

Session 21: Islam and Democracy (Part 1)

Law enforcers' need for the permission of God

Some may ask, "Once we accept law, identify the channels and grounds for its implementation and are certain that in a certain case, for instance, a given law must be implemented, what is the difference between Zayd and 'Amru being the law enforcer? We accept that divine law must be implemented in society, but why should God authorize the law enforcer?"

If the above objection is expressed in the area of jurisprudence, it must be addressed through a juristic method and approach. But if in public, certain people express skepticism without considering the juristic foundations and research methodology in the subjects of Islamic jurisprudence and want to receive a reply which is for the average man, understandable and discernible by common people, we can reply to such people by citing instances from our social life. For example, in family life and environment, there are rules for family members.

For instance, one should not encroach upon the property of others. This rule should be observed even by children in relation to their toys and stationery. If one member of the family encroaches upon the property of another, he or she shall be reproached. Or, in relation to two families or neighbors, if one of your neighbors enters your house without your permission and uses some of your belongings, even if it does not bring about any harm to you, you will complain against his action. Even if he serves you, you still deem it your right to complain against him.

As another example, let us assume that a law or circular is to be implemented in an office, but the decree of the head or manager of the unit supposed to implement it is not yet issued. If a person comes, says he is a trustworthy and good man who knows the law well, takes a seat in the office, and engages in implementing the law, no one will allow him to do so even if he is the same person whose letter of appointment is on its way. This is because all men of wisdom have accepted the principle that as long as a competent authority does not authorize a person, he has no right to exercise legitimate or legal authority.

We can easily understand why in a society whose people have acknowledged His Lordship, a person who wants to rule without the permission of their Lord, is exactly like the one who wants to head a certain office without obtaining the permission of a competent authority. Even if his work is proper and good, he shall be reproached and even prosecuted. The people are also not obliged to obey him. According to Islam, the people are subjects and creatures of God and without the permission of their Master no one is authorized to interfere in their affairs, so only the person authorized by God has to implement His law.

It is for this reason that in accordance with the knowledge he acquired from Islam and Islamic sources, the eminent Imam (*q*), the founder and architect of this Revolution and political system, would always explicitly write: “By virtue of the divine guardianship [*wilayat-e ilahi*] I have, I do hereby designate you to this position.” In one case, he even further stipulated: “Do not listen to those who are against the path of Islam, who regard themselves “intellectuals” and want to reject the *wilayah al-faqih*. If there were no such *faqih*; if there were no *wilayah al-faqih*, there would be *taghut*. If it were not the command of God; if the president were not designated by the *faqih*, then he is not legitimate, it means that he is *taghut*. To obey him is to obey the *taghut*.”¹ This is not a personal opinion but rather something deduced from the noble verses of the Qur’an and *ahadith*, and at any rate, it is the opinion of the person who has founded this Islamic system.

Therefore, the law enforcer, even if he implements all the laws according to the Islamic standards must be authorized by God. This authority is sometimes specific in form just as in the case of the Messenger of Allah (*s*), the infallible Imams (*‘a*), those who have been personally designated by the Holy Prophet (*s*), those who were appointed by the Commander of the Faithful (*‘a*) during his caliphate as governors and rulers of the Islamic territories, and the designated special deputies of the Imam of the Time (may Allah, the Exalted, expedite his glorious advent) during the period of minor occultation [*ghaybah as-sughra*].

In these cases, through specific designation and personal authorization, certain individuals were commissioned to declare and implement divine decrees in the realm of their responsibility. Yet, at other times, the permission or designation is general. That is, during the period of occultation and even at the time of the Imams (*‘a*) from whom the helm of government was taken away, through general designation and authorization, competent individuals were introduced to implement the law of God. For example, Imam as-Sadiq (*‘a*) authorized the Shi’ah *fuqaha* to implement divine commandments and engage in administration in regions where people had no access to the Imam. This fact is necessarily established during the period of occultation because when the Imam of the given time was under surveillance or practicing dissimulation [*taqiyyah*],² he would generally designate individuals to address administrative affairs of people on his behalf. Is this practice not then necessary for the period of occultation when the people have no access to the Imam (*‘a*) for centuries?

I do not intend to expound religious proofs and juristic basis for this subject. I only want to justify why in

Islam the law enforcer must be designated by God and how God authorizes the law enforcer. We have stated that this authorization is either specific as in the case of certain personalities, or general as in the case of the duly competent *fuqaha*.

Regarding this theory, whether in the dimension of legislation or implementation of law, objections were expressed, the most important of which was that it is allegedly repugnant to the essence of human freedom. We refuted this argument in previous discussions. Another objection was in relation to implementation as the *wilayah al-faqih* system was considered inconsistent with democracy. Democracy is a system which has been accepted by all sensible people throughout the world. In practice, even the socialist countries failed to challenge democracy and had no option but to accept it. So, mankind today, at least in our age, has no option but to embrace democracy. The Islamic government project which is known as the government of *wilayah al-faqih* is, however, considered inconsistent with democracy.

Meaning of democracy and its functional shifts

At the outset, I deem it necessary to explain the term “democracy”. The literal translation of “democracy” is “government of the people” or “populism”. It means that the people themselves are involved in administration, legislation, implementation of law and the political affairs of society, and no one else is involved in enacting and implementing law. This is the meaning of the word “democracy”.

Democracy throughout history has been expressed in many forms. In the beginning, as far as history indicates, approximately five centuries before the birth of the Holy Messiah (‘a), in Athens, the capital of Greece, this theory was advanced and put into action for sometime in such a manner that all people, with the exception of slaves and minors below the age of 20 used to be directly involved in their sociopolitical affairs. Of course, it was not compulsory and the people were free to engage or not in such an important activity.

At that time, the people used to live in big cities and express their opinion about the issues and concerns of their city. Debates and discussions used to take place on the basis of which, decisions would be taken and put into practice. This form of government in which no specific person or group was in charge of the administration but the people themselves was called democracy or government of the people. This form of democracy was implemented for sometime in Athens, the capital of Greece. Apart from the fact that philosophers and thinkers strongly campaigned against this method, describing it disparagingly and branding it as “the government of the ignorant”, it also faced numerous problems in practice. As such, it did not last long.

Such a method is impractical for big countries and populous cities because it is impossible for all the people to constantly get involved in social affairs. This method may temporarily be implemented in small cities, but in cities with a population of millions, all the people cannot decide the daily affairs of their city? This method was rejected until after the Renaissance another form of democracy was presented in which the people would elect their own representatives to take charge of the administrative affairs and

the latter would rule on behalf of the former because direct involvement of the people was unfeasible. Since then, this theory earned many advocates and was gradually implemented in some countries until finally, during the 19th century this method of governance was accepted by almost all countries of Europe and other continents, and governments were established on this basis.

In our country also, this form of democracy is implemented. Practically, in all government organs and institutions the people get involved by participating in various elections and selecting of their own representatives, such as participation in presidential elections and elections of the Islamic Consultative Assembly, and selection of deputies by people to enact and approve bills, and also local council elections and the rest provided for in the Constitution. So, according to the second form of democracy which has distinct features in every political system, the people get involved in their sociopolitical affairs by means of their vote and selection of the legislators and implementers.

Meaning of democracy today

Nowadays, democracy has earned a more specific meaning and a regime in which religion has no role to play is regarded as “democrat”. Of course, this form of democracy does not negate religion but hinders it from getting involved in sociopolitical affairs. It does not allow the law enforcers, while implementing the law, to talk about religion, and no executive order or circular to be issued on the basis of religious decrees and values. In reality, this form of democracy is anchored in the secular system which totally separates religion from sociopolitical issues.

Of course, sometimes, the legislators and executives themselves may be religious individuals, go to church every week and make a vow to the church. They may possibly be members of religious groups and engage in specifically religious activities in a private national or local capacity beyond the official government jurisdiction. But, in government and administrative affairs, legislation or judiciary, in managing the country or implementing laws, nowhere must religion have any role or function.

It can be heard in a country like France—which is known as the bastion of freedom and democracy—that any girl wearing the Islamic modest dress [*hijab*] is proscribed from entering a school or university, because alienating religion is regarded as one of the features of democracy.

They say “Our system is secular and no symbol of religion should be seen in public institutions. Wearing a headscarf is a sign professing a religion and it must be disallowed in government institutions such as public schools. If a school is affiliated to the church or is private, there is no problem even if everybody wears a headscarf. However, in public schools and universities under the supervision of the government which give official diplomas, as well as in public offices and ministries, no symbol of religion must be seen.” This is a new interpretation of religion on the basis of which religious symbols and values are deemed in conflict with democracy.

According to the traditional interpretation and second form of democracy which means government of

the people, if certain people are religious and want to practice their religious rites in offices, they should not be opposed because this practice is consistent with the desire of the people and based on the law enacted and implemented by the people themselves. Democracy demands that wherever they are, including schools, offices and ministries, the people must be free in their manner of dressing.

If the absolute majority of people are supporters of a religion and based on their religious inclination, want to choose a certain garment or want to perform their religious rituals, no one should hinder them. Once a law is passed by the will and desire of the people which makes performance of prayer in offices, ministries and universities mandatory, this is not in conflict with democracy because the people enact the law and they themselves implement it. According to the new interpretation of democracy, however, religious inclination of the people should not be manifested in sociopolitical matters.

Hegemonic system's exploitation of new concept of democracy

According to the new interpretation offered and implemented by imperialist states to advance their interests and objectives, democracy is synonymous with a secular regime—a regime which never allows religion to interfere in its sociopolitical affairs. Even if the people themselves say, “We profess this religion and want to practice our religious rites in public institutions,” that will of the people is considered inconsistent with democracy.

It is for this reason that when an election was held in Algeria in which an Islamist party won and on the basis of the principles of democracy and laws of the country, it wanted to form a government and implement Islamic laws, the oppositionists, who felt that the said party was about to rule and establish an Islamic government in future, staged a coup d'état and after declaring the election null and void, apprehended and imprisoned the leaders of the party and abolished the party and declared it illegal. After many years, the party is still not permitted to operate. This is in spite of the fact that this Muslim country obtained independence from a colonial government by sacrificing millions of people for the preservation of its Islamic identity. Nowadays, it is in a miserable state. As we read in newspapers, everyday tens of people are brutally murdered in that country.

The unelected ruling clique is still more acceptable to the arrogant and imperialist countries than the rightfully elected government of the people. This is due to fear that another country would be established in the name of Islam. “If people accept Islam and elect an Islamic government through their vote, that is not ‘democratic’ because the people have an inclination toward religion,” it is argued. So, in the new interpretation of democracy, religion should in no way interfere in the sociopolitical affairs of people even to the extent that schoolgirls must not wear a headscarf. The same democracy can also be observed in Turkey.

The agents of imperialism in Muslim countries are inculcating the notion that all Muslim countries must be administered through this democratic method. That is, no more room would be left for religion in the national administrative affairs including legislation and implementation. Through cultural onslaught and

penetration of universities, even in countries with strong and deep-rooted Islamic inclination they are trying to undermine the spirit of religious fervor and propagate democracy in this sense. By doing so, they imagine that after a few decades when the revolutionary generation will be replaced by the youth who do not know the principles of the Revolution, they will make the new concept of democracy prevail.

There are, thus, three interpretations and concepts of democracy:

- (1) direct involvement of people in administrative affairs practiced in one of the Greek cities;
- (2) involvement of people in government through election of their representatives, existing today in many countries including ours; and
- (3) all dimensions of government, including legislation and implementation, separated from religion.

That is, to be democratic means to be secular.

Islam's ideal form of democracy

As to which of these administrative forms is acceptable to Islam, we have said earlier that if democracy in legislation means that whatever is approved by the majority of people—that is, 50% plus 1—is a credible, official and binding law even if it were against the text of the Qur'an, then Islam does not accept such democracy in legislation. Islam that has its own explicit laws in various administrative affairs, judiciary, economics, management, and related to other organs of the country does not allow a law against the explicit text and fixed decree of the Qur'an to be recognized officially. To officially recognize such a law is tantamount to rejection of Islam.

What needs further explanation and which I promised to discuss is the executive dimension of democracy, the role of the people in electing those who want to enact the laws within the framework of Islamic foundations, viz. the deputies in the Islamic Consultative Assembly. In cases where Islam has not enacted fixed and permanent laws, there is the need to enact new laws for new issues and needs, Islam has authorized the legitimate government apparatus to enact necessary laws for this domain while observing the general principles and standards of Islam and not contradicting the framework of Islamic laws, labeled by the late Shahid (Ayatullah Sayyid Muhammad Baqir) Sadr as “free zone” [*mantaqah al-firagh*]. The driving and traffic laws stipulate the side to move—right or left—and the speed of a vehicle. Evidently, the Qur'an and traditions have no text in this regard.

The people's role in determining the legislators and executives that enact and implement temporary laws can be materialized by observing Islamic standards. In other words, democracy and the vital role and participation of people are practiced in our country observing limits and conditions set by Islam by electing those who qualify. Electoral candidates must be Muslims committed to Islamic laws and observe Islamic standards in enacting laws and rules. In addition to the conditions set for deputies in the Islamic Consultative Assembly, with the exception of a few deputies of religious minority groups, the rest of the representatives must be Muslims committed to observe Islamic laws.

Lest there were negligence and shortcomings and Islamic laws were not observed in enacting laws, a number of experts constituting the so-called Council of Guardians are duty-bound to conform the ratified bills of the Majlis to the Constitution and religious standards and then validate them. In the case of their nonconformity, the said bills are returned to the Majlis for review. This is the type of legislative and executive mechanism accepted in our country and no one opposes it.

Similarly, executives with the President at top must observe Islamic laws and standards. First of all, the President must possess the conditions, qualities and merits mentioned in the Constitution which are taken from Islamic laws, and in taking charge of the government he must be, so to speak, authorized by God, the Exalted in the sense that after garnering the majority vote and endorsement of the people, he must be designated by the *wali al-faqih*. In this case, his government shall be legitimate and credible. This is something which is implemented in our country.

With the aim of understanding the role of the people and the domain of their involvement in the Islamic system, let me cite an example. Let us assume that we were living during the caliphate of the Commander of the Faithful(‘a) and in our own city we knew of a righteous person who deserved to be the city ruler and we endorsed him to the Imam (‘a). After receiving the endorsement, the Imam (‘a) possibly designated him as the new ruler. Now, if the majority of people had such endorsement, the Imam(‘a) would highly regard their view and designate the said person as governor of one of the regions under his jurisdiction.

So, the role of the people in the government structure and administrative decision-making, in terms of theory and legitimacy, is that people decide who is the most meritorious in enacting or enforcing the law and then cast their vote in his favor. The vote of the people is equivalent to a recommendation to the leadership. In reality, it is a pact they forge with the *wali al-faqih* that if he designates the recommended person to the presidency, they will obey him. It is on this basis that during the time of the eminent Imam (‘a), when the majority of people elected a person to the presidency, he would say, “I do hereby designate him, who is endorsed by the people, to be the President.” That is, “the vote of the people is like an endorsement for me to accept him.”

This is the theory of the Islamic government which has no contradiction whatsoever with the second meaning of democracy. It is functioning in our country since the Revolution and no (theoretical) problem has ever emerged. Yet, if democracy means that religion should have no role in the affairs of society and none of the religious symbols be seen in the government institutions, such a thing is incompatible with Islam!

Democracy in its third sense, as interpreted by the Global Arrogance that wants to impose it on others is absolutely opposed to Islam, for it means the negation of Islam. However, democracy in its second sense has been accepted by observing the conditions set by Islam for rulers, legislators, implementers, and judges. That is why the people should seriously elect individuals who deserve to legislate and implement laws, and thus, prove their cooperation and support for the Islamic state and regard

themselves as participating in the affairs of the country. This form of democracy is accepted in Islam and practiced in our country. If there are violations in some cases, they are also committed elsewhere, and one should be vigilant lest they are repeated.

1. [Ḥahifeh-ye Nur](#), vol. 9, p. 251.

2. Taqiyyah: prudential dissimulation of one's true beliefs under conditions of acute danger to one's life, property, or honor, a practice based on Qur'an, 3:28. As its observance depends on certain terms and conditions, it may be obligatory [wajib], recommended [mustahabb], abominable [makruh], or forbidden [haram]. For a discussion of taqiyyah, see Sayyid Saeed Akhtar Rizvi, *Taqiyyah* (Dar es Salaam: Bilal Muslim Mission of Tanzania, 1992), <http://www.al-islam.org/taqiyyah>; [1] *Al-Taqiyya/Dissimulation*, <http://www.al-islam.org/encyclopedia/chapter6b.html>; [2] and 'Allamah Tabataba'i, *Shi'ite Islam* (Albany, N.Y., 1975), pp. 223–225, <http://www.al-islam.org/anthology> [3]. [Trans.]

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