not mean the current type of government which passes laws in conformity with wishes of persons and the majority. By conditional we mean the rulers being subjected to a series of conditions when ruling or executing affairs as specified in the Holy Quran and traditions of Holy Prophet of Islam (Peace Be Upon Him). The collection of conditions is the same Islamic rules and regulations which should be observed. So, Islamic government is the rule of divine law on the public. (*Imam Khomeini, 'Velayat-e Faqih', pp. 45-46*).

So, the rule of religious democracy with its leader being Velayat-e Faqih is in fact government of divine rules and the jurisprudent is the body in charge of executing religious regulations and standards. It originally uses the infallible household of the Prophet as Imam under emergency conditions; so, the jurisprudent is in fact the guardian and executor of divine rules in a religious community. In such a community, the pious have admitted rule of God and divine rules and religious democracy is nothing other than this. In the religious democratic system the law of God rules over people in the

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<sup>54</sup>- "You should not be scared of Velayat-e Faqih; the jurisprudent does not like to bully the public; any jurisprudent wishing to bully, would not be eligible to rule." (See *Imam Khomeini, 1999; vol. 10, p. 170*)

community and the system featured with rule of the public over the public (pure democracy), that uses merely human laws, is basically different. The authorities of Velayt-e Faqih in such a government are restricted to divine rules and God regulations, serving public interests. The jurisprudent would have no guardianship and authority when falling beyond the regulations.

Rule of Islam is the rule of law. In such a type of government, the sovereignty is restricted to God and the law is God's rule and order. The law of Islam or rule of God has complete rule over all people in Islamic government. All people, ranging from Holy Prophet of Islam (PBUH) to his caliphs and other people, would be submissive to law for ever; by the law we mean the one sent by God Almighty and expressed in Quran by Holy Prophet of Islam (*ibid*, p. 47).

#### **PART IV: Controlling and supervising the leader**

##### **in religious democratic system vs. western democracies**

Since being atop the power pyramid and having extensive authorities would always rise the possibility of power abuse, deviation and injustice, therefore, absolute majority of world political systems use a series of mechanisms to control rulers and monitor their function and performance.

In this section, we are going to draw a comparison between the methods and mechanisms of supervision and control of the highest government authority in the western democratic systems and the religious democratic system of the Islamic Republic. In this section, it is claimed that compared with the western democratic system, the Islamic Republic system uses the most precise and reliable methods and tools to control and supervise the leadership, employing the toughest methods in this connection to minimize the possibility of error on part of the leader.

The French Constitution has envisioned certain restrictions and relative controls over the president; the most important types of the restrictions are as follows:

Based on Article 12 of French Constitution, the president can dissolve two houses of parliaments after consultation with the prime minister and speakers of the parliaments. However, he would not have the power to dissolve the parliament when having extraordinary functions. (*Article 16*)

"When the institutions of the Republic, the independence of the nation, the integrity of its territory, or the fulfillment of its international commitments are under grave and immediate threat and when the proper functioning of the constitutional governmental authorities is interrupted, the President of the Republic takes the measures demanded by these circumstances after official consultation with the Prime Minister, the Presidents of the Assemblies, and the Constitutional Council."

Though based on Article 20 of the Constitution, government (Prime Minister and Ministers) are responsible before the parliament; the president's responsibility before the parliament has not been mentioned in the document, however. Yet there are other restrictions for the president, including declaring war after getting the parliament's approval. (*Article 35*)

Also A provision declared unconstitutional on the basis of article 61 may neither be promulgated nor implemented. (*Article 62*)

Finally, based on Article 68 of French Constitution, The President of the Republic cannot be removed from office during the term thereof on any grounds other than a breach of his duties patently incompatible with his continuing in office. Such removal from office is proclaimed by Parliament sitting as the High Court. The High Court is presided over by the President of the National Assembly. It gives its ruling as to the removal from office of the President, by secret ballot, within one month. Its ruling takes effect immediately.

Rulings given hereunder require a majority of two thirds of the members of the House involved or of the High Court. No proxy voting is allowed. Only votes in favor of the removal from office or the convening of the High Court are counted.

An organic law determines the conditions for the application hereof. Meanwhile, the US political system envisions minimum restrictions and controls for the president, though he has considerable authority and power.

The most important restrictions are as follows:

Based on Clause 2, Article 2, of the US Constitution (The Advice and Consent Clause), the President exercises its powers with the advice and consent of the Senate.

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties."

Moreover, based on Section 3, Clause two, of the Constitution, regarding Presidential responsibilities, he shall from time to time give to the Congress Information of the State of the Union and recommend to their Consideration such Measures.

The President of the United States gives an oath or affirmation, required by the United States Constitution, before he begins the execution of the office. The wording is specified in Article Two, Section One, Clause Eight:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Furthermore, the 22nd Amendment of the United States Constitution, dated February 26, 1951, sets a term limit for the President of the United States. The Clause 4 of Article 2 of the US Constitution says the President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.



Clause 1, Section 3, Article 3, of the US Constitution specifies cases of treason. "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court."

Moreover, to prevent any financial abuse by the president, the clause 7, Section 1, Article 2, of the Constitution says, the President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. It's worth mentioning that in the US there is congressional oversight, referring to the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation. Congress exercises this power largely through its congressional committee system. The oversight occurs in a wide variety of congressional activities and contexts. These include authorization, appropriations, investigative, and legislative hearings by standing committees; specialized investigations by select committees; and reviews and studies by congressional support agencies and staff.

In rare cases, the Congress invites some members of the Executive Authority to provide explanations to give testimony; the oversight is not confined to this level; it goes beyond dismissal, not touching the impeachment level.

In Russian Federation's Constitution too there are some legal restrictions for the president as follows:

Based on Article 81 of the Russian Constitution a person cannot be a president for more than two consecutive times. Moreover, article 90 of the constitution says orders of the Russian Federation's president should not counter the constitution of the Federation

and the federal laws. Moreover, as a further guarantee that the president will abide by his legal responsibilities, he should swear-in in the federal assembly this way:

“I swear that while fulfilling presidential duties of the Russian Federation, I will respect and defend human and citizenship rights and liberties, while observing the Constitution and defending it. I will safeguard the sovereignty, security and territorial integrity of the government, serving the public with loyalty.” (*Article 82 of the Russian Federation’s Constitution*)

Meanwhile, per article 91 of the Constitution the president of the Russian Federation would be immune. However, article 93 of Russian Constitution has foreseen the possibility of the president’s dismissal:

“President of the Russian Federation would be dismissed by the Federation Council only on charges raised by state Dumas against him, alleging him of betraying the government or committing a heavy crime on the Russian Constitution Court verdict and the Russian Federation Supreme Court ruling which set examples of the offense in the conduct of the president. The state Dumas decision regarding the charges and the Federation Council ruling for the president’s dismissal should be welcomed by two third of the total votes cast by representatives of two parliaments , being not less than one third of the votes offered by the State Dumas deputies. The voting would take place in case the Special State Dumas Commission issuing ruling per se.”<sup>55</sup>

Japan Constitution too envisions controlling and supervising as well as restricting the conducts of the highest government authorities. For instance, based on the Article 88, all properties of the emperor’s family belong to the government and all expenditures of the emperor’s court would be put in the budget by the parliaments.

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<sup>55</sup>- Of course, as said in the former part, based on Article 109 of Russian Constitution, the president can dissolve the State Dumas!

Of course, the emperor in Japan has a traditional and show post. In fact, the prime minister is atop the cabinet and ministers enjoy the highest executive duties. Per article 66 of the Japan Constitution, the cabinet comprises the prime minister as the head and other ministers determined by the law. The prime minister and other ministers should be civilian and handle joint executive responsibilities before the parliament.

Compared to the cabinet, the parliament, which is the highest state organ (*Article 41*) holds considerable responsibilities and duties, enjoying ample control levers. So, if the parliament gives vote of confidence to the cabinet or refuses to give vote of confidence, the cabinet would collectively resign, unless the parliament is dissolved within 10 days (*Article 69 of Japan's Constitution*).

Moreover, each of the parliaments can conduct a series of research on the government and call for presence and testimony of the witnesses and submission of necessary proofs and evidence if necessary (*Article 62*).

As said in this brief note, in majority of the western democratic systems, various methods and tools are used to restrict or control the authority of the highest government officials. On the whole, the methods and tools for the issue can be summarized into: Putting conduct and policies of the officials within framework of the Constitution; holding the officials responsible before the parliament or legislative assembly; informing the parliament of some of the officials' measures and policies before their enforcement; and informing the parliament of some of the officials' measures and policies before their implementation or informing the parliament of the reasons for adoption of the decision or the necessity of ratification of the policies by the parliament; and eventually the need for swearing-in of the president or prime minister to fulfill their duties or responsibilities.

As pointed in the third part of this article, usually in such political systems no emphasis is made on the highest government officials' enjoying certain moral features

and behaviors; they only suffice to the officials' not betraying and gaining majority of votes in testimony of their competency.

So, once the officials are elected and come into power, no control is made on their performance. For example, there will be no control on their fairness, piety and moral and ethical features as well as behaviors. Basically, no special mechanism has been foreseen and no special institution is assigned to supervise the individuals' performance and their continued observation of such features while holding the governmental post.

Having reviewed the methods and tools used in western democratic systems to control the highest government authorities, it's necessary to outline mechanisms and levers to control a leader in the religious democratic systems. Before anything, let's stress the point that the core difference between the religious democratic system and the western democratic system is God becoming the axis rather than human becoming the axis as is customary in the western governments. On the same basis, the Islamic Republic is a system based on belief in the One God (as stated in the phrase "There is no god except Allah"), His exclusive sovereignty and the right to legislate, and the necessity of submission to His commands (*Point two of Article 2 of the Islamic Republic of Iran Constitution*).

Hence, in a society where the pious constitute majority of its citizens and favor implementation of religious disciplines and beliefs in their community and establish a religious government there, the religious democracy in fact prevails. The pious in such a society act in a fully democratic way and within religious regulations to find and install a qualified person, who would possess powerful internal control tools<sup>56</sup> working with

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<sup>56</sup> *Let's re-emphasize here that in the religious democratic system there are efforts to exercise maximum care and use reliable methods and mechanisms to find through the Experts Assembly and experts somebody qualified for the leadership post; the person should be pious, fair, having other morals and virtues and in fact tools for powerful internal control and superb spiritual virtues so as to minimize to a large extent the possibility of error, deviation and power abuse by him. In the next phase, institutional and legal mechanisms are devised for external control of the leader. This is while no other political system worldwide exercise such a care and precision on qualifications and morals of the highest government authority, using internal control factors for those serving the position.*

reliable mechanisms. The pious then use proper methods for supervision and external control of the person just referred to. Now, it's necessary to brief the readers on the role and position of people in the religious democratic system:

### **The Role and Position of the Public in Control and Supervision of Religious Democratic System**

Undeniably, people serve as basic elements in approval or rejection of the principles and fundamentals of a religious government. In another word, as long as the pious do not hold the majority in a society and do not favor establishment of a religious government, no such a government would emerge. So, those are the pious, who make it possible for a religious government to be approved and call for establishment and formation of such a system. So, if the pious do not hold the majority in a society and do not call for establishment of a religious government in case of being in majority, no such government would appear. Those are the pious who pave the ground for materialization of a religious government system and welcome its rules, regulations and type of the government. Undoubtedly, when people choose the type, form and nature of their favorite government, they will also welcome its rules and principles. If people select a democratic system, they should naturally be loyal to its basics that are equality of the public, majority having the first say, removal of the racial and ethnic discrimination, voting, elections and public participation and the like. Thus, the pious, who call for establishment of a religious democratic system, in fact accept the basics of such a government, including placement of a fair and pious jurisprudent atop such a government, rule of divine rules and the need for public demands falling within framework of the religious and divine rules. The religious democratic system will not be vice-versa. Now, if the pious are mistaken or are unwise -- as so believe a group of people, holding the minority in the religious society, or the group of people, living in other communities with different ideology – the religious democracy in such a society cannot be questioned and negated merely based on such a claim. Aren't believes in a

“non-religious” democracy and opposition to religious democratic system contradictory? Can people, groups or societies believe in specific sort and type of democracy based on their own models and styles; for instance, can they summarize it into secularism and Laicite (Atheistic), while negating other contents, including its religious nature?

Establishment of the kind of religious democratic systems in conformity with divine rules is as justified as establishment of a non-religious democratic system by certain groups of people. On this basis, people in a religious democratic system have extensive roles and authorities within framework of religion and democracy. While having the right to accept or reject the religious democratic system, they are entitled to decide leaders and rules through precise mechanisms and distinguished religious criteria as well as democratic methods.<sup>57</sup> There are yet other important points regarding external supervision and control of the leadership in a religious democratic system as follows:

## **2. People’s enjoining the rulers to good and prohibiting them from the vice**

Based on an Islamic principle and based on the Article 8 of the Islamic Republic Constitution, enjoining to good and prohibiting from the vice is a public duty as well as the duty of government towards people and people towards the government.

Hence, both religion and related laws as well as Constitution have kept the way open for public supervision over government and the rulers as well as preparation of necessary facilities for the benevolent pious’ voice being heard by the people enjoining to good and prohibiting from the vice. So, in a religious democratic system the pious people have the responsibility before any official and legal supervisory organ to do so, having the duty to react to likely offenses and violations by the rulers and government officials, rectifying and stopping any abuse and deviation in the early stages through

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<sup>57</sup> - Such as determination of the leader by the public indirectly, using a panel of experts and thinkers, working within framework of the Experts Assembly; election of president directly by the public; election of members of the Islamic Consultative Assembly; election of the Experts Assembly deputies; and election of councils’ members through direct public votes; determination of mayors indirectly and election of their own representatives in the city councils by the people.



advice. Evidently, such a public supervision lacks any official status and concept, right and institutionalization. Naturally, no guarantee can be provided for its observation. At any rate, that's a religious duty to be fulfilled by all the pious.

### **3. The right to supervise and control a leader with the possibility to question him through pre-arranged legal mechanisms**

As in the religious democratic system (*Islamic Republic system*) the leadership is decided by panel of experts and specialists just to win others' extreme trust; the experts have also the right to monitor and control the leader and handle the affair through the Experts Assembly. So, the Experts Assembly mission does not come to an end after deciding a qualified person for the leadership post. The Assembly then starts to fulfill its other grave mission and responsibility, that is supervising and controlling the leader (*Article 111*).

There may be claims that there is no problem with monitoring and controlling a leader in the religious democratic system regarding his outstanding features and heavy duty as well as his installation through a precise mechanism by a group of experts; it is claimed that monitoring and controlling the leadership would be even in contrast with his sacredness.

In response it should be said that despite all the claims, there is no religious problem with further supervision over the leader, while respecting his position. Rather, such a problem would bring about further public and social confidence in him and his standpoint as well as the grave and sensitive leadership position. Of course, it should be added that the "sacredness" has in fact something to do with the leadership post and standpoint not the leader himself. In other words, such a position should be respected; a way to safeguard sacredness of such a position and post is to have careful supervision and control over the conduct and performance of the person taking the position.

In support of the claim it should be said that when deciding between the leader and the need to safeguard his position and sacredness, the priority would be with safeguarding the sacred position of the leader. So, basically the lofty leadership position is not in negation of controlling and supervising a leader. Rather, the sensitivity and sacredness of such a position prompts us to have further control and care over any corruption and deviation, using more careful mechanisms for controlling and safeguarding it.

The author of these lines believes that the Constitution envisaged monitoring the leader under special conditions. The Constitution officially recognizes the public right to enjoin the leader to good and prohibit him from the vice; the public supervision over the leader, however, would not bring under question the need for having official and legal institutions to supervise the government and the rulers. So, majority of governments have assigned a number of organs institutions with the task of institutional supervision over the highest government authority, officially recognizing it. So, in the religious democratic system of the Islamic Republic of Iran there is a body, called Experts Assembly, being authorized based on the Constitution Principle 111 to identify the possibility of dismissing a leader (on reasons such as his inability to fulfill his legal duties, his lacking one of the conditions envisaged in articles five and 109 of the Constitution regarding the leader or getting realized that he had originally and basically not possessing some of the required qualifications); evidently, it would not be possible to come to such a conclusion unless through having expertise and constant supervision over conditions, characteristics and behavior of the leader.

Consequently, the duty of controlling characteristics and conditions of a leader and his conduct has been delegated to a specialized institution, called the Experts Assembly. Therefore, leadership in the religious democratic system is not a long-term position, set for a specific period of time. However, undoubtedly, the person holding the job should have certain characteristics and conditions, which would make him immune of events.

The Experts Assembly members are not immune to any mistake in checking the leader; they may come across with complicated problems in passage of time and they may even make a contrary decision. The Experts Assembly would have the duty to examine and check the leader carefully. The Article 111 of the Constitution proves the claim (*See Javadi Amoli, pp. 16-17*). On the issue, Ayatollah Javadi Amoli says: 1. The one taking the leadership position should possess the characteristics and conditions, envisaged by the Constitution, both upon getting the post and while serving it. The duty of checking the leader's possession of the features is not restricted to the time he gets the post, rather throughout his leadership mission. 2. The Experts Assembly's duty to find and verify possible disqualification of the leader is not restricted to the time he gets the position, rather he is checked throughout his leadership mission. The Assembly would be much careful in checking existence of the features and conditions in the leader. 3. In case of coming to the conclusion that the leader is not what was expected and if the leader is found to gradually missing one or some of the conditions, so the leader would no longer be the leader. The Experts Assembly would thus have the duty to reject the former leader and introduce the right and qualified leader. (*ibid, p. 17*)

So, the Experts Assembly would not only have the duty on behalf of the public to check the fading or lack of some of features and conditions of the leader, but would also have the responsibility to constantly look for other persons being qualified for the leadership post. In case of finding a person more qualified (in terms of characteristics and features) than the present leader, the Experts Assembly would replace the current leader with the new one. On the issue, Ayatollah Javadi Amoli writes:

“As far as the leadership conditions and features are concerned-- as cited above, it should be said that sometimes, negative changes appear in the jurisprudent distinguished to be qualified for the leadership job. The cleric might undergo natural changes such as aging and illness and experience unpredicted bitter events, thus no longer having the leadership features and conditions. There are yet times when the leader experiences

positive conditions and changes, getting an equal position with his counterparts. There are however certain times when one of the jurisprudents, lying in an equal position with the leader, gets superior to his mate scientifically or gets more popular. Had such a thing been proved upon deciding a leader, the person, having the said qualifications, would have been introduced to people. The positive changes seen in the other jurisprudent, prompt the Experts Assembly to shift their focus to him to name him as the leader. So it becomes clear that though leadership is not something being time sensitive, the conditions and characteristics envisaged for a leader such as 'Marja'iat'<sup>58</sup> is something changed as a result of natural or historical developments. So, that's not something predictable shortly or in a long period of time." (*ibid*, pp. 17-18)

Thus far it is clear that the prerequisite for a leader to continue his job is his possessing leadership features and conditions such as jurisprudence, 'Ijtihad' (*being in a standpoint to issue decree*), justice, piety, courage, management and wisdom. The authority in charge of distinguishing the existence or fading of the characteristics is the Experts Assembly from the standpoint of the Constitution. Now let's see how the Assembly fulfils its grave duty and mission. The first Expert Assembly elected through a clandestine voting a fact-finding team of seven members per a 20-point approval in 1983 to serve for a period of two years. The team was to undertake some of the duties of the Experts Assembly envisioned in Article 111 of the Constitution. (*Point 1 of the approval of the First Experts Assembly; 1983*) The team members were to freely and with ease of mind get engaged in the executive and judicial posts, assigned by the leader. They were not to be among relatives of the leader (*ibid; note 25; Article one*). They would have the duty to get necessary information on Article 111 and within boundaries of legal laws and regulations. They were also to verify the reports on the research (*ibid, note three*). They were to call for holding extraordinary Experts Assembly session through the Presiding Body if necessary (*ibid; note 47*). The panel had the duty to supervise the administrative

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<sup>58</sup> - Authority; the state of religious authority

establishments of the leadership in coordination with the leader and help prevent any interference in the affairs of the establishments (*ibid*, note 19). Hence, the Experts Assembly supervision over the leadership is in fact supervision over existence of the conditions and specifications of the leader through the information provided by the fact-finding team about his characteristics, specifications and function.<sup>59</sup>

Besides Experts Assembly's control over qualifications and conditions of the leader through a set of pre-determined mechanisms and arrangements, there are yet other sorts of control and restrictions over the leader, including certain legal mechanisms of control, envisioned by the Constitution, which also concerns both the leader and the institutions under his supervision. An instance of such a control is the one pointed to in the Article 107 of the Constitution, which also stresses equality of the leader with other citizens of the country before the law. Hence, a real entity such as the leader has no superiority and special advantage over other members of the nation. Also, Article 142 of the Constitution refers to financial control of the real entity called the leader. The Judiciary Chief is in charge of controlling the assets of the leader and of a number of other top government officials, their wives and children both before and after undertaking their post so that the assets would not increase illogically.<sup>60</sup>

Also, based on Article 76 of the Constitution, Majlis (*parliament*) would have the right to probe into all country's affaires, including the affairs of institutions working under supervision of the leader.

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<sup>59</sup>- Of course, based on note 10 of the said approval, the leader can comment on Article 111 of the Constitution in the Experts Assembly in any way he wishes.

<sup>60</sup> - As said earlier, Articles 107 and 142 of the Constitution emphasize legal entity of the jurisprudent; this can be well understood through careful investigation of Article 45 of the Constitution, coming to the conclusion that a distinction should be made between the real and legal entities of the leader because naturally, the jurisprudent would due to his legal entity and once being set as the leader would have the authorization to own the properties and wealth referred to in the Article 45 of the Constitution as long as he is in the leadership post. This way he would be eligible to manage and use the properties alike public interests.

Among other controlling mechanisms and levers, envisioned for the leader by the Constitution, are the consultative institutions working for him. The leader is constitutionally obliged to consult with the institutions under certain conditions. So, in the religious democratic system, the leader does need to consult with thinkers and experts. He has to adhere to the religious and Quranic and yet rational principle on many occasions. Based on Article 112 of the Constitution, the Expediency Council is an institution that is established to consult with the leader on the affairs requested by him. Also, based on Article 177 of the Constitution, amendment to the Constitution would be proposed after the leader's consultation with the Expediency Council. Furthermore, based on the clause one of Article 110 of the Constitution, the leader devises general policies of the Islamic Republic establishment after consultation with the Expediency Council.

### **3. Possibility for dismissal and ouster of leader in religious democratic system**

In the religious democratic system leader should possess specific characteristics and conditions; alike other human beings the leader too might get ill and old or be subjected to the fading of sense and loss of necessary qualifications and features; despite all the precautions, the leader might get inclined to power, abuse, corruption and deviation from divine rules and legal regulations. So, under such conditions, the system envisions dismissal of the leader through special mechanisms. Hence, the system cannot turn a blind eye to loss of necessary qualifications in the leader or his violation of divine and legal regulations just because it is Islamic or democratic or because the leader is so sacred and of high value. The system would not avoid adopting certain measures under such occasions.

So, in case it becomes clear through special mechanisms that the religious government or rulers in the religious society have violated religious and legal yardsticks, the people would reserve the right to oppose them and resort to special methods and institutions to dismiss it or them.



The public obedience would neither be legal or religious under such conditions; neither it would be wise. Basically, campaign against injustice, deviation and tyranny is one of the fundamental specifications of Islam and Shi'ism. Holy Quran has in many of its verses stressed campaign against tyrants and refusal to obey them. The traditions of Islamic leaders, including Holy Prophet of Islam and of infallible Imams and religious dignitaries, have always emphasized urgency of the issue. Having assigned Abdullah Ibn Abbas<sup>61</sup> during Jamal War, "Commander of the Faithful", Hazrat Ali (AS), told the local people: "O people! I call Abdullah Bin Abbas as my successor; listen to him and obey him as long as he follows orders of God and of Messenger of God. If one is found among you to take precedence or gets deviated, you should know that I will dismiss him" (*quotes Alikhani, 1998; p. 156*)

So, Article 111 of the Islamic Republic of Iran's Constitution has envisioned leadership dismissal under three conditions: 1. His inability to fulfill his legal duties 2. His losing one of three conditions specified in articles five and 109 of the Constitution 3. When it becomes clear that he had originally lacking some of the conditions. Then Article 111 introduces the Experts Assembly as the body in charge of distinguishing the three conditions. On this basis, several points can be mentioned concerning the Article: 1. The authority in charge of distinguishing the points should be exclusively the experts and specialists being members of the Experts Assembly.

2. The exclusive and specialized duty of the Assembly prompts the members to distinguish and inform others of the three cases through their expert studies and report of the fact-finding team long before the public come to the conclusion. That's because the Experts Assembly is the body most immediately having the duty to distinguish and announce the three violation cases. The Experts Assembly is mainly in charge of checking existence, continuation or fading of the conditions in the leader. Both existence and remaining of the leadership characteristics should be checked by the Experts

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<sup>61</sup> - Prophet Mohammad's paternal uncle's son (*cuisine*)

Assembly and the Experts Assembly should confirm those. Thirdly, the legal criterion for dismissal of the leader by the Experts Assembly is judgment and testimony of a group of top religious experts. The experts' testimony of the leader's qualification and disqualification is reliable and accepted (*Amid Zanjani, ibid, p. 258*).

Fourthly, as the Experts Assembly had the duty to check, identify and name the qualified individual for the leadership post, it has also the duty to distinguish the period the leader loses the qualifications and competency, thus calling for his dismissal. Thus, the Experts Assembly is not the body in charge of dismissing a leader, rather it has only the responsibility to see the person named for the post had originally had the features and necessary qualifications, to check whether the qualifications do exist or he loses some of them while serving the post. So, the Assembly only identifies the time he should be dismissed from the post and informs others of the issue.

To the end of this section, let's emphasize the point that in the religious democratic system, while envisaging powerful tools for internal control of the leader, the people should get involved directly or indirectly in precise external control of the leader, his characteristics and conduct either directly or indirectly and through careful mechanisms and levers such as the Experts Assembly supervision.

The public would hence take action for leadership dismissal through pre-determined methods and mechanisms. A comparison between the religious democratic system and that of the western democracies in this respect would reveal the superiority of the methods and mechanisms for control and supervision over the leader in the religious democratic system.

## Conclusion

The leadership subject in the religious democratic system is one of the main axes of its difference with the western democratic systems. Basically, religious leadership or 'Velayat-e Faqih' is the basic pillar and axis of the religious democratic system. That's why majority of criticisms, doubts and attacks of the opponents are targeted to the leadership in such a system.

Hence, the article at hand draws a brief comparison between the religious democratic system and the western democratic system in terms of four pivotal issues concerning leadership (the characteristics and conditions of the leader, methods of deciding the leader, authorities of the leader and methods of controlling and supervising him). It is indicated that in all the categories, the religious democratic system is superior to other political systems worldwide in many ways: Firstly, it carefully and precisely deals with features and conditions of the leader. Secondly, methods of deciding a leader in the religious democratic systems are times firmer, more reliable and trustable compared to other political systems as a comparative study with the western democratic systems shows. This is especially true when falsehood of the "Doubt Cycle" in connection with the leadership election in the Islamic Republic establishment is proved through reasoning. The emphasis that the leadership post in the Islamic Republic system is not attained through candidacy proves that the Experts Assembly's identifying the qualified person for the job is times superior to customary methods used for identification of the qualified person in the western democratic systems: direct public voting to choose one from among others. The Islamic Republic's method is more logical and reliable than that of the western democratic systems.

Thirdly, comparing the religious democratic system with the western democratic ones in terms of leadership authorities, it became clear that in all the world political systems the leader should necessarily have a series of authorities and necessary power to manage society, counter crises and solve problems. So, the leader in the religious

democratic system too has a series of authorities comparable with that of other high government officials in other political systems. The adverb “Absolute” along with the expression “Velayat-e Faqih” (Guardianship of Supreme Jurisprudent) both testify ordinary government authority and the need to give the leader the free hand to fulfill his responsibility; so, contrary to western democratic systems, which are restricted to legal frames, the religious democratic system is conditional and committed government within framework of religious and divine yardsticks and regulations as well as the legal fundamentals and public interests .

Fourthly, when discussing leadership control and supervision in the religious democratic system and comparing it with the western democratic system, it was said that a group of top experts fulfill the task; The experts look for the most qualified person, having such features and conditions as justice and piety, to undertake the leadership task in the Islamic Republic system. Hiring the experts for the job shows that in religious democratic system there is much emphasis on existence and continued use of mechanisms for internal control of the leader. In other political systems, however, no care and sensitivity is shown for the issue. More precise mechanisms are also used for external control of the leader so as to minimize the possibility for deviation, power abuse, corruption and mistake of the leader.

Eventually, it should be said that corruption and power abuse by rulers is seen more or less in all the world political systems. It can be categorically emphasized that percentage of such a possibility in the religious democratic system is decreased to the minimum level due to much care and sensitivity over existence of leadership features and qualifications in the person holding the post as well as methods of deciding, controlling and supervising the leader.

So, the health and confidence of the government as well as its policies are guaranteed to a large extent due to pious’ trust and acceptance of control and his mastering the religious democratic system.

Hence, investigation and fair comparison of the religious democratic system with other western governments would bring us to the conclusion that the religious democratic system, while enjoying some of the positive features of democracy, is on many instances superior to the liberal democracy. Especially when the leadership issue is concerned, it does not suffice to possession of the least features and qualifications by the person intending to undertake the highest government post. It applies careful, logical and rational mechanisms for the issue. A conditional government is committed to public interests and religious regulations. It also uses considerable internal and external control methods and levers to minimize the percentage of error, corruption and deviation by the leader.

So, it can be said that the religious democracy too meets exigencies and tools of democracy, while taking religious beliefs and disciplines of the people into consideration. It provides an unprecedented and unique composition which goes with domestic and ideological necessities of many third world and Muslim countries. It thus challenges the western liberal democracy firmly through public backing. Now, as the west tries to globalize its ideology and culture following collapse of its age-old rival, i.e. former Soviet Union, and of communism, it's only religious democracy, Iranian style, which has been able to provide a plan and patter of government based on rationality and religion, in accordance with democracy and monotheism, as a new and reliable choice, vis-à-vis western liberal democracy.

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# **Religious Democracy and Theocracy**

*By Bahram Nawazeni*

## Religious Democracy and Theocracy

By Bahram Nawazeni<sup>62</sup>

### Introduction

Chaotic world conditions during the ending years of the 20<sup>th</sup> century were of significant importance from the viewpoint of the western mentality, particularly the Europeans. It had amazed them that under such conditions that the underdeveloped countries were busy secularizing their political scenes and their cultures, how come the rapidly developing Iran, instead of doing that on February 11<sup>th</sup>, 1979, yielded to a religious revolution led by Imam Khomeini (P). Shortly afterwards, the interim government, too, in early years of the 1980s surrendered to the emerging political system and many developments occurred in the country, the most important one of which was declaring the system as the “Islamic Republic of Iran”. In the framework of this system, the government has an indispensable attachment to Shi’a school of thought of Islam. Yet, there are various interpretations on the real nature of this system, some of which are even contradicting some other ones. Some think-tanks believe the Islamic Republic is nothing but a theocracy (*Boroumand, 2000*), while some others have recognized the “legitimate and theocratic” nature of the regime (*Casanova, 2001*).

A group believes that theocracy, as “God’s governance on the earth” has not been fully manifested yet, and before its full manifestation, a theocratic system can have coexistence with any type of interim type of human governance.<sup>63</sup> This combination type of governance resembles the rule of the church and it is after granting absolute bonuses

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<sup>62</sup> - Scientific board member of Imam Khomeini International University in Qazvin

<sup>63</sup> - An interpretation given in 1877, by Christian scholar J. G. Muller, cited in Gershon Weller, *Jewish Theocracy* (Leiden: Brill, 1988) P. 16, cited in Stephen Palmquist, and *Biblical Theocracy: A Vision of the Biblical Foundations*, 1993. <http://www.hkbu.edu.hk>

to the religious hierarchy in the field of the country's political power pyramid. Some people, too, believe that in any society where a powerful religious group or a combination of religious groups plays the major role, the emergence of a theocracy is probable (Swomley, 2001). On the opposite end of them there are those who consider the Islamic Republic of Iran as "one of a number of democracies in the world" (Kavakebian, 1991), or "one of the most democratic countries" (Masmoudi, 2001, p. 22). Even the American officials, who have been treating the new Islamic regime of Iran antagonistically during the past twenty years, today insistently believe that this regime contains some democratic characteristics.<sup>64</sup> Of course, there are still people who consider the Iranian Islamic system as "a totalitarian dictatorship", "absolute totalitarianism", "oligarchy", or even "full oligarchy", branding the Islamic Republic of Iran as the "regime of the clerics".<sup>65</sup> My main argument in this article is that the system of Islamic Republic in Iran introduced a combination type of governance in "the process of the human beings' evolution towards perfection" and the entire mankind's "movement towards wellbeing", which is inclusive of the best and most desirable characteristics of various types of governance, which are also approved in accordance with the "Islamic norms and fundamentals"; while this regime has dreams in mind which can guarantee the broad participation of the entire social groups in the process of social development, just as it is reiterated in the Constitution of the country.

## Types of Governance

Most (political) keywords, such as kingdom, oligarchy, and democracy which are nowadays commonplace in reference to the various types of governments, have been borrowed from ancient Greece and ancient Rome. The main topic of politics in the framework of all these terms has always been one matter: distribution of power in a way to guarantee the freedom and wellbeing of the mankind in best possible manner. Plato believed, "achieving exalted values" is the objective of politics and only a limited number of people would fully comprehend this science. According to him, the political science "has a deep contemplation about the entire realities and the entire existence" and that is how "the exalted values" are achieved, while only those who have been trained in that way can govern the others. From the viewpoint of Plato, the best form of

<sup>64</sup> - State Department Spokesman Richard Boucher cited in bill Samii RFE/RL Iran Report, vol. 6, No. 29, 14 July 2003.

<sup>65</sup> - H. Tabarzadi, 2 Jan, 1999, "If no Action is Taken Today, Tomorrow Will be Too Late", Open letter to the president; Sa'eid Rahnama, Clerical Oligarchy and the Question of Democracy in Iran, Monthly Review, March 2001; Paul J. Weber, Robert Wuthnow, eds. Theocracy, from Encyclopedia of Politics and Religion, 2 Vols. (Washington DC, Congressional Quarterly, Inc. 1998, PP. 733-735)

governance was verily “the governance of philosophers”, or the state of the “governing philosophers”, which could have two forms of ‘kingdom”, or “the rule of elites” but the noble and fundamental laws of the country would at any rate remain effective. Later on, and after the presentation of this ideal and perfect form of the governance of the “Just and the best”, various types of oligarchy, democracy, and dictatorship were presented. Therefore, Plato later on added some moderate types of governance to that group, but all these types were “commonplace, and already found both among the civilized Greeks and among the uncivilized Barbarians.” (*Plato*)

Yet, his student Aristotle classified the types of governments differently. According to him, it is possible that a government, “which is inclusive of the elites of one, or a large number of groups, follow either personal, or collective interests.” Therefore, there would be three types and not one real type of government, namely the theocratic (imperial, kingdom, and aristocratic types of it... or the parliamentary system), three diverted forms of oligarchy... and finally, the democratic systems. (*Aristotle*) At any rate, in a bid to elaborate on the government systems of his day, Aristotle had come up with the conclusion that the governments would incline neither towards oligarchy, nor towards democracy, but remain somewhere in between the two. (*Aristotle, Op.cit, Book 2, Part VI*)

The Muslim Arabs during the 7<sup>th</sup> century defeated the first of the two superpowers of their time and managed to conquer vast parts of the other one in Spain and North Africa. The apparatus of the powerful kingdoms that gradually emerged throughout the world, the foundations and various social groups, filled the existing gap at the time. The church and the mosque had despite hardships and numerous problems kept alight the lantern of religion and scientific thirst, and reviewed what had remained from the ancient Rome and Islam, and later on those thoughts were manifested under the title of the ‘Nobles’ in rural governments. The militant aristocrats, who were called the dukes in the Roman language, and counts in the imperial systems, were many, powerful and influential. This dynamism in the European society and the rest parts of the world was an obstacle in the way of the European countries, or the countries in the other parts of the world to get entangled under the reign of that type, or any other type of governance, even of its most common type one, or the modern times’ national governments.

The main functions of the parliamentary representatives, combined with such concepts as the “divine law”, the “natural law”, and the “conventional law”, as limiting factors of power and authorities, as well as the occurrence of some events, such as the renaissance and the enlightenment eras, as well as the religious reforms, discovery of the

American continent, and the American and French revolutions, led to the emergence of a new type of governance called the modern democracy, which differs greatly with the democracy that prevailed in ancient Greece.

In modern democracy the divine right of the kings, the supremacy and upper grade privileges of the aristocrats and the bonuses of the Roman Catholic Church are entirely annulled. Equality before the laws took the place of the privileges, which was a characteristic of the former regimes, in order to prevent taking advantage of power for securing illegitimate interests that used to be prevalent among the kings, or the ruling groups, and instead emphasis was made over the need for devising laws for the judiciary system.

As the era for monarchy kingdoms came to an end, the republics' foundations were laid and centuries of struggles and severe efforts for freedom finally bore fruit. The countries in the name of rationalism, freedom, and equality (brotherhood was no longer regarded as a main factor), considered efforts aimed at establishment of the republic system as a main priority. Issues such as choosing freely, state foundations in the framework of the global right to choose, competence as a prerequisite for achieving positions and statuses through permanent and organized parties, freedom of expression and freedom of the press, governance of the laws, and greater influence and penetration for the factory worker class, women, and foreign citizens are shared aspects of all major three types of governing system (direct democracy, parliamentary democracy, or liberal democracy in accordance with the constitutions of various republics).

The phrase "theocracy", too, which is made up of two Greek words, and means the governance of divine laws, is a word used in reference to a type of political system, which claims to be the representative of God on the earth. Many governments throughout history and in the span of many different cultures have claimed to be following schemes and plans provided by their creators, or enjoying legitimacy because of pursuing the divine orders. In ancient civilizations the kings or the sultans were regarded as living gods on earth, and were worshipped. Therefore, the king, or the sultan of a land, because of the way he was defined, did not commit errors knowingly. In some other civilizations, God's Prophets (P), or religiously trained elites, used to be the representatives of God on earth, owning the divine right to rule over the people.

Just as the holy books of religions, the archeologists, and the historians have mentioned, the Hebrews, the Tibetans, and the ancient Egyptians have passed a number of years of their history under theocratic governments. Theocracy exists in the histories

of three monotheist faiths of Judaism, Christianity and Islam, and in traditions of Buddhism and Hinduism, as well. Two samples of it are Jesus Christ's good news on "coming to earth of the Kingdom of Heaven" and that "rulership would be fit for no one else", (*New Testament; Mark, 4:26-29*)<sup>66</sup> Or the materialization divine will on the earth as a connotation to Jesus Christ (PBUH)'s teachings and manifest denying of any cooperation with Roman Emperor (*New Testament; Mark, 12: 13-17*)<sup>67</sup> Another sample, too, is the arrangement of the Messenger of Allah's disciples in Medina in the year 632, who were still under his command until his demise in the year 632 (*Forte, 2001: pp. 733-735*). Among the Protestant Christians of the New Testament, and some political activist groups (*Legee, 2000 & Anderson Swomley, 2001*), and also among the Hindu nationalists, the extremist Sikhs in Punjab, the warmonger Buddhists in Sri Lanka, and the Sunni Muslim political activists of Ikhwan movement in the Islamic Republic of Iran, the idea was regenerated, nurtured anew and presented in the form of a practical concept, called Velayat-e Faqih (*divine rulership of supreme source of jurisprudence*).

## Religious Democracy

The type of the Iranian political system is neither absolutely theocratic, in which the people do not have any direct involvement in their political faiths, nor pure democracy, in which the people's will is the determining factor, capable of changing the entire political structure of the country. The Iranian political system, as mentioned above, is a combination of different types of political systems which have been identified so far; it is particularly a combination of democracy and theocracy, and of course in certain cases it is quite different with both.

As it is stated in the Constitution of the Islamic Republic of Iran, two main pillars are the distinctive features of this combination form of governance: the first pillar is

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<sup>66</sup> - "And he said, so is the kingdom of God, as if a man should cast seed into the ground; and should sleep, and should rise night and day, and the seed should spring and grow up, he knoweth not how. For the earth bringeth forth fruit of herself; first the blade, then the ear, after that the full corn in the ear. But when the fruit is brought forth, immediately he putteth in the sickle, because the harvest is come." (*New Testament; Mark, 4:26-29*)

<sup>67</sup> - "And they send unto him certain of the Pharisees and of Herodians, to catch him in his words. And when they were come, they say unto him, Master, we know that thou regardest not the person of men, but teachest the way of God in truth: Is it lawful to give tribute to Caesar, or not? Shall we give, or shall we not give? But he, knowing their hypocrisy, said unto them, Why tempt ye me? Bring me a penny, that I may see it. And they brought it. And he saith unto them, Whose is this image and superscription? And they said unto him, Caesar's. Ad Jesus answering said unto them, Render to Caesar the things that are Caesar's, and to God the things that are God's. And they marveled at him." (*New Testament; Mark, 12: 13-17*)



inspired from the theory of Imam Khomeini in “Absolute Leadership of the Supreme Source of Jurisprudence” (*Velayat-e Faqih*). According to this theory the top jurist, who has comprehensive qualifications in religious sciences, and high competence in the political field as well, can not only interfere to secure the interests of “the society under his command” and “the political affairs” of the country, but also in entire affairs of the citizens and nationals of the country on their behalf and in order to secure their own benefit. He is elected either by the majority of the people, as what happened in February, 1978 which led to the leadership of Imam Khomeini, or elected by the Assembly of Leadership Experts (comprise of the people’s representatives, and mainly of senior clerics), whose members are elected by the people aged fifteen full years or more, in public elections. An example for the latter way is the election of Ayatollah Khamene’ie as the leader in the year 1989.

The ruling jurist is only one of a number of sources of jurisprudence, and in accordance with the Shi’a tradition, he is regarded as the successor and representative of the 12<sup>th</sup> Imam of Shi’a Muslims. The latter type of election has similarities with the way that the US president is elected by Electoral Colleges, after gaining the people’s votes. (The ruling jurist is at the top of the political pyramid of the country’s political system and is in accordance with the laws, equal with any other individual in the nation before the laws.) He has supervision and command over all three branches of the power, as well as the armed forces of the country, inclusive of the Army, the Navy, and the Air Force, and their equivalents at the Islamic Republic Guard Corps (IRGC), the police forces, and the Islamic Republic of Iran Broadcasting (IRIB). He also devises the general orientation of the country’s foreign policy and other major policies. The Supreme Leader chooses the judges of the Supreme Court, can oust the president (who is chosen by the people), and chooses the six jurists of the twelve-member Guardians Council, as well.

The second column is inclusive of the democratic foundations, which are well defined in Prelude to the Constitution of the Islamic Republic of Iran, under the title “The method of governance in Islam”, where it is said, that the government does not rely on stands of certain classes, or personal, or group hegemonic tendencies”, further reiterating, “The government is the manifestation of the political ideas of a nation who have the same faiths and the same mind sets, and organizes itself so that in the process of intellectual and belief analyses, I would find its way towards the ultimate objective (movement towards God) and open the paths for such a way... The Constitution guarantees negation of any type of intellectual and social dictatorships, rejects all types

of economic monopolies, and is in line with fighting against the tyrannical systems and tries to give the fate of the people to their own hands. "... و يضع عنهم اصرهم و الاغلال التي كانت عليهم..."<sup>68</sup> (*Al-A'raf (The lofty barrier between the inhabitants of the paradise and of the hell), Verse 157*)

Chapter Five of the Constitution of Islamic Republic of Iran, inclusive of six articles, is allocated to, "The nation's right to governance and the powers thereof", explaining that the Iranians must be easily capable of expressing their opinions about the way that their country is governed and each and every one of them is "the owner of their own social fates". The national governance is regarded as a "divine right" which is granted by "God Who is the Absolute Ruler" to "the human beings to be observed in their lives in this world" and must not be limited to any particular "individual" or group interests". (*Article 26*) Power is divided among the three branches of power, each of which is independent, and under the supervision of the Supreme Leader, who is the Imam of the Ummah (*Islamic nation*)... (*Article 71*) Also Article 76 reiterates that "direct referring to the people's votes" in referendums, in very significant economic, political, and cultural affairs is among the duties of the Islamic Parliament. The Islamic Republic of Iran Parliament, as a national assembly, is comprised of the representative of the people who are elected "by direct and secret votes of the people" and has the right to pass "laws in all possible fields" and to launch survey and inspection missions in country's entire affairs. Approving the competence, or voting for the incompetence of each minister (*Articles 87-89*) and impeachment of the cabinet, each minister, or even the president are among the powers of the Parliament (*Article 89*). Thus, not only the executive branch of power, but also the entire local officials in the provinces, the cities, the districts, the villages, and the other country officials who are appointed by the government, are all obliged to abide by the decisions adopted at the Parliament. (*Article 103*)

Such democratic concepts as equal rights before the laws, rights in life, freedom of choice and feeling contented, freedom of expression, feeling responsible at work, participation, national unity, respect for the society, right of referring to the judiciary sources, respecting the minorities' and women's rights, economic and social development, are all clearly mentioned in Chapter Three of the Constitution (*Articles*

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<sup>68</sup> - "... and he removes from them their burden and yokes which were upon them [from superstitions of the old time], ..." (*Al-A'raf (The lofty barrier between the inhabitants of the paradise and of the hell), Verse 157*)

19-43), and many executive guarantees are devised for ensuring their successful implementation. The Judiciary Force, “as an independent force which is the supporter of the individual and social rights of the nation, and responsible for manifestation of justice in the country” is one of the main executive guarantees for observation of those rights. Article 156 elaborate on the status and responsibilities of the Judiciary force, as follows:

1. Surveying the complaints, cases of injustice, and violations of laws, and issuing verdicts, solving disputes and making efforts aimed at ending enmities and adopting required decisions in those cases that the laws have reiterated statements;
2. Revival of the public rights and expansion of justice and legitimate freedoms;
3. Supervision over appropriate implementation of the laws;
4. Discovering the nature of the committed crimes, punishing and imposing penalties for the criminals and implementing the Islamic penal codes, in accordance with the ratified laws;
5. Taking appropriate measures aimed at crime prevention and behavior modification of the criminals.

According to the prelude of the IRI Constitution, the concept of “vicegerency (Velayat) and constant Imamate (Leadership of Islamic community)” is one of the other executive guarantees for proper implementation of the democratic rights, based on which a competent source of jurisprudence is appointed as the leader, and is commissioned to “guarantee that various organs of the system would not deviate from the authentic Islamic duties”. Meanwhile, in Article 107 it is said that this ‘source of jurisprudence’ because of his being “the supreme source, and more learned in Islamic jurisprudence than the rest of the jurists, and more competent in the political and social issues, or because he is publically accepted by the society” is “elected” as the “leader” by the majority of the people, as was the case for the founder of the Islamic Republic of Iran, Imam Khomeini, or he is elected by the Leadership Experts Assembly, whose members are themselves elected by the people. “The Leaderships Experts Assembly members consult with each other about the entire eligible sources of jurisprudence that have the qualifications mentioned in articles 5 and 109 of the Constitution”, which are conditions like:

1. Required scientific competence for issuing verdicts in jurisprudence in various fields;
2. Required justice and piety for leading the Islamic Ummah;
3. Unbiased political and social vision, insight, bravery, management power, and might for leadership.

An appendix of this article notes: “If the number of eligible candidates with abovementioned qualifications would be more than one, the one with stronger insight in jurisprudence and political fields has the priority.”

Although the Commander in Chief of the Armed Forces is at the peak of the government’s hierarchy of power and can adopt final decision on country’s major strategies, but “Such decisions should be in line with the articles of the Constitution” (*Article 109*). These decisions are meanwhile adopted after consultation with the System’s Expediency Council. That council is comprised of permanent and temporary members, the permanent ones of which are inclusive of the heads of the country’s three branches of power and a number of Cabinet and Parliament members, and the entire members of the Guardians Council, while its temporary members are a number of experts and technicians who are in practice added in the course of interactions among the heads of interactions among the heads of the three branches of power and the various political factions to the Expediency Council. As it is said in Article 57, in revisions of the Constitution a number of articles are needless of revising and alterations: “The contents of the articles on the Islamic nature of the system and that the basis for the entire laws and regulations is the Islamic norms and belief pillars, as well as the objectives of the Islamic Republic of Iran and that the system is a republic, the vicegerency of the Supreme Leader and the Imamate of the Ummah, and that the country’s affairs are run based on public votes of the people, and the official Islamic school of thought of Iran are the unchangeable articles in the Constitution.”

Under such conditions, the Iranian government, or the Islamic Republic system are quite impossible to slide into the realm of a dictatorship, in which an individual or a small group would take the helm of absolute power, free from entire effective legal barriers. Therefore, the theological democracy in Iran is a type of government which links the people’s religion with their social and political demands. There does not seem to be any contradiction between the dual legitimacy of the Islamic Republic, or the coexistence of the president’s popular governance power and the supreme leadership, or the Parliament, its clerical monitors and its right for law making. The denotative text of the laws define and back up the existing harmony between each two columns of the system aimed at achieving the defined ideal, which is non but piety, satisfaction, and generally speaking, movement towards sacred perfection.

As Paul Webber has said, in theory, too, “There is no reason why there would be any contradiction between theocracy and a democratic form of governance...” Apparently, the phrase “The people’s vice is the voice of God” has sounded so possible

and logical for Peter Schmidt that he came up with such a conclusion: “Since Islam is compatible both with the secular and with the democratic types of governance, the emergence of a theocratic democracy for Iran in near future is predictable.” (Schmidt, 2003: 181) Furthermore, in accordance with the theory of Dr. Abdol-Karim Soroush, titled “Constriction and Expansion of Jurisprudence” neither secularism, nor democracy are considered threats against religion, since the theocratic insight is merely one of the various ways through which the human beings gain insight and power of cognition. (Soroush, 1971, pp. 314 - 315)<sup>69</sup> Also in an interview, Dr. Soroush says, “God has not defined any particular type of government system ... the Vicegerency of Supreme Source of Jurisprudence (*Valayat-e Faqih*), which Ayatollah Rouhollah Khomeini introduced after the 1978 Islamic Revolution is merely a political change... although religion is by itself sanctified, but interpretations of it are not sacred, and they are therefore subject to criticism, reforms, modifications, revision, and in need of re-interpretation.” (Soroush, 1977)

The question which may rise here is how come mere theocracy or sole democracy are not popular among the Iranians and why are we in need of a combination between the two of them? The answer is that theocracy, as “absolute rule of God” is beyond the comprehension and cognition realm of the human beings, because there are instances in which we come short of understanding the real will and command of God. Acquiring such a cognition and insight is in need of being benefitted from numerous complicated trainings and knowledge and the people cannot fully comprehend God’s will through the explanations offered in the Qur’an and the traditions of His Messenger (P). There are also instances in which we prefer not to yield to His will and His laws, or to act in accordance with his commands in our daily lives, because the prerequisite for that is piety, in addition to deprivation and vast scale suppression of the ego.

In addition to what was said, the theocratic regimes with political power, due to internal and external reasons, have short lives. The internal reasons include the clergies who have studied at the seminaries and are severely fanatic; knowing barely anything about political, economic and other matters, and then in efforts aimed at regulating the modern and complicated societies, they naturally face problems. If the statesmen would be the same clerics, following the occurrence of any deviation from the right path, both the religion and the politics ran by them would be ruined. The religious laws can be applied tyrannically, and for instance, collecting the religious taxes at times of economic

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<sup>69</sup> - In Persian version of his book “قبض و بسط تئوریک شریعت” *Theoretical Contraction and Expansion of Shari’a*”



austerity can doubly disgust the people. And finally, the clergies, who are assumed to be the representatives of God serving at the governing posts, would have to get involved in conventional compromises aimed at gaining political influence, and this would lead to paradoxical situations. Such compromises might even seem unethical and sinful to them. As a result, under such conditions that only one faction would be in charge, the police force, which should be considered as safe haven for the public, would begin acting ruthlessly, and this would put the legitimacy of the system under question.

Among the external reasons, we can refer to the point that the rulers in other countries are often scared of being exposed to the exporting of extremist religious beliefs against their own countries by an isolated theocratic regime. That is because in secular cultures resorting to music, arts, dress fashions, movies, etc., the regimes leave permanent negative influences over the youth, and in addition, imported ideas such as democracy, equality, and various types of freedoms, they aggravate such effects. That is while in theological regimes efforts are made to limit relations with the outside world. Such efforts deepen the gap of segregation, but meanwhile increase the attractions of the outside world for the segregated nations, as well as the level of opposition against the theological system. Such conditions decrease the lifespan of the regime, and as history shows, the theocratic regimes rarely last for more than the life time of their founders.

But mere democracies cannot be the ideal type of governments either. That is the reason why there are various types of democracies in the world today. Even in Britain and the United States, two countries with similar cultures, politics, and economics, the governing types of democracies are noticeably different. In addition to that, there are many governments today that claim to be democratic. Many totalitarian and dictatorship regimes, particularly those of the 20<sup>th</sup> century communist countries, had governments which had apparently accepted a democratic appearance, but were ruled by only one political party, and with no opposition at all. The Marxist countries, too, have obviously proved the fact that coming true of the democratic demands of the people in a society is not possible without having shared political votes and collective ownership of products (*economic democracy!*)

In addition, there are still factors that threaten this type of democracy: instead of eliminating the social conflicts among various income groups such gaps are merely covered and concealed; nationalism is an obstacle in the way of the voters and disables them in bias-free and indiscriminative decision making regarding countries' foreign policy; modern times populists are no better than their counterparts in ancient Greece,



the Umayyid<sup>70</sup> caliphs, and the other regimes, and there are many corrupt politicians in modern times' democracies. Side by side with all these issues, democracy attaches an extremist value to individual freedoms and generally speaking, emphasizes on the pivotal value of the ego, individualism, and unrivaled freedoms for individuals. These characteristics, as Alexis de Tocqueville says, it is a kind of moderate selfishness that leads the mankind towards thinking merely within the limited circle of family and friends.

## Conclusion

It is true that in such cases as the Egyptian nationalism, the imposed extremist jurisprudence of Taliban in Afghanistan, and Saddam Hussein's wars in 1993 and 2003 we can see erroneous and defeated samples of governments which claimed to be established models for theocracy, or democracy, or it is true that some people have tried to take advantage of national, or religious ideals to rid themselves of foreign hegemony, or for strengthening the pillars of their own totalitarian regimes, or the rule of their limited circle of elites, or for economic reconstruction, but everyone can also see contemporary historic samples, like the Islamic Republic of Iran, as a combination of such ideals, and find realities as proof for the competence of a combination of two different types of governments.

This Iranian type of government is not merely a theocracy, neither the government of the wealthy, or the clerics, or the military men, and not even a democracy of either type of it, but a kind of politically harmonic system among all of them. The standard bearer, or leader of the country is indirectly elected in a nationwide election, and he is not a haughty philosopher. He draws the right from amidst the wrong in any possible manner; and let us rather say, he is a Muslim clergy that has vowed covenant to be in pursuit of the Shi'a law for solving disputes, and to recognize the reality through contemplation in jurisprudence, and he must think and act in line with the people's demands, not in line with his personal will, or that of any particular group.

Although the people try to elect the best lawmakers, but there are many legal conditions and compatibilities for the people's representatives that lead to the election of only a portion of the learned eligible people to take the lead of state positions. The parliamentary system's rules see into the distribution of power and urge the government

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<sup>70</sup> - Umayyids

and the law makers to support the Constitution. This type of governance totally differs with any exclusive type of government described above.

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# **Religious Democracy and Secularism**

***Dr Ali Larijani***

## Religious Democracy and Secularism

*Dr Ali Larijani*<sup>71</sup>

### Introduction

The term “secular” has been interpreted as “worldly” and “non-religious” and “secularization” as “turning worldly” and “separation of religion from the world”; but perhaps for the Latin term “saeclaris” the German equivalent “weltlich”, meaning “mundane” would be more accurate and expressive and by “mundane” it means “current” or “common” and therefore secularism in fact means “modernity” or “current and timely interpreting, thinking and planning”. Secularism, like many contemporary “isms” started with the movement for religious reform and it is interesting that “interpretation of secularism in the European languages for the first time was used in the 1648 Westphalia Accord” (*Culture & Religion; ‘Separating Religion from World’ Tarhe Nou, p. 124*) and the Westphalia Peace which put an end to sectarian wars, included this meaning that religious unity of Christian Europe had been lost forever and dividing it into Catholic, Orthodox, Protestant and ... was inevitable. By secularism in that accord, it meant transfer of properties which were administered under the supervision of the church to non-religious centers of power; which ultimately resulted in dispossession of the church. But, secularism which in the beginning had an economic concept, due to the close connection of the economic domain with other feudal sectors of the society at that time, expanded and spread to the cultural, religious and political fields. Therefore, although disposing the church from ownership constituted the historical nature of secularism, but by expanding the concept it could be considered an ideology of the new era and a value to the modernity nature.

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<sup>71</sup> - Member of Tehran University board of instructors and now (Parliament) speaker

## **A) Secularism and Its Concept in Politics and Sociology**

Now it could be asked what is the meaning of “modernity” and “current development” of the affairs? And if we consider secularism as “becoming customary”, where the beginning should be looked for? With respect to the topic of this article, we start the discussion with politics and sociology domains.

Perhaps Thomas Hobbes could be considered a thinker who first offered a comprehensive description of modern government and its characteristics and especially stressed on separation of the church from religion to such an extent that secularization of politics and its modern interpretation is one of the important axes of Hobbes thinking and a glance at his views would be very effective in understanding secularism.

Thomas Hobbes, like Locke and Rousseau, respects human being for his natural condition which is prior to his social status. In Chapters VI to XI of his famous book "Leviathan", Hobbes gives an analysis of human nature which is constitutive of his normal situation. He begins his discussion of desire and inclination and of course desire and inclination in him is not confined to animal inclinations, but all inclinations that are related to material and immaterial pleasures.

Hobbes believes that man starts moving with the help of desire and hatred not man in satisfying his desire and inclination or his fear and hatred does not suffice to certain limits. As long as man is alive he would be active and would not be empty of desire and inclination or fear and hatred and therefore anyone whose desires have come to an end resembles one whose senses and imaginations have been halted and can no longer stay alive. In addition, desires of different people have no similar potentials. Some people are more inclined towards power, wealth, knowledge, and beauty and some less. Hobbes with the help of these preliminaries concludes that human beings should try to gain some power, although motivation of individuals is not the same in gaining power. Therefore, in Hobbes' view power of human beings is not an individual and independent affair, but definitely it finds meaning in relationship and interaction, because the world is an arena of conflict. Persecution and gaining or increasing power in any individual would require power of another individual and therefore natural might of human beings would not be assessed in terms of his mental and physical abilities but in terms of superiority of his powers compared to the power of others. That is to say, power of each person is determined according to the superiority, wealth order, fame and influence of his friends in comparison to others; but there is no limit to human desire to acquire more and masters of power have unlimited enthusiasm for power.

Hobbes says: “In the first place, I put for a general inclination of all mankind a perpetual and restless desire of power after power that ceaseth only in death. And the cause of this is not always that a man hopes for a more intensive delight than he has already attained to, or that he cannot be content with a moderate power, but because he cannot assure the power and means to live well, which he hath present, without the acquisition of more.” (*Hobbes - Leviathan - Ch11 / P. 47*)

Basic conclusion of Hobbes from analysis of the natural status of human beings rests in the same point, that is to say the power to assure the status quo should be increased and this endless demand leads to a deadly conflict among human beings for prevention of which, there is only one way and that is transfer of man from his natural status to a contractual situation. From Hobbes’ point of view if the wise man stays in a natural state in order to put an end to the uninterrupted controversy (which constantly threatens his life and safety), it is necessary to abandon his legal rights under that situation, that is to say the right to increase power and aggression against facilities of others and all voluntarily delegate their power to a center which would undertake their representation in protecting and increasing their power. The centrality is the same modern government which has the total authority and power.

This point that everyone would follow the will of a man or a single authority, would be possible when each individual before others and on the basis of a social contract undertakes not to stand against that absolute will and would not refuse to put his power and own facilities at the disposal of that centrality. This contract is what is called unity or consensus. As a result the civil society or the modern government is based on a contractual principle and is a reciprocal commitment and its realization is possible only when man leaves his natural status and settles in this contractual position.

Jean-Jacques Rousseau, like Locke and Hobbes, starts his political theory by building on the natural human situation. Locke considers human being in normal situation, a moral being and in his point of view formation of a community does not interfere in morality and social contract is merely for the establishment of discipline and is for protection of natural rights of human beings. Locke instinctively sees man as a moral being and considers common sense the discoverer of natural morality and this of course stands exactly opposite to Hobbes’ view (*Copleston, vol. 5, p. 145*). But Rousseau considers human beings in natural position devoid of morality; that is to say a being lacking the ability to differentiate between good and evil and thus he is innocent and given that man enters the arena of humanity by relying on morality therefore it is found out that Rousseau’s human being in natural position is not really a human being



and is potentially human. Morality emerges at a time when human being acquires the knowledge of recognizing his relationship to his fellow creature (*Copleston, vol. 6, p. 92*).

Human society would be realized in accordance with a non-announced contractual accord that is the fulfiller of a general or collective will which has reincarnated as a unified spirit in the structure of the community and is representative of interest and justice. Human morality which solely flourishes in such a community shows that human desires and inclinations only remain human within the framework of the community; that is to say as we have noticed, man in his natural state is not a human and by entering the social stage becomes human being. In other words, social accord is the fulfiller of humanity of human beings. Rousseau illustrates natural human being as non-talkative and emergence of language and stage of speaking in human being depends on realization of social accord (*Rousseau - Social Conviction – p. 75*). The term social accord brings to mind that people at the beginning were living in a natural situation, but with the elapse of time they found out that having communication and cooperation is to their advantage and by forging an accord they continued to live together. But, by accord Rousseau has another objective. He considers realization of mankind dependent on realization of the community and realization of the community dependent on realization of the accord and. Therefore, in his opinion natural human being has no priority over social man in terms of time but believes that his priority is inherent (*Copleston, vol. 6, p. 81*).

We know that Aristotle considered man “naturally civilized” and according to him a civil and political life was demanded by human nature and that man would reach his perfection in civil life; that is to say human nature is in conformity with civilization. But, Rousseau does not consider natural man a human being who is after human natural perfection, but rather believes that human being enters the real world of humanity on the basis of an accord and his other qualities are corollary to this contract. With this contract, he possesses speech, language, wisdom and reasoning and politics and law develop thereby. In Rousseau’s plan all social relations and judgments would return to a credit source called “general will” which has no relationship with human nature or with a divine and super human source. Rousseau considers this general will, which is a credit and human source, in the public interests and in his point of view “the most general will is always the most accurate as well, and people’s vote is in fact God’s vote.” (*ibid, p. 85*)

It is noted here that Rousseau offers a new interpretation of God’s will and conforms each demand which is raised in a society within the framework of the majority will with truth and divine will. He also defines obedience to the following general will

as definite righteousness: "If you want the general wish be realized, correspond all minor wishes with it; in other words, since virtue is nothing but compatibility of minor wishes with general wish, establish the rule of virtue." (*ibid*, p. 86)

Social contract theory, as developed in Hobbes and then in Rousseau, was later used by Kant and Hegel and formed the basis for secularism and secular interpretation of politics, law and human society and it should be acknowledged that the notion of separation of religion from politics is inextricably linked with such an interpretation.

## **B) Religious Thought and Secularism**

But the reason that religious democracy could not be recognized by some intellectuals is that the origin of this idea is not a credit concept called social contract, rather this idea is based on an actual and objective concept and therefore is not consistent with secularism (which is the distinguishing characteristic of a civil society).

To explain this issue we cite remarks of Allameh Tabatabaei who has discussed many important subjects in modern philosophy from the perspective of a Muslim sage and has responded to them in accordance with Islamic philosophy and has valuable points of view on social issues. Allameh Tabatabaei considers man civilized according to his nature, but discusses this issue within the framework of preliminaries which are different with Aristotle's ideas.

According to Aristotle, the polis (the Greek city-state) is a community which is facing an end and this end is the supreme good of man. This supreme good of man has been drawn by Aristotle in moral and intellectual life. According to Aristotle it is only in the polis that man could fully enjoy a good life and since good life is the natural extremity of human being, therefore the city should be considered a natural society (*Aristotle - Politics 1252 - A - 8 - 23*).

Aristotle makes it clear: "Obviously, polis is a natural creation, and everybody who naturally and not accidentally is deprived of a polis is either superior or inferior to humanity." (*ibid. 1252 - B - 28*)

It is noted that the point in common between Aristotle and Rousseau is in that Aristotle also considers isolated man from the society a vicious and predatory creature, but the difference between him and Rousseau is in that Rousseau considers situation of man prior to the society as natural, so that he becomes human through social contract while Aristotle considers pre-society man in an abnormal situation and is through

realization of the society that human nature develops. But Allameh Tabatabaei links “naturally civilized” man to the principle called “principle of utilization”. He believes that man at any rate would utilize others for his benefit and for his survival as well. He begins with encroach the inanimate and then laying hands on plants and animals.

But “he would not suffice to colonization and exploitation of animals, and would embark on utilizing his fellow creatures, compel them to serve him in any possible means, and would capture their being and work as much as possible.” (*Allameh Tabatabaei, Translation of Tafsir (Quran Interpretation) al-Mizan, vol. 2, Sura Baqara, Verse 213, p. 175*)

But man continued his course until he encountered the problem that all people are common in these demands; that is to say in the same manner he exploits others, he should allow others to exploit him and from that point he realized that he should form a civil society: “Therefore this verdict, that is the human verdict for civil society, is a verdict that emergency forces man to accept it, because in the absence of emergency, man would never accept to confine the scope of his authority and freedom and this is the meaning of man being naturally civilized.” (*ibid, p. 176*)

What Allameh Tabatabaei has expressed as “principle of utilization” is not an unexpected issue and had previously been cited by him in different ways as had been pointed out by Jalal al-Din Davani in his book "Jalali Ethics" that since man is the most noble of the creatures therefore by his nature he would not serve any other creature and if he renders any service to other creatures it is merely for his own interests. But from Allameh Tabatabaei’s remarks it should not be interpreted that in the case of pre-society man he held the same idea with Hobbes and considered man a savage creature. But his method of reasoning is such that man is constantly in search of his own profits (*credit for utilization*) and for realization of his profits, he wants benefits for all (*credit for the society*) and for the collective benefit, he looks for social justice (*credit for justice*). But his idea about human profit-seeking prior to society is neither human natural position of Hobbs nor pre-society position of Aristotle which still does not consider man being worthy of human title, but that man is in itself of human origin and basically his turning to social life, is not the first edict but the second edict.

In Allameh Tabatabaei’s point of view: “The purpose of creation is human nature which is the same as human being not the social format of individuals and the man who is led towards social contract, is for protection of man...” (*Allameh Tabatabaei, Islamic studies, p. 202*)

His disagreement with Aristotle and Hobbes rests in this point that he views man from a religious outlook and believes in man's divine nature and if he stresses on human being he does not mean an entirely social individual, but rather human nature and reality, which in the words of Commander of the Believers (AS): "Do you think you are a small particle while you bury a great mass hidden in you."

*You who are a version of the divine letter*

*You who are the mirror of the royal beauty*

Therefore from Allameh Tabatabaei's religious perspective, man in terms of his first nature, is a divine creature and his profit-seeking in the "principle of utilization" is not merely material and instinctive, but embodies the entire process of his profit, realization of which is indebted to realization of the society and establishment of social justice. Therefore, realization of the society is an emergency issue and if man is considered "naturally civilized", his civilization is coupled with the second nature and not that it is necessary for the first nature of man.

Here it is noted that in the religious perspective, the natural condition of man is the divine status and even the first human being who appeared in the nature, was a messenger. Therefore, if we consider pre-society man, not like Aristotle as animal and not like Hobbes as a savage wolf and not like Rousseau as a creature out of good and evil, and morality and humanity, but a being that embodies divine nature and is trained by the fine divine names therefore in this perspective, return of humanity to an issue is not entirely a credit and human nature is not determined by a social contract. Rather, the source of his relationships, deeds and thoughts is a real and objective that is to say the divine nature and just in that point has fundamental differences with the basis of secularism.

### **C) Religious Democracy and Religious Thought**

Now in elucidation of religious democracy we discuss the following aspects: basically in the Shiite sect, consistency of Islamic society and realization of public interest or social justice depends on the Islamic democratic rule. Allameh Tabatabaei expresses remarks which could be somehow considered definition of religious democracy:

“... However, the issue of the Islamic rule after the Prophet (S) and disappearance of his last successor (AS), that is at the present era, without any difference is in the hands of Muslims, but by considering the criteria that have been expressed in the Holy Quran as follows:

“Firstly: Muslims should appoint a ruler for themselves.

“And secondly: That ruler should be the one who would rule according to the conduct of Prophet Muhammad (S) and the conduct of the Prophet (S) is the conduct of the Imams and the leadership and not the conduct of monarchy and empire.

“And thirdly: We must preserve divine commandments intact.

“And fourthly: In cases where a decree is not of the divine commandments (such as events that occur at different times and different places) they should make decisions through consultation with wise people.” (*Allameh Tabatabaei, Translation of al-Mizan, vol. 4, p. 196*)

This Islamic ruler who would rule according to the conduct of the Messenger of God and the Shi'ite Imams and if necessary would consult with the wise people, is the religious jurisprudent who is accepted by the Shiite clerics and if some clerics do not accept him it is because of his young age and not his old age. In this way, some of the clerics at the time of major occultation, due to their fear of failure in administration of the Islamic rule and feeling of responsibility towards lives and properties of the people, have confined the rule of religious jurisprudent to “omoor-e hasbiyeh” (*very necessary affairs*) and has postponed realization of aspiration of Islamic rule to reappearance of Imam of the Time (*may God hasten his reappearance*), otherwise a large number of great clergymen like Sheikh Mofid, Sahab Javaher, Sheikh Ansari, the late Naraqi, the late Naeini and ... all have confirmed the theory of velayat-e faqih (*rule of religious jurisprudent*) and formation of the Islamic system.

Of course in addition to Muslim clerics and scholars, great Islamic philosophers such as Farabi, Avicenna and Sheikh Eshraq (*Sohrevardi*) have pointed out this same theory and have proven it such as Avicenna who says in Elahiyat Shafa in the section on caliphate and politics: "Therefore it is incumbent upon the lawgiver and tradition executive (*the Holy Prophet*) to make obedience from his successor an obligation and that it is necessary for the Prophet's successor to be appointed by him or a group of veteran and noble Muslims who would openly introduce the caliph or the Imam to the public. This is with characteristics that he should practice independent and genuine



policies and should have strong and deep mentality and also should possess noble ethical features such as courage and virtue and good administration of affairs and should also be vigilant of and cognizant with the divine Shari'ah to such an extent that he would be the most knowledgeable man with regard to Shari'ah." (Avicenna, *Elahiyat Shafa*, Article 10, Chapter 5)

Sheikh Eshraq in his *Hekmat-ol-Eshraq* has phrases similar to the one mentioned above and considers leadership in dignity of a wise man who, in addition to moral and divine aspects, is rich in theoretical and intellectual authority. Now we review the following points:

1. Guardianship in the leadership of the Islamic society is different from topic of guardianship in jurisprudence and in the 'hajar'<sup>72</sup> book. In the 'hajar' book, interdiction of some people is due to their being young, unwise, mad or bankrupt and because they are not able to handle their own affairs and thus the Islamic law has assigned a guardian and custodian for them in order to foster them and protect their rights. This form of religious jurisprudence has been discussed under the headings of purity, restriction and blood money but guardianship in the Islamic leadership means the custodian and the valiye amr (guardian) of the Islamic society and is considered an open-handed power who is responsible for protecting boundaries of Shari'ah and enforcement of its rules in the texture of the social system.
2. Guardianship in the Islamic leadership is part of the system of Islamic thought in which man has a divine nature and a real identity and therefore is different and separated from basis of secularism which negates real human identity and instead considers man a credit which finds meaning on the basis of a social contract or an illusionary proportion.

Therefore, in accordance with the Islamic perspective, man in his relationship with God, is characterized as human being and this relationship is a real issue and not credit or illusory: "... ولا تكونوا كالذين نسوا الله فانسهم اولئک هم الفاسقون <sup>73</sup> (Quran, Surah Hashr (the promised Gathering), Verse 19)

<sup>72</sup> - Legal interdiction; sequestration

<sup>73</sup> - "...And do not be like those who forgot Allah's remembrance, so Allah caused them to forget themselves [and thus they did not care about their conduct so they ruined themselves]: such are indeed the rebellious transgressors." (Quran, Surah Hashr (the promised Gathering), Verse 19)



But given that man's identity is potential in the first place and becomes actualized merely within the society, therefore the social system should be engineered as such it could be compatible with this purpose (which is an objective goal) and this architecture is possible only when on top of the pyramid of power a person would stand who could have the ability to identify interests and real corruption of the society through a justified means and altogether could lead the movement of the society towards goodness.

3. The relationship between the people and the guardian is friendship and not substitution; that is to say people in the Islamic society would accept guardianship of the leader and it constitutes the acceptance of the rule of jurisprudent and justice and not that they would appoint someone as a guardian to deal with the affairs on their behalf. Acceptance of guardianship or friendship is a part of that same religious social system which was previously referred to and is like people's vote; they would make someone responsible for indentifying purpose of the legislator through pondering in the divine knowledge and prophetic Shari'ah and then express them to the people and prepare the ground for their realization.

Now with regard to the above-mentioned points, which are among the absolutes of the Islamic rule and differentiate it from the secular rule in the contemporary era, the question is what is the meaning of democracy? How a religious government could be established in accordance with the mentioned basis and thus could be called democracy? How could there be talk about democracy and at the same time reject secularity as part of its nature? The question is whether these two categories could be summed up or they would create a paradoxical concept? It is necessary that in this position more attention should be paid to the concept of democracy and whether it is the end or the path? Whether in democratic governments, democracy is a means to reach the end or a different permanent archetype which has already been considered or the democracy is an end itself?

What is achieved from the opinions of Hobbes, Locke and Rousseau and later Kant (who are considered the founders of contemporary civil society) is that what is considered the purpose of a government is to reach a "collective spirit". This collective spirit defines relationships for people in the society, such as "security in the society", or in the opinion of some Western thinkers (such as John Rawls) "justice in the society", "separation of religion from politics or secularism."

Therefore, what is the end for the society is this collective spirit (which is a credit issue, with the mentioned coordinates) and democracy constitutes achievement of such a collective spirit. Therefore, it could be said that democracy in these systems does not have a fundamental but a constructional aspect.

In the discussion of religious democracy, a group believes that democracy and religion are inherently separated and have differences, and cannot be put together. On the contrary, there are some who believe religion and democracy are inherently and intrinsically related because according to religious values, man is a selected and free creature and since democracy causes further expansion of freedoms, therefore, these two concepts could be associated with each other. In fact, in the minimal concept of religion and democracy, these two are compatible with each other.

In these two types of attitude, democracy has been considered the target of society and has been compared with religion. Whereas, in the light of previous explanations, it was specified that democracy is a path not a goal.

Another outlook interprets religious democracy as the “rule of the religious” which lays the foundation for acceptance of all values of democracy as the end of the society, which for escaping from its unacceptable instruments, the rule of the religious is subject to observing demands of the majority of the society.

Mistake in such an interpretation goes back to mixing the concept of path of democracy with its ultimate aspect and one can think about this subject matter that for establishment of what social archetype religious rulers are trying and what is their position against rulers of secular democratic societies, and what is the definition they present for ultimate secularism? If these pious rulers have the same end in their opinion, that is to say the religious suffix is an unnecessary and abolished term and if it is other than this and for example realization of religious aspirations and values is considered, the conflict with democracy would continue to remain.

The fourth perspective in this category is that in religious democracy, religion has been interpreted in modern time in order to be compatible with democratic structure. That is to say all systems that are circulating and flowing in democratic societies are accepted as intellectual norm of the society and are praised and regarded good. In fact, owners of this point of view, consider religion a collection of general education part of which relates to the Hereafter, the resurrection and individual aspects of mankind such as ethics which have no contradiction with democratic governance. And they interpret other aspects of the religion with social concept, in proportion to

the modern terms. In other words, they believe that the religion should adapt itself with democratic structure.

There are numerous problems in this perspective. One is that social aspect of the religion is practically an individual corollary aspect of the religion. In other words, religion is responsible for prosperity of human beings in the other world and not their individual and social life in this world.

While at least in Islamic thought, the issue of the seal of the sacred religion could have no intellectual concept other than its concept of perfection. If the holy religion (Islam) is the seal of the religions and no religion would come after it for prosperity of mankind, it is a proof of the perfection and completeness of this religion for the entire humanity in all periods to come.

On the other hand, social prestige of the holy Islamic religion is preferable to its individual aspect; that is to say in religious texts, interests of Muslim society is preferred to individual interests and sometimes is limiting it which is admirable in intellectual terms.

With these preliminaries it cannot be accepted that a religion which claims to offer completeness and perfection for prosperity of human beings, and also considers social prestige superior to individual aspects would present different subjects under all conditions for individual prosperity but as far as prosperity of the society is considered it would have either nothing to express or, if it does, it would be a political topic that could be digested within democratic conditions.

Furthermore, in this regard, it has been suggested that democracy does not rest on a certain basis in terms of philosophy or it has been assumed that objectives and goals of democracy are based on human nature or on a wrong impression, these objectives are scientific. While democracy is for goals some of which are not in contradiction with the religion such as social security; and some others are in contrast such as secularism; and some have "the public and private forms" such as what some philosophers mean by justice; therefore interpretation of religion, which is a compatible system, including both individual and social aspects, to such an extent that the society would reach an ultimate goal, where at least some of those goals are inherently in contrast with the religion, is a completely confusing issue.

The fifth perspective is the free interpretation of the writer of this article; religious democracy is the religious outlook and viewpoint and divine Shari'ah towards people

and their position in the administration of the society and governance. In other words; religious democracy is an inward outlook of the religion, to the social and political role of the people rather than an outward outlook.

Religion is a set of world views and ideology based on the belief in the absolute ownership of God and that all beings are created by him. From the Islamic anthropological perspective God is right to determine the fate of human beings while He has bestowed them the dignity of free living and free thinking within the framework of rules and orders and prohibitions.

Therefore, the ultimate goal of the religious society is realization of relations that would guarantee prosperity of the society under which God has designated as good. One of the coordinates of the society is free living and free thinking. That is to say freedoms on the basis of religious thoughts have been bestowed upon human beings and human societies that are naturally much broader than the freedoms set forth in Western democracies, but in some cases it contradicts them and religious democracy fundamentally finds its definition from within the religion. This democracy for ultimate realization of prosperity of the society according to the religious pattern has *tariqat*<sup>74</sup> aspect and in its ultimate concept sometimes is in full compliance with the ultimate Western democracy (such as rejection of hegemony and dictatorship or establishment of security in the society) and sometimes is against some of its objectives (such as secularism and some social freedom) and sometimes has common and contrasting views such as economic boom and development and establishment of justice (in which meanings there are some differences). This question may come to mind that if in the religious democracy, democracy is for realization of the divine ultimate goals for the society, what is the role of human reasoning here? And given that the ultimate has been previously defined, what are the advantages of individual freedoms?

This question could also be asked about Western democratic societies; because democracy is not an absolute ultimate, democracy in those societies is a way for realization of a society which in interpretation of scholars has a previous permanent archetype although it is different from the Islamic society. Therefore, this problem could also be raised in that category which should be answered. This is an important question which should be answered with regard to the democratic structure of societies especially the Islamic Society.

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<sup>74</sup> - A way; a path; Spiritual path leading to God

## Conclusion

1. It should be noted that in administration of the society there is one discussion over goals of the society, perspectives and policies and planning and one over the rulers and the executives. The role of administrative rulers and executives is far more effective than policies and goals of the society under the modern societies' condition to such an extent that it depends on daily issues of the societies, and on the condition and behavior of the executive of the administration.

In religious democracy in this category, election of the authorities (which play important roles in the administration) is put to public vote. That is to say, election of the leadership of the society down to the lower classes of the government is somehow related to the vote of the people. Of course in this section and at each level there are certain conditions in which type of the presence of the people become meaningful. That is to say, commensurate with the conditions needed for the position of that sector of governance, the type of the intervention by the people would be determined.

In the era of disappearance in the religious system, conditions of the administrators have been specified and not their application. Leadership, the president and the ministers and ... each according to their position, have certain conditions, but their applicability are diverse, and these elections are conducted upon votes of the public. Leadership of the religious society, because it is the highest authority for leading the society towards achievement of ultimate divine goal of the society, should have superb conditions, such as *ijtihad*, piety... and the selection should be conducted by those who are capable of recognizing such characteristics.

In other responsibilities the executives of the administration have their own conditions, either positive aspects or negative aspects, and from among their features they are elected directly or indirectly by the people and therefore the prime role of people's presence in religious democracy is election of the administrators.

2. In the Islamic utopia goals exist for the society in terms of observance of people's rights, social security, realization of Islamic rules and justice; but under different circumstances the way they are realized or planned is different. Development of countries in certain cases has positive components and in some others variable components and therefore ways to achieve would be different. People's vote for planning to realize the goals plays an essential role. In this way there might be some considerations and religious criteria, but its dominant aspect is based on human intellect. For example in the economic sector or social problems

there is a concept called prestigious order among Islamic teachings (for example in economics individual ownership is respected or that economy in an Islamic society cannot take the side of the prosperous and forget justice. Also, justice based on minimizing class distinctions and orientation towards the oppressed is considered a goal) but with regard to the process of realization and planning for development, and for the purpose of the society to have economic and social contentment and economic prosperity and solution of problems of the livelihood would be observed, the command basis cannot be found in the religion, but based on modern conditions and on the basis of human reasoning and wisdom the appropriate mechanism should be sought. In all these aspects people's vote is binding.

On this basis, while religious democracy is inherently incompatible with secularism, it is very consistent within itself and defines and interprets democracy from inside religious thought. In this ruling it is not affected by mixing the ultimate prestige and path and elucidates the realm of the influence of people's vote, either in the election of administrators or in planning for the society, for realization of a specific form of the society. In this vote it has not been affected by ignoring philosophical foundations of Western democracy and its eclecticism with religious political thinking (which can sometimes be heterogeneous with each other).



# **Religious Democracy: The Democracy of the Righteous**

**Dr. Mohammad-Bagher  
Khorramshad**

## **Religious Democracy: The Democracy of the Righteous**

**By: Dr. Mohammad-Bagher Khorramshad<sup>75</sup>**

What is religious democracy? This may be the first question to come to one's mind upon hearing or seeing the phrase "Religious Democracy". The article at hand tries to find a suitable answer to the fundamental and basic question, to which various answers can be presented. The article at hand provides one of the answers.

To offer final answer to the said "main" question, it is necessary to find answers to a series of peripheral questions. The questions might be: Do by "Religious Democracy" we mean "democracy" in all religions generally or in Islam exclusively? Can one basically speak of democracies or there is only one democracy at all? Why religious democracy? Is religious democracy an artificial and non-genuine phrase or the phrase has been made out of putting together the two words of "religious" and "democracy" with difficulty? Alternatively, it is not basically possible to do that. Irrespective of all the definitions presented on religion and democracy thus far in a bid to provide two independent concepts, juxtaposition of the two will result in formation of a new phrase

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<sup>75</sup> - Scientific board member of Alama Tabatabaei University (Tehran)

that has an independent and new concept. That's a genuine concept with a new and special content.

Since "religious democracy" was raised for the first time by the ruling Islamists in Iran, so, their goals has been in fact Islamic or religious-Islamic democracy not merely democracy in any religion and in all religions. Subsequently, whatever will come here might not hold true with religious democracy in other religions. For example, it might not hold true with the religious-Christian democracy or religious-Jewish democracy. So, what this article means by democracy is the religious-Islamic democracy.

A reference to contemporary political literature would show that the word "Mardomsalari – (people-oriented)" in Persian language, that is the equivalent of the English word "democracy", would bring about new words if juxtaposed with other words such as liberal, social or ... The phrases created as a result would have special meanings. The phrase such as "social democracy" (*Robertson, 1985; pp. 302-303*), which is a branch of socialism as certain groups of people so claim, believes in improvement rather than revolution in case of accepting the effect of the principle of democracy in social changes. (*Ashoori, 1999; pp. 208-09*)

Or take the phrase "liberal democracy" (*Robertson, pp. 186-187*), which is said to refer to a sort of "democracy of representation". That's exactly what one of the well-known Islamologists of the US, Bernard Lewis, has raised and dealt with in dealing with compatibility/incompatibility of democracy with Islam. (*Lewis, 1993: pp. 89 - 94*). Consequently, it seems that different political and intellectual schools of thought have focused on a special kind of democracy and embedded it into their own school of thought. The said phrases are the result of embedding of democracy in different schools of thought or the result of dealing with democracy in the said schools of thought.

That Iranian Islamists have, instead of using the phrase "religious democracy" or "Islamic democracy", preferred to use another coined phrase in the Persian language:

“Religious Mardomsalari” The phrase is worth analyzing and justifying from different aspects. The independence seeking and indigenized characteristics of the group have made them use genuine and domestic lexicons and phrases rather than the Latin and foreign ones. Alternatively, they consider and define their own democracy in a way that is different to some extent with the democracy prevalent in the west. As a result, they have preferred to put the phrase on show since the beginning with the change in title and reference. (*Qumi, 2003: pp. 13-14*).

At any rate, translation of religious democracy into western languages will end up with nothing but "Theo Democracy."

Two major groups consider the phrase "religious democracy" as non-genuine, uncommon, inconsistent and unlikely. The people are among opponents of religious democracy in theory. The first group favors the kind of democracy which cannot juxtapose religion. The definition and approach of the group on democracy do not go with the definition and approach they present on religion, concluding that religion and democracy cannot be assembled. The other group comprises the pious who think religion and democracy cannot be put together and they are not of the same nature. On the other hand, the group of pious people or the religiously committed individuals believe religious democracy is an imposed, forged and non-realizable concept. (*See Aftab Magazine, no. 21-24 (December 2002 to March 2003)*).

The ones supporting religious democracy in theory too fall into two groups: The first group is the one believing that religious democracy is part of the political view of Islam in terms of government. They hold that democracy in the political ideology of Islam is a genuine element, being an integral part of the ideology of Islamic government.

The second group comprises those who think democracy is mostly a method of government; they do not oppose political injunctions of Islam and take it as a successful and positive method to attract, digest, mix and adapt with essence of Islamic

government's ideology. In the view point, Islamic government is a cause which can be materialized in different ways. Among the methods is the democratic method whose effectiveness and advantage has already been proved and touched upon. So, it can be used in the political ideology of Islam and one can speak of religious democracy through its imbedding. (*Tajik; 2003: p. 19*)

Those opposing religious democracy in theory have some presuppositions that based on them and through their juxtaposition the phrase religious democracy would suffer contradiction or paradox from inside. Among the presuppositions are:

**a.** Democracy is a school of thought with its due theoretical foundations, which are not consistent with the theoretical fundamentals of the idea of government in Islam.

**b.** Basically, government is private-oriented in Islam and the government's mood of private-orientation is such an ideology that does not go with public sovereignty which is a principle of democracy.

**c.** The origin and source of government in Islam is divine legitimacy, while in the democratic system the source and origin is people. Consequently, legitimacy of the government comes from people and no one or nothing else.

Consequently, the said presuppositions on democracy or religious democracy are not only suffering paradox theoretically but are also facing contradictory and defusing behaviors in practice, provoking its twin, i.e. religious democracy or fundamentalism. (*Tavassoli; 2003: p. 12*)

Now let's see what democracy is. What is democracy in kind? What is/are the definition(s) of religion? Which definition on democracy is consistent or inconsistent with which definition on religion? What is the definition on religious democracy and its components? Why and how can religious democracy be called the democracy of the righteous? And finally what do we mean by the democracy of the righteous?

### **a. Democracy**

Lexically speaking, democracy consists two parts: 'demos' meaning 'people' and 'Kratia' meaning 'sovereignty' in the Greek language. (Ashoori; 1985: p. 87) It instantly means "sovereignty of people." Technically dealing with the word, it should be said, "Democracy has throughout history been transformed into a word with broadest rather than most restricted meaning. And thus far, "no comprehensive definition has been provided on democracy." (*ibid*)

Regarding the extent and large volume of definitions provided on democracy, some of the definitions are of two types, focusing on experience. There are yet other definitions reflecting the cause and aspirations, principles and values and in other word, the definitions foresee the outcome of the phenomenon. (*Hermet, etal 1994:75*) Certain other people divide the definitions into two major classes of utopist and realistic. (*Bashirieh; 2001: p. 19*) On the other hand, the existing definitions on democracy can fall into two categories of minimalist and maximalist. The recent typology is the concern of the article at hand.

Among the most recent minimalist definitions on democracy, reference should be made to that provided by John Stuart Mill, the 19<sup>th</sup> century English political philosopher. He considers three conditions being essential for democracy: The public right to vote, free elections and clandestine voting. In his opinion, the basic advantage of democracy is that it removes political corruption. In his opinion, "the more mature democracy is the government which is on the one hand based on the votes and views of the majority and their representatives and on the other hand, benefiting from the qualification and views of the "minority elite" in any legislation procedures and management of affaires." (*ibid*, p. 67) Joseph Schumpeter is among other minimalists who has presented a definition on democracy in the first half of the 20<sup>th</sup> century. Defining democracy, he says, "The democratic method of organized arrangements to enforce a series of political decisions in which people reach power and position through the decisions made through



competitive elections and votes of people.” (*Schumpeter, 1974: 269*) Batamore, meanwhile, defines democracy as a type of government that “allows the elite to run their own affairs and arrange a well-organized competition to gain power.” (*Hermet et al, 1974: 77*) Carl Cohen, taking a similar approach, takes democracy as a collective government in which members of the society can be/are directly or indirectly involved in making the decisions related to them.” A number of the instructors of politics in South California University have jointly claimed, “Democracy is a type of government in which people or majority of them have the final power at hand and make decisions on main subjects of national politics. In this form of government, maximum personal freedom is consistent with security and social order and welfare. The most extensive and possible opportunities too are available for all to the extent that people get equal (in tune with their natural talents) as much as possible. The most complete type of training personality of mankind and maximum participation of citizens in government affairs are all among specifications of democracy. (*Carlton Klamyr; 2001: p. 109*) Huntington says in the book “The Third Wave of Democracy at the End of the 20<sup>th</sup> Century”, “The study at hand considers the type of political system in the 20<sup>th</sup> century as democratic that whose power holders in charge of making decisions for the system are elected by free people, who have the right to vote and can vote correctly, taking part in phased elections honorably, in a competitive way and freely. Such a definition on democracy has two dimensions: Competition and Participation.” (*Huntington; 1994: pp. 9-10*). The UNESCO too, quoting David Beetham and Kevin Boyle in the book “What is democracy?”, provides a definition on democracy: Democracy belongs to a type of collective decision making and collective decision making contrasts another type of decision making, called personal decision making, in which special groups of people decide alone on behalf of other people. They continue, “Democracy conceptually reveals the aspiration that the decisions affecting society as a whole should be made through views of all society members and also all the members should have equal rights to participate in the decision making. In another word, democracy depends on two major

principles of public supervision over collective decision making and having equal rights to make the supervision possible. The more the two principles are influential in the decisions made in a society, the more democratic the society would be.” (*Beetham and Boyle; 2000: p. 17*)

Hence, what is today referred to as democracy by governments and nations actually is the indirect or representative democracy. It means election of the representatives who would enforce will of majority of people in the legislation assemblies. Among features of such democracies are:

**a.** Free elections held every now and then and constantly and whose mature citizens have the right to vote and the candidates and parties—either those favoring or disfavoring government – can take part in the elections campaign freely or the voting should be clandestine and free of any threat.

**b.** In such elections, there will be the possibility for an effective election; i.e. the elections should not be limited to candidates of a party and if the majority of voters do not vote to the then government, the ruling will be entrusted to others.

**c.** The board of representatives, called parliament, congress, national assembly, parliament and so on, have the right of legislation and the right to vote on taxation and supervision on the budget (through its majority votes) and can openly question government decisions and criticize or oppose them without its members being threatened, annoyed or arrested. (*Ashoori; 1999: pp. 157-158*)

Among maximalist definitions on democracy, provided in the 17<sup>th</sup> and 18<sup>th</sup> centuries, is the one presented by John Lock. He stresses main elements of democracy, namely human beings’ natural freedom and equality, the right to live and ownership of human beings, the conditions and limits set for government by the natural law and public descent, religious laxity, separation of government powers, principality of society before government and the right to rise up against the despotic rulers.” (*Bashirieh; ibid;*

p. 55) What Lock maintains in the definition is in fact nothing but main foundations of liberal democracy; the definition on liberalism indicates: "The theory or politics want the degrees of freedom against domination or guidance of government or any other institution, which threatens man's freedom. It is a movement which believes people are not the nationals of the despotic government rather the law should support them in their private affairs. As far as public affairs are concerned people should supervise government through the parliament, elected through free elections. It is a philosophy through which no one should damage health, life, freedom and property of others. It is a belief which gives high importance to person and opposes any grouping, including government or masses of people. As far as economic ideologies are concerned, liberalism means resistance against government's control over economic life and especially resistance against restriction of trade through levying taxes on the imports, resistance against any kind of monopoly and unwise and harmful interference of government in generation and distribution of wealth." (*Ashoori; 1985: pp. 148-149*)

As observed, in the maximalist definition of democracy, democracy is actually taken synonymous to liberalism; certain people have taken democracy as one of the principles of liberalism, while considering other aspects as individualism, rationalism, utilitarianism, and liberty for it. (*Wincent; 1999: pp. 54-73*)

There are, however, certain groups of people, who believe the idea of internal link between liberalism and democracy is highly misleading. This is because classic liberalism is usually different with liberal democracy, especially considering the fact that after ambitions of the contribution democracy in the French 1789 revolution, and liberals, especially in France, laid the least trust in full democracy." At any rate, it can be said that always an aspect of liberalist tradition exists which calls for expansion of the right to vote as the fundamental right of the owner citizens." (*ibid; p. 72*)

Among liberals, Stuart Mill, whose definition of democracy was included among the definitions provided by minimalists on democracy, was the most optimistic liberal

theorists on democracy. However, the dimension of the classic liberals' pessimism in democracy continued until the 20th century and suspicion in the role and need to democracy still exists in the classic liberalism." This is because some of their problem with democracy is that democracy has always necessarily caused adoption of the liberal policies." (*ibid*) Among the liberals, reference should be made to Jefferson Thomas and Hayek. Jefferson reasoned in the 18th century that liberalism needs supplementation precautions in dealing with democracy. Hayek too in the 20th century considered democracy and freedom having different goals, which might or might not correspond with each other. The limited supportive democracy might support freedom but there are some dangers existing. (*ibid*; p. 73)

In view of Blandel, liberalism and democracy are two separate concepts and there is not necessarily any affinity. In his opinion, liberalism and democracy are two separate analytical concepts which juxtaposed with each other in the west due to developments in the 19th century Europe. But if a political system, while giving people the opportunity to participate, does not allow considerable competition, it might be taken as democratic while not being liberal." (*Blandel; 1999: p. 57*)

However, in contrast, certain people believe that in "the liberalism prospect, no democracy other than the democracy being based on the liberalism principles does exist." (*ibid*) In the approach, "democracy is taken as a government formula, which summarizes exigencies of the liberalistic ideology, completing and implementing it." (*ibid*) That is the same maximalist definition on democracy; the definition takes democracy synonymous with liberalism or liberal democracy. Though according to George Burdeau, "the claim is based on casual observation based on which liberalism's preference over democracy is evident." But, the same historical and occasional approach to democracy's development worldwide shows that on a point in history, the rulers believed in self-sufficiency of liberal democracy to solve all problems; thus they decided to heal social strives necessarily through the political-oriented democracy. We do know

what the result of such a healing was. Having seen the defeat of liberal democracy, victims of such strives started to have other approach on democracy. They pinned their hope on social democracy and therefore liberal democracy was a phase out of a series of phases to attain a genuine freedom." (*ibid*)

Hence, it is observed how the definition on democracy is fluctuating between the two points of minimalism and maximalism. Among the definitions, the most prevalent and customary of which is the minimalist definition, which provide several indices for existence or absence or materialization and non-materialization of it in societies. Indices such as the one coming in the Huntington's definition (competition and participation) or indices such as the UNESCO book indices, are as follows: "The equal right of all to contribute to the decision making for public affairs in society, people's having decisive role in political decisions, the right of all for supervision over collective decisions, and eventually having equal rights to enforce the supervision.

In fact, democracy is the type of government which is in contrast to personal governments. According to Huntington, "In other government systems, people gain power and stand as leader based on such criteria as birth, luck and fortune, wealth, force and aggression, inter-election, wisdom, appointment or passing of tests. In the democracy, being based on the working procedure, the principle of election is based on election of leaders by the public through free competitive elections." (*Huntington; ibid: p. 8*) So, in democracy the sovereignty of people would replace sovereignty of despotism, dictatorship and totalitarianism and that through the ruling person. The means, vehicle and method of establishment of public sovereignty is systematic, constant and regular participation of them in power and having them win a share in power through elections and supervision over the conduct and decisions of those elected or the rulers. This is because in different political and social democracies, the commonality is public participation through the representative method and reference to

public votes. This is because only that way, people in a small or big society can rule over themselves." (*Sahhafian; 1997: p. 5*)

What is nowadays seen of democracy or rule of people objectively, is not the direct public sovereignty but sovereignty through representation. In another word, if Abraham Lincoln's well-known interpretation of the definition of democracy, i.e. "people's government by people and for people" was first of all taken that through direct democracy all people would decide all affairs through participation in elections, what is observed today and is clear manifestation of democracy and is the only way for its materialization, is indirect democracy or the representative democracy. In another word, the most genuine form of democracy, i.e. direct democracy, is in action impossible and due to the same reason, that's for years that human beings have sufficed to indirect type of democracy or the election or representative democracy.

The question is: Can a system, being based on elections, meet all the early expectations of democracy and be really democratic? Among old political theorists, Rousseau has had a negative answer to such a question. His reasoning in negation of the point has been in the parliamentary systems, people are provided with freedom once in few years and only at the time of elections. Afterwards, people make recourse to the affiliation stance and obeying laws which is not better than slavery. (*David Beetham and Boyle; 2000: p. 24*). Of course, in contrast to the leftist response, the rightists have the justification that the parliamentary system is the best system to have been designed up to so far to maintain control over government under conditions when population of the country reach millions and people have no chance to spend all their time on constantly dealing with political issues. The idea holds that in such a system, people can through election of the head of government (president or prime minister) and election of members of the legislation power, can supervise the government because parliament, using its power to pass or reject laws and through method of taxation, is capable of constant supervision over government's conduct by the public. Of course, the public



supervision would be meaningful once elections are free and fair and government is a transparent government and parliament is practically having enough power to control and have careful supervision over government performance." (*ibid*; p. 25)

Thus, democracy is known, in its early lexical form and has some restrictions from the theoretical and practical standpoints. The first restricting point with democracy is its getting limited to representation and being based on elections. The second restricting point is within election itself. Also, elections do not cover all spheres of general domain of man's life even when it wants to elect representatives. It considers limits for those elected and those electing. The restrictions are practically visible in the election and factional systems. The restrictions include the method of vote counting to age limits of those electing and those getting elected, their literacy rate, their membership and non-membership in a party, way to finance election expenses, the effect of mass propaganda and new imperialism over selection of those electing. Especially, what observed, more than limits of those electing, is the restrictions of those elected. In practice, all do not have the possibility to run candidates for elections. So getting all the restrictions into consideration, the extent of democracy's action gets further limited. What remains in fact is the one inside whose borders democracy is materialized and can be observed.

It seems that early democracy cannot evade limits and boundaries. In another word, the necessary, absolute and early link between democracy and freedom is in practice damaged; especially, it is observed when discussing freedom of those electing and those elected. Recalling the fact that there might be some people having more chance to turn candidate and representative with better and higher social, financial, political and so on chances, seems to be enough to understand such an important subject.

Now, in line with the argument, there is a question: "Regarding the role of objective and experimental realities in definition of democracy, what can be the goal of democracy in religious democracy? Before answering the question, it seems necessary to

provide an answer to the question, provide a clear-cut and transparent definition of religion, which can enlighten the religious section of the religious democracy.

## **B. Religion**

Regarding the present realities and literature, the approach towards religion and its definition can fall into two major categories within definitions provided by maximalists and minimalists. (*Scruton, 1982: 399*)

Those having minimalist definition of religion, take it as a belief and merely personal, which return to relation between man and God. It is the relation in which belief in the world hereafter, award, and chastisement (*Amid; 1984: p. 994*), provokes special private morals and behavior. In the definition, religion is a personal tradition and practice that within the framework and through acting on it, any man adjusts his relation with source of existence (God). In the definition, religion is the plan of worshipping. (*Sorush; 1999: p. 124*) And also, it is mysterious and shocking relationship. (*ibid; p. 126*). In this definition, religion has no social mission and nature. When that's the case, absolutely, once cannot and should not have any political expectation of religion because in that case, unwise expectation is made of religion. In the definition, the most important lesson of religion, which is considered its essence, is the lesson of worshipping. (*ibid; p. 371*). Religion, based on the approach, is a cause which teaches us we are not God. The one, who considers himself as God, has special kind of behavior; his policy is the policy of worshipers and not the policy of Gods; his government is the government of worshipers and not government of Gods; his morals is the moral of worshipers and not morals of Gods." (*ibid; p. 373*)

Such an approach on religion and such a definition would lead to a trend in the contemporary world that is called secularism. (*Hermet et al; 1994: 259*) The process, which would take years, has happened and is observed specifically in the West, considers a fully non-materialistic, general and physical position and function for

religion based on a special definition provided on religion. (The minimalist definition of democracy) Consequently, whatever is related to the materialistic, general and physical life of man is considered separate from religion and no role is considered for religion, its concepts, goals and mission. As a result, such an approach on religion is put outside general zone of man's life, getting limited to a fully mental and personal atmosphere. (*ibid*) Among the most important general or materialistic zones of man's life, from which religion has been put away, is political realm and extent of man's life. Hence, in such an approach no function and role is foreseen for religion in politics since the beginning. Even entry of religion into the realm is taken contrary to expectation of religion and as a result, it is distinguished as corruptive and harmful.

The maximalist definition of religion, especially the definition on Islam which is the subject of the study at hand, considers times broader definition for religion and Islam. Based on that type of definition, "Islam sets a clear path; it is a way of life and a course to perfection; the tradition is a belief and has a plan: That's an idea which identifies the world of existence and specifies man's condition in this extensive field, expressing the main goal behind his creation and outlining the plan all vital organizations and establishments originate from and rely on the idea. It brings Islamic ideology as an existing reality in man's life; the examples are: moral organization, namely roots of morals and fundamental bases as well as the forces in society which support it, political organizations and form of government and its specifications, social system and whatever is influential in its maintenance and survival, the economic and philosophical systems of its establishment, international law and global solidarity." (*Seyed Ghotb, 1980; p. 17*)

Based on the definition and approach on Islam, Islam proposes a comprehensive and extensive interpretation which is the baseline of human beings' living system, guiding people to monotheism from ignorance through its complete plan, which is based on monotheism. As it puts right doing on its agenda in order for purification of man's

heart and soul, considers its rules and regulations as the restricted plan so as to upgrade his standard of living." (*ibid*, p. 38)

Hassan al-Bana says, "Since Islam comprises all living aspects both in this world and the world hereafter, so it can be called the school of worshiping, patriotism, civilization, religion, government, ethics, action, Quran and sword." (*Moussa al-Hosseini, 1998, p. 114*).

Asked from Ikhvan-ul-Moslemin (Islamic Brotherhood) to comment on Islam and politics, he said, "If Islam is not the religion of politics, social affairs, economy, law and culture, so what is it? Is it only bowing, prostration, and prayers? They ask: Isn't it a surprise that communism should have a government through which to rule and invite others to it as other systems and nations too can have governments for which they campaign but Islam should not have an Islamic government to do something for Islam and defend it? By Islam, it is meant a religion having all advantages of other schools of thought, while being free of any of their shortcomings; by Islam it is meant a religion presenting a global system to the world people and offers principles solutions to their spiritual and materialistic pains and even considers it as Muslims' duty to relieve needs of others. By Islam we mean the religion that considers people accountable before each other and has compiled the most progressive systems for community of human beings well before manifestation of the said schools of thought. The Islam we have cited is the one which says in its Quran: "We have put the group of people among you to invite others to the good and prohibit them from the vice, guiding you to the way which would lead you to prosperity." (*ibid*, p. 115).

Here the relationship between Islam – as a religion—and politics is so obvious that even the opponents have admitted to such a relationship between religion and politics and have dedicated an independent discussion, entitled "Islam and politics", to it, speaking of whys and hows. (*Hermet, 1994; 138-139*)

Hamid Enayat, too, has in many ways presented justifications on the issue, saying why Muslims have always had special tendency towards politics, directly stemming from the heart and bottom of Islam. (*Enayat, 1993; p. 17*) To justify the relationship between politics and religion in Islamic culture, he firstly deals with the point that "if politics in nature is the art of living and working with others, so four out of five pillars of Islam (prayers, fasting, charity, Hajj, testimony, revealing oneness of God and prophethood of Hazrat Mohammad (PBUH)) are suitable for elevation of the spirit of cooperation and group cohesion among its followers." In another justification, he says, "If based on another viewpoint, the spirit of politics is taken as constant efforts to gain power, it can hardly be possible to provide more political viewpoint on Islam. Islam which has always identified human nature consistent with his physical and spiritual needs, has never been happy with outlining and expressing his aspirations. Rather, it has constantly been in efforts to provide means to address the causes and power is a basic tool to achieve the goal. Quran asks the faithful follow lofty lessons or good tradition of Prophet Mohammad (PBUH). (Quran: Ahzab (Parties), verse 21)<sup>76</sup>. Since the prophet has been mainly successful to found a government based on Islamic injunctions, Muslims too have the duty to take lessons from him in that concern." (*ibid*) According to Enayat, there is yet more simple reason for Islam's solidarity with politics as arts of government: Enforcement of a number of collective duties or compulsory duties of Muslims, which are more important than inviting to good and prohibiting from the vice, and defense of Islam is only possible in light of the government, which might not be committed to Islam entirely but is at least interested in and favors its goals." To sum up his justification, Enayat says hence, any Muslim living under rule of a committed or Islam-supportive regime, should actively contribute to its survival and on the contrary, any Muslim lives under the yoke of a regime being hostile to Islam should fight to down it whenever the time is ripe." And Enayat finally provides yet different definition on

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<sup>76</sup> "لقد كان لكم فى رسول الله اسوه حسنه لمن كان يرجو الله واليوم الآخر و ذكر الله كثيرا " - 76  
*Indeed the messenger of Allah is an outstanding exemplar for those who have hope in Allah grace and in the last day and who keep on saying Allah's remembrance* "(Quran: Al-Ahzab (Parties): verse 21)

Islam, considering Islam being political. Somewhere he says, "Eventually, if the problem lies in basis of Islam when there is argument who should rule and why we should obey the rules, no vigilant Muslim can study his history—even simply and superficially – with his co-beliefs without having any need to question about the questions and arguing them. The need to such an approach and behavior gets stronger when Muslims are dominated by foreigners as many of them were so in the past four centuries, i.e. they were under rule of foreign or foreign-affiliated government." (*ibid*, p. 18)

Hence, based on the definition of religion, especially that of Islam, proved by maximalism point of view, Islam cannot be a social, cultural, economic, civilized and political religion. Political Islam has been born, lived and survived up to so far. Expecting Islam not to be political would be unreal and not vice versa. Here when speaking the quality of government in Islam, especially when looking for the best choice and method of government in the contemporary world, the theory of religious democracy is raised inside the political ideology of contemporary Islam.

### **C. Religious Democracy**

Now, based on what was said about religion and democracy, it can be said what is religious democracy or how it can be.

Based on the minimalist and maximalist definitions on democracy and those on religion, four positions can be forecast on democracy from theoretical standpoint:

1. Religious democracy comprising both categories of religion and democracies on the basis of the minimalist definition
2. Religious democracy covering both concepts of religion and democracy based on the maximalist definition



3. Religious democracy based on the maximalist definition of democracy and of minimalist definition of religion

4. Religious democracy based on the minimalist definition of democracy and maximalist definition of religion.

5. The composition, covering the minimalist definition of religion and minimalist definition of democracy, would not have any room for religious democracy because minimalist definition of religion does not basically provide any general and social ground for religion based on which one can expect religion to be political, redefining a view on government in it. Of course, the minimalist definition on religion can be presented with a religious approach or from religious point of view or with a democratic approach. At any rate, the result believed in secularism, which does not foresee any position for religion in public affairs: either with an intra-religious and Islam-oriented approach or extra-religious and democratic view. At any rate, the two cannot be juxtaposed through the approach.

6. Through the composition, which provides a maximalist definition of religion as well as maximalist definition of democracy, it would not be possible to materialize religious democracy as well. This is because, in the maximalist definition of democracy, what is basis of action and theory is liberalism and religion, either in its minimalist definition or the maximalist definition, would not be compatible with liberalism. The point of departure of religion is God and man's compatibility with divine orders or at least in-advance contribution of divine rules and orders in man's life, including the public and at least private life; whereas in liberalism any intervention and imposition from outside man's self and God in the name of humanism and individualism and in the name of God and on part of God would not be acceptable and tolerable. Consequently, religion and liberalism go alongside each other, never cutting each other.

7. In the third composition, i.e. when maximalist definition of democracy and minimalist definition of religion is concerned, no evidence in connection with religious democracy can be found. This is because liberalism in nature is not consistent with religion, either in its minimalist definition or maximalist definition. At any rate, religion is a tradition based on former plan and the definition a pious man would accept before anything else. The point of departure means negation of the point of departure of liberalism in which man does not accept any limit from outside. Of course, there might be some claims that when man accepts religion based on its personal interests, he has in fact accepted the limit within framework of liberalism and its foundations. In that case, even turning a blind eye to many questions and problems, the accepted religion would be a religion with minimal definition. However, this would be a problem with the religion: religion cannot be mixed with many other foundations of liberalism even in its minimalist definition. As a result, the paradox of religion in the minimalist definition and democracy in its maximalist definition would never be solvable.

8. Hence, it seems that only under one condition religious democracy can be materialized, that is the composition made of juxtaposition of the maximalist definition of religion and the minimalist definition of democracy. Under such a condition since a general, social and political ground is defined for religion, religion's entry to politics and presentation of a view and method for it would be allowed and sometimes necessary. And also, since a minimalist definition of democracy is concerned, so, on the basis of the democracy a method of ruling would be taken into consideration. It can be imagined that such a method is re-defined, embedded, indigenized and accepted within framework of the religious theories on politics and government.

a. Hence, religious democracy is a religion being based on a maximalist definition of religion and a minimalist definition of democracy. As seen, the two are the most prevalent, most customary and even most objective definition thus far presented on religion – at least Islam—and democracy in the contemporary world. There are a few

persons to found claiming that he can introduce Islam as a minimalist religion, limited to personal life of a Muslim human being. Perhaps theoretically, one can speak of a religion that is minimal in nature, thus reasoning that such a religion is more helpful for human beings; but when speaking about Islam, we do not touch on abstract phenomena. Islam is a religion, dating as back as more than 1400 years with all its specifications with a long historical record. Scientifically speaking of the reality is commenting on it objectively. Looking to Islam would reveal that it is a social and political religion. Muslim man has personal as well as social and political duties. In the course of history of Islam, Muslim man has lived so and taken into consideration the same way.

**b.** The definition provided on democracy, that is realistic in nature, belongs to minimalist definition of democracy. It arises from the average of its materialization and its function throughout several hundred years of history of mankind, especially the western man. Based on the definition, democracy or rule of people is made possible practically through free and fair elections and based on which representatives of people have the power and oversee its practice on behalf of people and through special mechanism. In growth of the mechanism, besides rule of the public through house of representatives and supervision over the executive power by this way (through the legislation power), the head of the executive power too is elected by the public either directly (public voting) or indirectly (getting elected by Majlis). Either representatives or head of the executive power are elected for a specific period of time. The mechanism of Majlis supervision over the Executive Branch is provided by the law and the method of the two's engagement too is specified by the law so much so that in the constitution of majority of countries, head of the Executive Branch has the right to dissolve house of representatives of the nation so that they would be elected through another election and under other conditions other representatives would be elected. The right to vote is public but the people aged less than a limit or not having a country's nationality, even residing in the country, or not being healthy or wise enough and the like would not have the right to vote. All too can be elected. But here too such conditions as age, education, residence

for a specific period in a region, having the qualification to gain genuine nationality of a country, are among other restricting conditions in an election. Party system and election system of the country are among other restricting and obligatory mechanisms as well as binding conditions for elections.

c. Based on the above notes, what can be expected of the model in connection with religious democracy should naturally go with the minimalist definition of democracy. Evidently, no liberalistic expectation of democracy can be on the consideration with respect to religious democracy; it would neither be able to materialize. Under such a condition, religious democracy due to the importance it gives to democracy is in many ways considerably similar to other kinds of democracy, including liberal democracy or social democracy and so on. The only difference is that it tries to allay concerns over people's real sovereignty and not their artificial sovereignty in a more justified and convincing way. It was an anxiety being a point of constant conflict between western capitalist liberalism led by the US and east's socialist Marxism led by the former Soviet Union. One of them used to define real democracy in an open capitalist system, while the other believed the definition on democracy in a capitalist system is nothing but deception and lie because in their view, what is actually found in capitalist liberalism was sovereignty of capital and wealth and not sovereignty of nation and people. This is because the one had the condition to be elected that could deceive the public through wealth as there were many qualified people never been able to be candidates let alone getting elected just because of not having any wealth. Or, political ploys used to affect the constituency and drastically lower the power of choice of people as those electing and the potential candidates as those getting elected. In contrast, the left considers its democracy more real because people vote and get candidate under conditions when due to being in equal economic condition as a result of cancellation of private ownership put in equal condition. As a result, what comes at the end is a real democracy. The rival ideology, however, considers the election non-democratic, rather elections under fully closed and unilateral condition in which people practically vote to

candidates of the communist party and not the varied and different parties that considered it as the requisite of whose democracy.

**d.** At any rate, religious democracy too as a model which despite accepting private ownership insists on social justice and despite giving priority to social justice and religious aspiration is not relying on mono-party system. It tries to attain a formula in practice in which people's real sovereignty would be more materialized and not sovereignty of capital or sovereignty of party or oligarchic sovereignty of special parties. Perhaps one of the reasons for certain political instabilities of the Islamic Republic of Iran's religious democracy to is the result of such an approach.

**e.** At any rate, what can be found in religious democracy and should be expected to be so, is the average of democracy which has also come in the minimalists' definition of democracy and not the aspiration features of it which has never and nowhere been materialized.

Consequently, alike other democracy, in the religious democracy, too, the question is not mainly this: If people did not vote to sovereignty of religion or religious system, what would be then? That is a cliché question, which may concern any theory on government, especially the so-called advocates of democracy and even the governments not having such a claim. The response to the question is clear. Since government is not something abstract and in practice includes two major parties, the group ruling over others and the ones (people) who are ruled by others. Without consent of those being ruled, no government, including the religious governments, would be able to be established or survive. The response given to the question by those believing in any sort of governments is in practice similar. That is the main question to which many answers are given based on different theories. The main question of the study at hand too can be: What is the position of people in religious democracy once such a system is established and accepted by the public? In another word, once such a system is established on the will and demand of people in society, how the position of people in

governments and running of social and country's affairs could and should be? Here, democracies, including religious democracy, have given different answers.

The religious democracy, whose clear example is seen in the Islamic Republic of Iran's Constitution, says: "In the Islamic Republic of Iran country's affairs should be managed through elections and public votes: presidential, Majlis, council and so on elections. Also, the affairs can be run through referendum held on many occasions, specified in other articles of the law." (*Article six of the Islamic Republic of Iran Constitution*)

The religious democracy theory, that is based on Holy Quran's injunction which says "Who (conduct) their affairs by mutual Consultation" and "...and for running their affairs they employ mutual consultations..."; (Quran; Ash-Shura (Consultation), verse 38) and ["...وشاورهم فى الامر... And consult with them in affairs...." (*Quran; Ali Imran (Family of Imran): verse 159*)] we have notions on councils, including Islamic Consultative Assembly, provincial and city council, local, district, village and so on councils, serving as pillars of decision making and management of country's affairs." (*Article seven of the Islamic Republic of Iran's Constitution*). In the theory, inviting to good and prohibiting from the vice is a public duty and people are accountable before each other as government is accountable before the public and the public before government. (*Article eight of the Islamic Republic of Iran's Constitution*) So, people and government share equal rights and duties with respect to each other and as government has the legal authority to sovereign, people have the legal and religious authority to rule. Such a right for the public stems from the ideological and religious foundations and beliefs of religious democracy because based on the theory absolute sovereignty over the world and man belongs to God and it has made man rule over his social destiny. No one can deprive man of its divine right or put it at service of interests of special person or group and nation puts the right in practice in ways that would come in the incoming principles." (*Article 56 of the Islamic Republic Constitution*)



So, in religious democracy people supervise government through electing head of the government (president) and electing members of the legislation power. (*Refer to What is Democracy? UNESCO Publications; p. 25*) Parliament's power in Iran's religious democracy is to the extent that no one has the right to dissolve it and fundamental and vital decisions which have something to do with people's life are made by the institutions selected by the people themselves, like councils, Islamic Consultative Assembly, Experts Assembly and President himself. (*ibid*)

#### **d. Democracy of the Righteous**

But, the main difference between religious democracy and other types of democracies is content of the sort of political system, as are manifested in the goals defined for the government. The goals are the ones coming in this article, entitled the Government of the Righteous or Democracy of the Righteous.

In the religious democracy theory, the goal of government is guaranteeing man's growth to lead him towards divine system (And to Allah is the return of all - والى الله المصير). To meet the goal, government should act in a way to help manifestation of talents so that man's heavenly aspects are displayed. (Behave fair virtues - تخلقوا باخلاق الله - ) (commendable moral qualities) as Allah behaves all ) In the religious democracy model materialization of the lofty goal would not be possible unless through active and extensive contribution of all social elements to social developments.

Attaining such a lofty goal and its materialization would not be possible unless through active and all-out contribution of all social strata into social affairs. What provides the ground for such a contribution in all the political and vital decision making procedures for all social strata so that in the course of man's perfection any person becomes accountable for his progress and leadership is the constitution? It is the law which guarantees negation of any intellectual and social despotism and economic monopoly, striving to put an end to despotism and entrust public destiny to them.”

In the religious democratic system, firstly, “the righteous are in charge of running and management of country’s affaires. This is because holy Quran has forecast a bright future for mankind. “ .... ان الارض يرثها عبادى الصالحون - .... My righteous believers shall eventually inherit the earth.” (Quran: Al-Anbiyaa (Messengers); verse 105) Secondly, the legislator who is in charge of defining social management disciplines acts in line with Quran and tradition. “And to do the affair carefully,” it is necessary for fair, pious and committed (fair jurisprudents) to have careful and precise supervision over the issue. *(Prelude of the Islamic Republic of Iran’s Constitution—Method of government in Islam)*

Hence, religious democracy is a type of political system that contrasts any kind of despotic systems, guaranteeing ceding of public affairs to themselves and being committed to provide the ground for people’s active and extensive contribution in all the political and vital decision makings in their society. Elections and the choice of the public would ultimately decide person(s) to whom power would be entrusted.

The quality or macro boundaries of the political contribution to one’s fate, in another word the democracy in the Islamic government, openly reveal several Quranic verses on government. The verses are the ones that if put together draw the framework and content of the religious-Islamic democracy system and ways of materialization of the type of political system.

The verse 128 of Quranic chapter Araf says:

“قال موسى لقومه استعينوا بالله واصبروا ان الارض لله يورثها من يشاء من عباده والعاقبة للمتقين”

"Mussa said to his people: “Invoke to Allah for help and be patient. Verily, the earth belongs to Allah and He gives it as a heritage to whomsoever He wills of His worshippers; and the blessed end belongs to the pious.” (Quran: Al-A’raf (the lofty barrier between the inhabitants of paradise and of the hell); verse 128) The verse says earth belongs to God and its property. It further reveals that God will put the property at

the disposal of any one of whose worshipers it likes and of course the outcome rests with the faithful.

The verse five of Chapter Qassas too introduces inheritors of earth in another way; somewhere it says:

"و نريد ان نمّن على الذين استضعفوا فى الارض و نجعلهم ائمه ئ نجعلهم الوارثين"

"But we willed to bestow our favor on the oppressed; and make them the governors and make them the heirs of the oppressors." (Quran: Al-Qassas (the Narratives), verse 5)

Here Quran says in the future, earth will go to the oppressed as it was the case at the time of Pharaoh. Based on the verse, God's will is for the oppressed getting inheritors of earth. Most obviously, by God's will we mean absoluteness and favorableness of the will.

In the verse 55 of chapter Nur, God gives another promise in that connection:

" وعد الله الذين امنوا منكم و عملوا الصالحات ليستخلفنهم فى الارش كما استخلف الذين من قبلهم و ليمكن لهم دينهم الذى ارتضى لهم و ليبدلنهم من بعد خوفهم امنا يعبدوننى لا يشركون بى شيئا و من كفر بعد ذلك فاولئك هم الفاسقون"

" Allah has promised to those of you mankind who believe and do good that he will appoint them the rulers in the world as he appointed those before them; and will establish in authority their religion which He is pleased with it; and He will replace security for their fears; [and Allah states:] "They should worship me only and should not consider any partner for Me; so those who disbelieve after this, they are indeed transgressors." (Quran: An-Nur (the light), verse 55) The verse touches on God's promise that the faithful and the righteous will be his successor on earth. Islam will spread on earth and the faithful will be in complete security. Here, future of the earth and the successor, intended by God, is a befitting government, introduced as the

government and rule of the righteous. The important affair has been emphasized in verse 105 of al-Anbia chapter of Quran. Somewhere Quran says:

- و لقد كتبنا فى الزبور من بعد الذكر ان الارض يرثها عبادى الصالحون

“And we wrote in the psalms which came after Taurat; My righteous believers shall eventually inherit the earth.” (Quran: Al-Anbiyaa (Messengers); verse 105) Here too Quran explicitly introduces the promise for government of the righteous on earth as a promise given both early in creation and at the end, as there will be no doubt in it.

So, based on Quran analyses and promises, the future of earth and mankind belongs to Islam, the righteous, the faithful and the pious. The government and succession favored by Quran is the government and succession of the righteous, who will eventually and finally dominate on earth.

Consequently, in religious democracy system, besides the ideological and logical conditions man sets for the elected ones based on his own interests, there are yet more necessary conditions for the issue, namely competency of the elected. Based on the Quranic rule, basically the ones who are not the righteous would not be eligible to run candidates for the government post. This holds true for those who might not be qualified in terms of age, education, nationality or party membership, to run candidacy for the government post.

So, in religious democracy, those elected would besides having other conditions which are the requisite for candidacy for the election in all democratic systems in tune with conditions of any society, the condition for righteousness too is among the fundamental and basic conditions of those due to be elected. Of course, the mechanism for identification of the righteous and competency of individuals is too important and vital, as the goal will be made possible through careful plan and policies because any neglect would raise the danger of violating democracy. Evidently, finding such a mechanism is possible and completely accessible. At any rate, in all democracies,

including the democracy of the righteous, the free and fairness of elections should be observed and guaranteed. So, the mechanism to distinguish righteousness of the elected individuals should be absolutely a fair one so that no body's right would be violated; otherwise, the political system claiming to have a righteous government would be deviated from the right path; so no right person, collection and system can be considered unjust. Hence, in the democracy of the righteous too alike other democracies is right of the public and the qualifications envisioned for those elected would be exactly the qualifications envisaged for most democracies. Such qualifications as age, wisdom, nationality and residence are the noteworthy conditions envisaged in the religious democracy system and can be the democracy of the righteous. So, contrary to certain democracies, in which voting and participation in elections is legally mandatory, all citizens are based on the law duty bound to take part in elections and vote. There is no such legal mandate religious democracy; rather it is a religious duty. In another word, in religious democracy, those electing would in the name of Islam and its laws, such as enjoining to good and prohibiting from the vice, are religiously duty bound to take part in elections and vote. The duty is an internal duty and a religious assignment not merely a legal assignment and a citizenship duty; though its approval would rule out the negation.

But the principle of competency in the democracy of the righteous is something subjected to those elected. This means that the non-righteous individuals would not have the merit and right to run candidates to be elected. Such a qualification is unprecedented in its kind but the type of democracies is not well accustomed to it. For instance, in countries whose election system is somehow in a listing form (*Blitz and Masikut; 2000: pp. 11-12*). People have the right to vote to candidates put in a list presented by any party in the constituencies. This means that those elected cannot run elections and get candidates unless through support of a specific party. In another word, that's the party that decides who has the competency to run candidate in an election and who is not qualified for the job. In the democracy of the righteous too an authority (the authority

can be parties too or at least part of the duty is delegated to parties) would decide who is the right and qualified to run candidate or is not right and is not qualified to run candidacy. The difference on the type, quality and means of deciding qualifications is something of secondary importance compared to the need for qualification of those elected. The point which should be made clear here is: Is righteousness of the rulers in the democracy of the righteous, which runs through a kind of self-control or internal-control method and supervision over rulers and stresses controlling the rulers from the standpoint of faith, piety and righteousness of the rulers, enough or external control mechanisms, such as legal, social, and political control as well as supervision and judgment of public opinion, too should be given the importance in such a democratic system? The response is: The democracy of the righteous like other types of democracies would be free to allow the need for control and supervision over the rulers through legal, social, factional and political tools. In another word, it welcomes all structural, rational, logical, legal and religious supervision mechanisms for supervision over the rulers but besides all the external control mechanisms it believes in existence of an internal control mechanism that is times stronger and more efficient. Once both the mechanisms exist in a political system, the system is times healthier, more efficient and better than the systems being based on a merely external control mechanism or the systems being based on trust without external control. In fact, the religious-Islamic democratic systems or the democracy of the righteous, laying the condition of righteousness for those getting elected and the rulers, stresses and emphasizes external controls and general supervision, thus raising coefficient of trust in such types of political systems compared to other democracies.

In democracy of the righteous those getting elected would have to observe even after election a framework in action, especially when ratifying the kind of laws falling within framework of Shari'ah of Islam and injunctions of the religion. In another word, those getting elected cannot adopt the laws which would be contrary to Islam's Shari'ah and fall beyond realm of Islam. Of course the condition exists generally in all types of



democracies. In all democracies, those elected would have to observe laws and restrict themselves to the laws within framework of their communities' culture and folklore. For example, in the US congress never such issues as possible Norouz (As Iranian year calendar 13 public Holidays) vacation or public holiday on the day of Ashoora is on debate and passed. Why? This is because the point has no room in Americans' culture and folklore. Or, it would be highly unlikely to think Christmas would be announced public holiday in Saudi Arabia. This is because all legislators are naturally limited and confined by culture of their own society. Major portion of all communities' culture stems from religion of the communities. For instance, with removal of Islam from culture of Muslim communities, it would be unclear if something called culture would ever exist. In such communities, culture and public culture are highly mixed with Islam and its principles, injunctions, beliefs, traditions and rituals.

Consequently, in the democracy of the righteous or in the religious-Islamic democracies, those elected are committed and have the duty to pass the laws which would not be in contradiction with Shari'ah of Islam. And, such an important goal, as explained earlier, while having a religious, ideological and theoretical condition, has a sociological, philanthropic and psychological condition that should be observed in all democracies in practice. For instance, in France, those elected in the name of French revolution and laic principles would have to protect non-religions blocks or not to let religion interfere in ratification of laws and all public affairs of the French citizens. The same issue holds true with the democracy of the righteous or religious democracy. For instance, in Iran's religious democracy too, those elected would have to act within framework of religion in the name of Islamic Revolution and in the name of religion (Islam). They cannot turn a blind eye to religious injunctions, orders and cautions in general affairs of Muslims' life when adopting laws.

## E. CONCLUSION

Based on the above factions, it can be concluded:

1. According to Austin Reni, "Neither science nor logic can prove that a special concept of democracy (including the concept offered here) is only the right concept. In another word, it is a concept that would be illogical or immoral if all people reject it and they should be loyal to it. The right sense of democracy, such as the meaning of any other word, depends on the degree of understanding and accepting in general." (*Renni; 1995: p. 137*)

Majority of the definitions raised on democracy do not consider it synonymous and in association with liberalism. Democracy can go along liberalism or any other political school of thought, bringing about a type of democracy. As a result, democracy is more like a method in government. It is a collective government in which society members are on many cases directly or indirectly involved and can have a role in all the decisions related to them. (*Carl Cohen; ibid*) It is the form of government in which people are the main elements. According to Arbalester, "Any claim that government or regime of society" is in fact democratic in an eventual analysis, should – though seeming unacceptable in whatever extent – contain the implicit concept that this or that government, regime or ruling system under discussion serve the public this or that way or be their representative. The public's real demand should be raised through it and people should support it even if the support is necessarily represented in the form of ethics and rules such as elections. (*Arbalester; 2000: pp. 24-25*)

According to Arbalester, satisfaction, agreement or support of "people" have growingly turned into the main source of legitimacy of the governments and regimes that might be power-monger in nature. Religion or "divine rule" -- as the Chinese call it—have not been rejected instantly and have even revived in the world of Islam somehow. But even there too a relative democratic and popular

phenomenon does exist. Only the religions, provided by support of masses, will gain legitimacy. Islamic laws in Iran or Pakistan and to some extent catholic laws in Ireland are welcomed just because they are basically the religion accepted by the public at large. If no such public base does exist, the laws would be imposed on the public with much difficulty, although it can be imposed on them. Hence, the minimalist definitions on democracy are the most customary and prevalent definitions on the word thus far presented.

2. Though two types –the maximalist and minimalist – of definitions on religion exist both in objective and sometimes abstract concepts, Islam is a religion that is mostly corresponding to the maximalist rather than minimalist definition of religion regarding the nature, identity, chronology, historical experience and content of the religion. Contrary to Islam, Christianity is more consistent with the minimalist definitions. Hence, regarding the fact that concept of religion in Islam is maximalist in nature, the religion is not a merely personal religion and tradition, rather it is a religion being clearly and harshly social and political in nature.

3. From the standpoint of Islam, when speaking on its political foundation and essence, religious democracy is an idea which introduces and preaches the democratic type of government within framework of Islam. Religious democracy presents a model of Islamic system which is mostly consistent with the minimalist definitions of democracy and maximalist definition of religion. In such case and model, no contradiction between religion and democracy is observed and religion is the basis and content of the government in which people play the main role and along the religion they are the main and determining axes of government, especially rulers.

4. One cannot expect religious democracy as a model of political system to be committed to and act on the injunctions, definitions and principles of liberalism in its democracy. Also, one cannot and should not expect the aspiration type of democracy, which has never and no where been able to put words into action, to

be materialized through religious democracy as such a thought is unlikely. The religious democratic system alike all other forms of democracy is subordinate to the regulations and limitations of representative democracy. However, it might present special conditions, especially in connection with those getting elected, before and after their election. The righteousness of those elected is the condition well before their election and ratification of laws and action within framework of religion of Islam is among conditions after their election. With regards to those electing in the religious democracy or official recognition of the public right to vote there are no other specific condition. While raising the mandate of religious commitment of a Muslim citizen to Islamic principle of enjoining to good and prohibiting from the vice, which makes a Muslim citizen accountable before government, participation in election and voting is a religious duty while being a citizenship right.

5. Regarding what said thus far and referring to Quranic verses, it can be said that the title of democracy of the righteous is a good synonym introduction of religious democracy: A political system in which people and elections decide rulers, laws, decisions, supervision and auditing, on condition that those elected are the righteous since the beginning and in government, they would not fall beyond framework of Islam.

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**An Approach to  
Religious Democracy  
from Angle of Criticizing  
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**Dr. Bahram Akhavan  
Kazemi**

## **An Approach to Religious Democracy from Angle of Criticizing Liberal Democracy**

By: Dr. Bahram Akhavan Kazemi<sup>77</sup>

### **Prelude**

Democracy, as a political ideology and a kind of strategy and system for running a society, is among the few most durable political concepts in political philosophy. We have been witnessing growth and promotion of the philosophy and political system over the past two centuries. The concept is like of the most stable and durable political concepts in its long life, being subjecting to many developments and ups and downs. It can be said categorically that modern mankind is still not in consensus over using the controversial and peaceful concepts. According to David Held, history of the democracy ideology is complicated and history of democracy is amazing. Many hold the belief that the concept is obscure, containing contradicts. The political system being based on the democracy is said to have been suffering many defects. Though, with collapse of the former Soviet Union and weakening of the liberal democracy's rival ideologies, scientists such as Fukuyama have come to maintain that liberal democracy is the end form of government in the human societies.

Many western scientists too consider democracy being a system with defects. However, they believe that among other political systems, that form of government is the one having the least defects. Due to the same reason, actions should be taken in

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<sup>77</sup> -Member of the Board of Instructors in Shiraz University

resorting to it and finding its vulnerability. The article at hand, while stressing existence of ambiguities and contradictions as well as defects in democracy, holds the position that democracy cannot serve as a unique and eventual model for political systems. The ideologies and view of western scientists also testify the subject. On the one hand, it's a reality that the liberal democracy system's pattern cannot be prescribed for all societies and political systems and the model should gain indigenized, religious and cultural specifications of the societies, while removing all its basic flows. The emergence of the religious democracy system and injunctions after victory of the Islamic Revolution in Iran is in fact one of the critical, indigenized and religious forms of western democracy in our country and the Islamic world and in fact through compilation of the theories and practical policies of the injunction, western democracy has faced a new challenge. In case of success and growing materialization of religious democracy, the challenges would be strengthened and grown enough.

Various methods and ways can be adopted to discuss religious democracy. For instance, let's refer to the political and practical traditions of Hazrat (Imam) Ali and aspirations of his government, thus to find out physical evidence and outstanding examples of religious democracy. (*Akhavan Kazemi; 2000: PP. 129-148*) Also many verses and traditions on the subjects can be surveyed, or can deal with the said experience in Islamic countries. There is yet another alternative and the choice of the author of this article is criticizing liberal democracy, then recommending and to some extent raising part of the optimal and Islamic model of democracy, i.e. religious democracy from the pathological angle.

It's worth mentioning that the issue of possibility or impossibility of materialization of democracy in religious communities has since long ago and even in the one or two centuries ago has been on the debate and many scholars raised theories on the subject. Among the theories let's refer to the ones provided by the religious thinkers and clergies in favor of religious democracy with intra-religious approach in several axes as follows so as to invigorate solidarity in Islam and democracy:

1. Compatibility and assimilation of the existing democratic institutions and actions with civil institutions in the beginning of Islam (like consultation and allegiance, and so on)
2. Corresponding political philosophy of democracy with political philosophy of government in Islam

3. Conditioning and limiting western democracy and its rendition like a sub-group of Islam tradition and the related subjects.

4. Accepting democracy as a method of government in Islam

5. Re-interpretation of democratic subjects in Ijtihad tradition and linguistic analysis of Islam.

Among outstanding interpreters of the theories, we can refer to Kavakebi, Abdoh, and Hassan al-Banna – all the three being Sunni – as well as the Shiite scholar Allameh Naeeni. This is while, such figures as Abol Aala Al-Maududi and Monir al-Hosseini were seriously against any theoretical framework for democratic definition of the religious government.

Imam Khomeini too has provided extensive explanations on western democracy and Islamic type of it. He was fully informed of ambiguity, change and diversity of the concept and democratic regime. He negated western type of the system, considering superiority and transparency of Islam and Islamic government compared to the intellectual line and government form. In Imam's belief, democracy and western freedoms were artificial and fluid in nature, serving interests of the westerners as they cunningly interpret the words in their own favor. Hence, he too criticized the root cause and origin of western democracy, considering western democratic regimes alienated with reality of genuine democracy of foreigners, not taking them in accordance with the aspirations claimed by philosophy of democracy.

Imam's belief is based on materialization of genuine democracy in religious community. He has repeatedly recalled superiority of Islamic government over democracy, taking the democracy right and actual, insisting on comprehensiveness and perfection of Islamic government.

The article at hand wants to define defects of western liberal democracy, trying to open a horizon so as to take a look into religious democracy, thus defining briefly necessary advantages and positive points of them. (*See Akhavan Kazemi; 1999: pp. 72-91*)

## **A look into concept and fundamentals of democracy**

Democracy is a Greek word with social and political application, meaning sovereignty of people or right of all to contribute to public decision making. It originated in Athens from the second half of the 5<sup>th</sup> century BC.

Democracy or government of people over people as defined in classic texts as “rule of people over people and for people” is a mixture of two Greek words of Demos meaning people at large and Kratos meaning power, government running affairs and sovereignty which is nowadays referred to as sovereignty or votes of people. Despite many definitions existing on democracy, political participation of citizens into adoption of decisions is the basic precondition of democracy and its definition. But mainly three principles of freedom, equality and participation in adoption of political decisions are as fundamentals of democracy, while certain people take the principles falling into three principles of legitimacy, equality and freedom and the outcomes.

Certain people take a yet wider look into basic principles of democracy, interpreting it as such: “Power and law stem from public will; freedom of public opinion and reliance of government on it; existence of specific mechanisms for expression of public opinion, including political parties; the principle of rule of majority in case of controversies in public opinion on condition of political laxity; government power restricted to observation of personal and group freedoms and rights; multiplicity and variety of groups and social values and interests; possibility of debate and public dialogue and free exchange of opinion on political issues; power of civil community; the principle of relativity of morals and values; laxity towards diversified and opposite ideas; political equity of social groups in terms of access to power; possibility of change of intellectual minorities to majority through propagation of group views; independence of the judiciary in line with security and guaranteeing civil liberties of people and groups; separation of powers or independence of at least three branches of power from each other and the possibility of organized opposition and existence of legal opposition.” (*Bashirieh; 1995: p. 41*)

Of course, complexities, extensiveness and obscurity of the concept of democracy and its principles have led to problems in determining its diversities, leading to different categories and so on.

## **General criticisms of democracy**

Criticism of democracy has a long record to the extent that Plato and Aristotle too were among those seriously criticizing it. (*For instance refer to Enayat; 1872: page 24 and Held, 1981: p. 17*)

In general, two groups of people have criticized democracy: The first group criticized principle and basis of democracy. The critics were against democracy. The other group, contrary to the first group, maintained that rarely you can find a democratic regime being in accordance with the ideals and theory of democracy. The group has set proposals that contain solutions too.

Study of history shows that researchers have repeatedly and alternatively adopted the first stance and certain others the second stance. In this section, we will especially dwell on the reasons of the first group.

Most of the critics falling in the group are well-known persons. In their opinion, democracy is the realm of discord, turbulence and instability as well as a means for dictatorship of the majority, leading to laziness and non-productivity. The regimes being based on parties would harm national unity, causing a sort of civil war plunging into infernos here and there.

Elections and partisanship would encourage empowerment of less intelligent and lowly individuals because number of those taking part in political activities is high. Political engagement is summarized in public discord to secure private interests and this will in turn lead to demagogue, whose result would be turning a blind eye to public interests.

In view of the group of critics, democracy would necessarily lead to chaos and pleasure of masses and a handful of materialistic equality seekers, giving a concept of public interests to an indecent concept. Thus it will become clear that the realm of freedom is nothing but the realm of material, number and quantity. (*For further information refer to De Benova; 1993*)

## **Ambiguousness of nature and fundamentals of democracy**

As said in the earlier sections, one of the big defects of democracy is ambiguity in fundamentals, principles, foundations and nature of it. Diversity and multiplicity of different kinds of democracy would prevent any unanimity of stances on many of the



most basic concepts of the terminology, and sometimes provoking existing contradictions in it. For instance, it is said that democracy has been used in three different meanings of the government of majority, government of the law and number of the power groups. In view of some there are contradictions among the three attitudes, leading to ambiguity in concept of democracy and the ambiguity has prepared the ground for different interpretation of democracy in the 20<sup>th</sup> century. (*Bashirieh; ibid*)

“Democracy is a complicated and multi-dimensional concept; the ambiguity existing in it is the result of emphasis thinkers and supporters of democracy lay on special aspects of it. It is not surprising to see different governments call themselves democratic for good reasons. This is because the tradition of democratic ideology is times more extensive, filled with different and even contradictory ideologies on foundations of government formation, man’s nature, government strategy, etc.” (*ibid; p. 42*)

Explaining the ambiguity in democracy, let’s provide the readers with an example. “Government through people” might be a concept being free of any ambiguity. But superficialities are always misleading and history of the ideology of democracy is complicated, revealing contradictory mentalities. There are very extensive grounds for disagreement and in fact any of the said parts has its own difficulties resulting from the definition. Andrew Vincent writes: “Another problem with ideology of public rule is who is taken into account as “people”? The people are people at large based on the theory of public will. But a collection of representatives or voters might be taken as “people.” Of course, over the past one and half a century voters or the people qualified to vote have been in change. In another word, the definition of “people” has constantly been changing. (*Vincent; 1992: p. 171*)

It should be questioned what is the meaning of such words as “government,” “government by people” and “people”?

Starting only with ambiguities in the word “people”, the following questions will arise:

- Who should be taken as people?
- Which kind of participation should be taken into consideration for them?
- What are the conditions of guidance for participation?

The reality is that different kinds of democracy have not yet been able to provide definite responses to the questions so much so that David Held writes: “Any effort to restrict the meaning of people to specific groups of them, including owners of fortune, the white, the educated, professionals, the adult and men only, has a long precedence. As for “government” by “people” it should be said there are lengthy subjects on the issue.” (*Held; 1990: pp. 14-16*)

Many other intellectuals explaining democracy such as Anthony Arblaster have explicitly admitted that western democracy has not clear-cut definition being in consensus. The question on identity of the concept of democracy would be doubtful with many interpretations raised on it, which are not convincing. (*Refer to Arblaster; 1980: p. 14*)

### **Contradiction between principle of freedom and principle of equality**

One of the most important contradictions in western political philosophy and the ideology and system of democracy is the contradiction between the two principles of freedom and equality, which are two out of three common principles of democracies. Definition of the contradiction is very simple, revealing that if all people are considered equal, their freedom will be in danger because guaranteeing equality would be possible through government interference in life of people and restriction of liberties (negative) and if all people are set free, the equality of people will willingly or unwillingly be in danger because majority of people will due to their difference in wealth and power and the like would in a short while try to gain superiority over others. At any rate, majority of scientists unanimously believe that the two big goals of democracy would not be easily assemble and to a large extent they will be in contrast.

In the 20<sup>th</sup> century, most rightist liberals like Friedrich Hayek, Robert Noizik and Milton Freedman considered equality against freedom and not assembled with it. They said speaking of social justice in a society comprising free people would give way to a super power and lack of freedom of human beings.

Some scientists too consider democracy as a way to get rid of contradiction of convergence of freedom and equality, believing juxtaposition of the two main elements related to old democracies, being valid in the theoretical domain.

## **Superficiality of the principle of equality in democracy**

It is said that the principle of equality is one of the three common principles of democracy; but what is really accepted in such a type of government method was equality in name, under guise of which many real social inequalities were covered up and equality in democracy was restricted to equality in chance and opportunity. In another words, democracy does not mean equality of human beings, equality of wealth, and the similarity of conditions and status of the public. Rather, it means superficial equality of citizens against the law and their equal chance would lead to the kind of equalities observed in all societies, being the condition for their development and the necessity of their existence. The goal of democracy is not providing opportunity for equality of people; rather it wants to give people equal chance to be unequal.

## **Restrictions and impediments to equal political participation in liberal democracy**

In the 20<sup>th</sup> century, new dangers threatened concept of classic democracy which is not less than the danger of despotism of the majority. In fact it would cause development in the sense of democracy. Capitalist economy has undoubtedly cause limits in action for political participation right.

Although in today's democracies the right to vote has become unconditional and the right to choose various political parties does exist; however, such a right would not guarantee equality of practical chances for social and political participation. Different variables such as different levels of income, education, urbanization, and so on, have been effective in degree of political participation and their inequality among people at large.

## **Criticisms on representative (Proxy) regime**

“Representative democracy” has been subjected to legal criticisms the most. The criticisms are too extensive as not all of them can be cited here. For example, the critics maintain that the representative regime and freedom in democracy is only limited to time of representatives' election. After elections, people are discarded. According to Michels, “The voter drops his vote in the ballot box along with the vote of sovereignty and his political rights; representativeness is nothing but making his will accepted as group will. On this basis, those elected have never been the real representatives of people and in fact the representative regime is nothing but a legal illusion and basically

there are not two parties in a contract so as to speak of a social contract with legal foundation. According to Gwen Sartori, on many cases, the voters “do not know why and to what they vote and usually votes of an insufficient majority of voters get victorious as they form only minority of entire population.” (*Vincent; 1992: p. 270*)

Among other defects of the representative regime is that in the elections being based on majority, the strength of the ideas raised is not reflected. The vote of the moderate voter is equal with the vote of the determined, committed and campaigner voter. Other problem is that the voter does not sometimes vote to the one he prefers, rather against the one hating him the most.

### **Contradiction between public will and personal freedoms**

Critics of democracy believe that one of the principled contradictions in democracy is contradiction between public will (democracy) and personal and social freedoms.

Sometimes it happens that two concepts of freedom and democracy are considered the same and irrespective of their actual completely different concepts are used instead of each other. Some thinkers such as Rousou and most socialists, following the French philosopher, consider freedom only within framework of a real democracy. However, from the standpoint of freedom seeking philosophers, democracy and freedom are two different concepts and sometimes contradictory. In opinion of Hayek, the point freedom and democracy contradict each other is that in the free system all are equal before the law; the equality would willingly or unwillingly result in the democratic demand that all would equally participate in making laws. But the main issue important for supporters of freedom is limiting compulsory power of any government – either the democratic or the non-democratic one. The pure democratic system, however, considers only one limit for government, which is current belief of the majority. Hayek writes: “Difference between the two aspirations (freedom and democracy) would be revealed clearly when we specify opposite concept of each one. The opposite concept of democracy is authoritative (despotic) government and the opposite concept of freedom is the totalitarian government. None of the two systems is necessary negating the opposite of the other; i.e. democracy can have totalitarian powers and on the other hand, despotic powerful government can be imagined to be the one acting in accordance with principles of freedom of action.” (*Ghaninejad; 1994: p. 13*)

## **Contradiction of ways of reaching democracy and fundamentals of democracy**

Critics consider “spirit” and “material” of democracy contradictory to and in contrast with each other. The subject of legitimacy of devices used for reaching favorable goals, which in fact related to limits of concept of legality, have been under discussion since long ago and there is the question: Can means or ways be used that would not be democratic to attain lofty democratic goals?

Saint Just says, “Do not give freedom to those opposing freedom.” Nowadays too, any political propaganda in western communities follows the principle of Saint Just: “Many liberals officially recognize freedom of expression and idea for anybody only under condition that no doubt is raised over ideological principles of what they are addicted and accustomed.” (*De Benova; 1993: p. 28*)

Today it is observed that the elite in the liberal democratic states alternatively use non-democratic, anarchist and even fascist and demagogue methods, using modern elements of the age of communications, to gain sovereignty. It should not be left untold that famous liberal democrat philosopher too, while believing in laxity, maintained that democracy should be established even through resort to violence and force. This is itself assembly of contradictions and there will be no doubt that the category of democracy suffers many contradictions, getting deviated from the main path.

Popper says, “The open (democratic) society might be damaged not only on part of the tyrants and minorities but also the majority. So, the open society and free democratic institutions can be rightly defended vis-à-vis the majority. There are perhaps the demagogue and tyrants who use their own method to win support of majority and ruin open society and democratic institutions in name of public support. Of course the main condition of society is again political laxity. However, laxity towards the groups acting against democratic laxity would damage foundation of society. So, in case necessary and in case of existence of grave threats, enemies of laxity and supporters of violence should be suppressed.” (*Bashirieh; 1995: Sociology; p. 14*)

## **Superficiality of principle of separation of powers in democracy**

Modern democracies claim that one of the basic elements, that safeguard freedom and equality of citizens against power of government, is principle of division of powers;



that's a strategy used to prevent government of the majority turning into dictatorship and preventing abuse of power.

Critics of democracies believe that in action, the principle of separation of powers has brought about two intricacies for western democracies: First of all, complete division of three branches of government from each other is not possible and there are many disorders in the regimes tending to have the three branches separate from each other. This has crippled the system sometimes, making it inefficient. Also, in the first instance, it would be impossible to ensure a complete balance among the powers and always power of one of the two branches of legislature and executive is superior to the other. Due to the same reason, there are differences among democracies in different countries. Depending on superiority of the legislation power over the executive power and vice-versa, the regime is called parliamentary or presidential and each of which has some shortcomings. For instance, instability of government in parliamentary regimes such as French third republic would create some problems for the country; due to the same reason, in French fifth republic there were efforts to get the executive branch rid itself of the subordination of the legislation power. As a result, the executive power got stronger to the extent that the legislation power did not remain immune of aggressions of the executive power. Also, the right for dissolution of parliament or reference to referendum was among instances that destabilized position of the legislation power against the executive branch.

Secondly, with existence of political parties and problem of majority, how can the three branches of government, which are all under control of the ruling party, be considered separate from each other? For instance, in the UK, which is well-known to have a parliamentary system, the principle of separation of power was for a while meaningful. Only over recent years, due to relative empowerment of small parties on the one hand and growing factional obstinacy on the other hand, resulted in the parliament entering action against the ruling party too.

### **Possibility of error and incompetency of majority in political decision makings**

Some believe the criticisms raised by critics today on democracy is not more than one; they say they have criticized the law of majority. It seems that anyone contributing into government affairs with an equal vote is something right but it can be even dangerous because all are not equal in terms of qualification. More simply, that's exactly the problem facing all democracies, being direct result of voting and in fact taken as a



decision made by the majority. So, it would not be right to imagine that authority that is something of qualitative nature, results from majority that is quantitative in nature. This is because the idea that majority tells the truth is instantly giving rise to another criticism that quantity not only not makes the quality but mostly ruins it. So it can be concluded that competency, insight and wisdom in politics are undeniable and one can not endorse their constant authenticity; basically, the rule of majority is among various techniques to identify votes of the public and even majority of people and will of the public can not be considered the same and the principle of majority is in contradiction with the concept of democracy because willingly or unwillingly in many democracies the view of the minority and their rights of participation and political decision making are violated or restricted or decreased as the view of the majority dominates.

### **Democracy and possibility of eruption of despotism of majority**

Criticizing democracy, it is said that democratic despotism of masses and public opinion is in contradiction with personal despotism as it is with personal and public freedoms because bowing into view of the majority would entail danger of potential despotism. On the other hand, democracy does not throw away the ideal of absolute power. It would not accept the view that power is distinction of a person. Democracy would not also rule out the law of sovereignty of the more powerful one because the principle of majority is a kind of law that gives the right to the more powerful party. So, the reason for people's following the majority is not necessarily because the majority is entitled to do that and introduces a fact; rather, that's because the majority has more powerful. Hence, democracy too is not immune of despotism. A way to remove the problem is that supporter of democracy being based on majority is effective and it was not the majority in figure or quantity. The effective majority included those who were fully aware of government policies or formed majority of the political community. (*For further information please refer to Bashirieh; 1995: PP. 29-32*)

### **Danger of Deception of public votes and opinion and its getting influenced**

The point, that to what extent public votes are influential politically in a democratic system, is subject to many arguments. For instance, the question is repeatedly raised that public votes and outcome of elections to what extent would reflect real will of the public? To what extent would propaganda and non-immunity of the voters against danger of deception and influence; membership in the big political machines – a terminology Max Weber used for political parties – and the right of limited

choice from among few parties, would reflect real will of the public? That's a question to which not a definite answer has yet been given. Moreover, today the issue that big strata of citizens do not take part in elections is under discussion.

### **Elite democracy an impediment on way of real contribution of public**

Presence of organized and powerful elite in today's democracies has created impediments on the way of real public contribution into political life to the extent that some of the contemporary commentators like Robert Doll do not consider democracy more than diversity and competition of the elite. In his opinion, dictatorship of government of a minority and democracy or polyarchy is government of several minorities. (*Bashirieh; 1995: p. 76*)

Robert Michels too, proposing the theory of iron oligarchy law, describes governments, including the elite democratic system, condemning societies of accepting government of influential minority. Controlling elites in political decisions made in contemporary democracy would prevent expansion of social and economic equality. Hence, the old concept of majority democracy has given its place to elite democracy. In the elite democracy, personal liberty and government of majority as well as equality as essence of classic democracy would give its place to democracy as a way and method for establishment of political leadership. Contemporary pluralist does not consider democracy in practice something other than activity and competition of several elites. They consider the view of such radical democrats as John Jacque Rousseau on the issue that "Voice of people is voice of God" and "Minority always makes mistakes" is idealistic.

From the standpoint of today's elite democracy, democracy is not the government of majority and masses, rather maximum tool for consultation with the majority and guaranteeing interests of the minorities. People's understanding to probe into complicated affairs is not enough. Their role should be only consenting not governing; democracy from the standpoint would be materialized only when government is immune of direct demands and wishes of the public.

So, any comment on democracy in the 20<sup>th</sup> century has gained anti-majority tendency.

## **Signs of crisis and degradation of liberal democracy in 20<sup>th</sup> century**

In the 1960s, developed industrial states, including most of the West European countries, have entered a new phase of development that from the standpoint of supporters of liberal democracy, it was the era of economic prosperity and welfare; politically speaking, it was the era of the rule of wisdom, management, profession and end of political and social violence. From the standpoint of critics of liberal democracy, it was the era of captivity and alienation of man and consequently indifference of human beings towards political issues and public affairs and elimination of vigilant participation and as a result, internal annihilation and emptiness of the systems.

Today, in the liberal democracy systems, participation of people in political affairs is weak, limited, and devoid of any content, superficial and with indifference of masses. The atomization of industrial communities and loneliness of people is logical result of removal of ideology, welfare, bureaucracy and extremist secularism of the system.

Today, liberal democracy, besides encountering political discharge of the public, faces lowering power of parliament, transformation of parties into commercial institutions, downward role of the opposition and preparation of suitable ground for emergence of totalitarianism. It would not be unjustified to see a number of people speak of collapse of the social democratic pattern. (*Piran; 1995: p. 7*)

On the other hand, belief in morals and humanity has provoked crises caused by liberal democracy. There is a quotation on the issue: “When people lose their belief in moral principles, or according to Sorokin, when civilizations fail to gain cultural dynamism, the era of annihilation will come. So, elimination of democracy and degradation of credit of western democracy is doubted. Participation of the public, who are either losing their interests or are affected by non-political factors such as football, movie propaganda and so on, gives preference to public figures rather than political figures and forces. (Naghibzadeh; 1994: p. 35)

It seems that trust as a costly social and economic asset in western liberal communities is losing its value. This is while; many western specialists try to revive the value in their communities.

Among thinkers, having some works in this issue, reference should be made to Francis Fukuyama, the commentator of optimistic theory of end of history. In his book

“Trust”, he outlines the need for trust in western liberal democracy. In fact, Fukuyama wants to revive the value that years ago ended in the western community.

What's of importance is that Fukuyama wrote his book “Crisis of Trust” after presenting the theory and writing the book “End of History and Man's Destiny”. The theory of End of History, takes liberal democracy as final form and the government getting victorious in community of human beings and the end point of perfection of man's ideology and end of history! But the author's view in the book “Trust” is an introvert attitude along with pathology and warning. Fukuyama's assessments of western communities are undoubtedly of importance for the third world which is in hurry to blindly copy western patterns. While emphasizing cultural fundamentals, he underlines the need for spiritual upgrading of collective work, working conscience, level of trust and spirit of vibrant socialization in the liberal democratic communities (especially in the US). He considers the points as the key to durable success in the crisis-torn communities. (*For further information refer to Amiri; 1995: p. 13*)

### **Presentation of comparative approach towards religious democracy**

The research at hand is to a large extent revealing weaknesses and theoretical and practical contradictions of democracy;<sup>78</sup> though it does not at all deny its merits. Supporters of democracy too acknowledges to the defects, while claiming that although western democracies are far away of the theory of democracy, they have at least caring the goals people have been trying to attain throughout history. They are much closer to a community that human beings plan materialistically to meet. Even accepting the claim optimistically, one can not at all take the critical pattern of democracy and its entirety as a final pattern and as the top political system, advising it for all systems. According to De Benova, “If democracy has roots in history and in Europe's political institutions and establishments in western sense of the word and if liberal democracy is profoundly linked with the Jewish and Christian morals as well as Europe's enlightening philosophy in the 18<sup>th</sup> century, implementation of such a system, that is based on an untidy concept and as Carl Cohen, the defendant of democracy, believes is the result of lexical flagrancy, intellectual disorder and even slightly deliberate deception. The term of democracy, which is nearly referring to anything in the world of politics, has come to

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<sup>78</sup> - Among defects of democracies are: Rule of ignorance, favorability, wealth, lack of majority's movement; doubt on principle of representation; abuse of principle of equality, improper civil education of democracy; preventing people's progress in the areas of science, arts and literature; doubt in moral value of democracy; opposition against individualism and freedom; superiority of local interests over national interests; hefty cost of government; rule of the public; unstable government; encouraging class campaigns; mischievous factional policy of democracy; complicated political decision making. (See Alam; 1994; pp. 304-311 with summary)

the point that has nearly no sense. (*Cohen; 1994: p. 14*) Cohen says the remedy to defects of democracy is neither optimism nor pessimism; rather he believed in efforts to improve it and remove the defects. (*ibid; p. 417*)

It should be admitted that democracy, in its best possible form and most efficient state, is only security material interests of the public, whereas Islamic government, while considering its main duty as development of man, his purification and spiritual upgrading, replaces individualism and humanism with orientation towards God, as its main feature of distinction with liberal democracy. This goes to the extent that even some contemporary Islamic thinkers, instead of using the phrase religious democracy, use such words as popular religious democracy (*refer to Mahdavi Kani; 2001: pp. 2-6*) or heavenly democracy. (*See examples in Rashad, 2000*) Also, the principle of relativity of morals and value and negative western democracy freedoms have no position in the ideology of Islamic government and are rejected. They believe freedom will be acceptable only within Islamic boundaries.

In religious democracy, principality of an individual and extremist individualism - as is observed in liberal democracy- are negated, though belief in lofty value of person and personal rights and freedoms such as the right of ownership, life and financial security reserve a lofty position. Religious democracy, while respecting rights of a person, gives importance to group, believing that a person is not always capable of identifying its interests rationally. It believes that revelation of divine laws and prophet traditions are in fact aimed to help human beings and communities to find the right path and tread it.

While rejecting any laxity and extreme freedom in the liberal democracy system, religious democracy believes in comprehensiveness and superiority of Islam compared to all religions, leaving people free to choose any political, social and religious ideology, believing in non-censorship and ideologically questioning of people by government.

Religious democracy does not consider legitimate government being only based on the principle of "satisfaction" and social contract, rather it takes the main aspect of legitimacy as religious acceptability of the government based on the divine order. Then, it accepts public satisfaction within framework of Shari'ah and related limits. It believes that government is the result of people's support. So, contrary to democracy, the source of power, law and sovereignty is divine will and then within the framework, it is based on the public will.



In religious democracy secularism, meaning falling within norms and sticking to the world or believing in principality of worldly affairs and rejecting anything being otherwise, has no room. Likewise, economic liberalism, meaning absolute freedom of people in economic activities and complete negation of political control, rejects government's intervention in economy. While respecting private ownership, economic liberalism rules aside government intervention in certain economic affairs so as to prevent any pitfall, social gaps and formation of monopolies.

While believing in the need to win public consent, religious democracy believes that the will of majority is not always a reflection of the right. A look into viewpoints and assertions of Hazrat Ali (AS) on the issue would be highly promising. He has laid much emphasis on satisfaction of people and majority of people, considering winning their satisfaction and trust as necessary, helpful and promising and a requisite for right. He asks his governor to find the way to success and serving through masses and the majority because in his belief, "undoubtedly masses are the backbone of the religious society, the bastion of religion and a means for failure of enemies. So, one should be with them and rely on them, addressing their needs." (*Nahjulbalagheh*; page 996: letter 53, paragraph 13) and "the favorable affairs to Islamic ruler should be the most effective of them in terms of justice and the most comprehensive of them in terms of fairness and the most comprehensive one of them in terms of meeting public consent." (*ibid*; paragraph 11)

On the other hand, from the standpoint of Imam, the view of the majority is not always in conformity and agreement with the fact and justice; Imam Ali (AS) considers the basis of his government lying on following the just and its administration; he was the axis and interpreter of the justice. So, when majority of the society followed the right, he was on the front line. But when people defied the justice, he continued the right path. He did not fear separation of the false majority. He told Amar, "O Ammar! Seeing Ali on a way and other people choosing the other path, you join Ali and leave others alone. Rest assured that Ali will never take you to annihilation and will not take you out of the main road to salvation." (*Kanzulam'al*; volume 12; tradition number 1212)

Out of the quotes it can be concluded that religious democracy, while fully respecting wishes of the public and view of the majority as well as collective sense and ration, never considered person and the group over God and divine rule. While observing Islamic frameworks, he cared for public interests, giving it the preference compared to public interests.



Despite all the basic differences, existing between religious democracy and liberal democracy, there are yet similarities between the two. For instance, the following common points can be traced in the religious and liberal democracies, as the most important ideological, philosophical and theoretical sources of the democratic systems:

1. Defending the government being conditioned and committed to law, civil liberties and rights, especially private ownership and disavowal of willful and despotic power, including class, group, religious and factional powers, trying to establish other forms of social power, limiting and conditioning government to serve public interests and observe the law.

2. Division of government and society zones, restricting and controlling government power vis-à-vis personal and social rights and emphasize multi-polarity of power centers.

3. Restricting and specifying the limits of government intervention in the private and civil life through powerful and enforceable tools, while stressing non-intervention of government in private affairs.

4. Freely expressing personal beliefs, guaranteeing personal rights and liberties and the right of equal and free choice.

5. Supporting non-centralization and supporting local, and group freedoms as well as indigenized self-rule.

6. Considering all people equal in benefiting from existing chances and facilities, while supporting the representative system and parliamentarism, offering posts on election basis and emphasizing division of powers as a mechanism of controlling powers and supervising three branches of government.

7. Social justice on the basis of people's merits.

Also it seems that certain similarities of religious democracy and western democracies are as follows:

1. Political participation of citizens to adopt decisions in various political, social and economic domains.

2. Freedom of public opinion and government's reliance on it.

3. The need for rule of law and diversity of power groups.

4. Existence of definite strategies to serve as a means for public opinion, including political parties.
5. Power of civil society, its vibrancy and multiplicity.
6. Limited possibility for government's honoring personal and group freedoms and rights.
7. Multiplicity and diversity of social groups, interests and values.
8. Possibility of turning intellectual minorities to majority through group supervision propaganda.
9. Possibility of public debate and dialogue and free exchange of opinions on all social issues.
10. Political equality of social groups in terms of access to power.
11. Judiciary's independence to secure and guarantee civil liberties of people and groups.
12. Separation of power or minimum independence of the three branches of government.
13. Possibility of organized opposition in system and possibility of existence of legal opposition.

## **Conclusion**

The current study touched many problems with western democracies. Many of the dangers and vulnerabilities are the result of defects in the said democracies that are not observed in religious democracy. The subject was discussed in detail. Extremist materialism, replacement of god with man, absolute individualism, manipulating and deceiving public opinion and possibility of eruption of majority's despotism are among the defects. The religious democracy too might face challenges and dangers in certain areas and fields as follows (in another word, the problems are on ambush):

1. Failure to throw necessary light on nature and fundamentals of religious democracy.
2. Possibility of the principle of equality getting superficial.

3. Failure to remove problems with the representative regime.
4. Finding contradictions in ways of achieving religious democracy by its fundamentals.
5. Possibility of superficiality of the principle of division of powers.
6. Failure to provide exact definition of respective rights of government and people.
7. Sovereignty of elite-monger democracy as an obstacle on the way of people's real participation.
8. Materialization of iron oligarchy through parties and transformation of parties into commercial foundations and machines collecting votes in seasons of elections.
9. Fading and weakening of the role of legal opposition.
10. Weak, limited, meaningless, and artificial political contributions.
11. Growing political indifference, desperation and alienation as well as social atomization of people as a result of such factors as mechanism, growing controversies and conflicts as a result of ruling political wings.
12. Lowering power of parliament as one of the fundamental manifestations of religious democracy.
13. Danger of public opinion's deception and influence in it as internal and external damaging factors.
14. Weakening of religious foundations and fundamentals of Islamic government and spread of the trend of elimination of religion, laxity, laic, and secularism among the elites, special groups and all social strata.

Fortunately, discussion on the nature, goals and fundamentals of religious democracy in our country and among scholars and the seminary and academic associations is growingly expanding, hoping that country's thinkers will build up efforts to prepare the ground for theoretical and practical definition of the blessed intellectual branch and the system of social management.

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