

## The relationship between Republicanism and Islamization in the constitution of Iran

Neda Shakeri<sup>1</sup>, Abdolamir Jorfi<sup>2,\*</sup>

<sup>1</sup>Department of law, Sirjan Science and Research Branch, Islamic Azad University, Sirjan, Iran

<sup>2</sup>Department of Political Science and law, Faculty of Political Science, shiraz Branch, Islamic Azad University, shiraz, Iran

---

**Abstract:** Republic belongs to general public in which governmental officials are not selected hereditary and the president is elected through direct or indirect people's vote. Therefore, in such a government the people control and monitor the power. In Islamic system, the most pivotal and fundamental principle is acceptance of divine sovereignty. So, in Islamic Republic system, the divine will is the source of legitimacy and the people's will is the source of power, acceptability and exactness of system. In this research, the principles governing on Republic and Islam in constitution of Islamic Republic of Iran and their interaction and relationship with together have been studied which according to principle 56 and 57 of constitution of Islamic Republic of Iran, Republic as popular sovereignty over their political fate is compatible with Islamic as accepting the Islam's governance and rules and they do not conflict with together, because the necessity of democracy is paying attention to people's vote and Muslim's vote has belonged to Islamization.

**Key words:** *Republicanism; Islamization; Constitution; Iran*

---

### 1. Introduction

Republic is the best form of democracy. In fact, Republic government brings the, autocracy, dictatorship, hereditary and dynastic government to an end and entrusts power to people. In Republic government, government belongs to general public which are shared equally in it. Independence, freedom, Islamic Republic means that people seek their and their country's independence and freedom in the light of Islamic Republic and they reject establishment of any government with any suffix and prefix through this expression and they seek only a government which both ensure their independence and freedom and give value and strength to their theocracy and so they selected Islamic Republic government as third component of their main, basic and pivotal slogan. (Javadi Amoli, 2010). In this research, the author intends to perform the necessary investigation from the perspective of principle 56 of constitution. The term Republic has no certain, fixed and unchangeable concept in political philosophy. Republic is a form of political government and system which could accept different and various contents whether Totalitarian, Democratic and Islamic and it is not limited in a particular content and political system. Through determining factor of Republicanism, the people have been attended as the main origin of formation and efficiency of governmental institutions and the requirements of time and formation of its proportional structures such as forces formation

have been considered. Paying attention to people's vote which is one of the main principles of Republic has an important position in Islamic texts. In this regard, we can note to the verses and narratives which exist about consultative, allegiance, people's responsibility, etc. Islamic Republic means universal and public acceptance and it is in conformity with lexical meaning of republic (general public) and its adaptation in Islamic Republic under jurisdiction authority of the qualified Jurist means acceptance of general public and noting to their position in efficiency of system and does not mean legitimacy of jurisprudent and Islamic governor. The determining factor of Republic in Islamic Republic means that general public have participated both in establishment of government and they are also involved in running it through electing country's officials and participating in councils and referendums. It is clear that this meaning of Republic is different from Republic in concept of West in which government's legitimacy depends on people's vote (Shaabani, 2009). The constitution of Islamic Republic of Iran (approved in 1979) has recognized expressly the popular sovereignty and it has named chapter five as this title. In the first principle of chapter five (principle 56) has been brought: The absolute sovereignty over the world and human belongs to God and also He has made human master of his own social fate, no one can deprive human of this divine right or give it in the service of another special person or group. And people apply this divine right in a way that follows in the next principle. Human sovereignty over his social fate is another interpretation of the popular sovereignty. In

---

\* Corresponding Author.

addition to principle 56, in principle 6, general public votes have been also known as basis for running the country's affairs.

## 2. Republicanism in Islam's school

Islam has appointed government through establishing it to realize and implement the popular interests and objectives of divine laws of Islam. Religion's glorification and presentation of human values necessitate establishment of political system. In the Holy Quran, in addition to rejecting arrogant systems, there is nothing about certain types of governmental forms (Imperial, Aristocracy, Republic, etc.) but there are several subjects who describe governmental systems and how to administer the community. None has the legislative power in Islamic Republic system and no law is able to be enforced except legislator's law. In the parliament system, planning has been placed instead of position of legislation which describes the quality of performing public service all around the country in the light of Islam's laws. The approvals which put into enforcement and those which are legislated and designed according to God's fixed and persistent laws and time requirements arise from the Quran and tradition and they include people's agreement. Therefore, in this way of ruling, the sovereignty is the monopoly of God. In Holy Quran, many of the verses attribute the ruling to God and Islam's principles and provisions have absolute rule over every one and also over Islamic government. The concept of Islamic government means comply with this law. Through this description, book (Quran) and tradition, have the highest degree of legitimacy and total state's institutions (legislature, executive, judiciary) and all policies must be committed to implement the Islam's provisions and purposes. In Republic which relies on political culture of Islam, political management of society or leadership engages in a policy which attempts to adjust the relations of the ruling forces and coordinate them according to divine ideology and Islamic values. In this policy, all the human relationships should be established in the frame of some concepts such as training and guidance in order to make possible the preparation of forming an organized and targeted population. This kind of leadership will follow prosperity in the material concept and welfare in its worldly means, but not as a goal, rather it is a purposeful action of nation to have a political organization and social, economic and cultural system which are consistent with standards of Islam. (Zanjani Amid, 2009)

## 3. The relationship between Republicanism and Islamization in principle 56 of constitution

It has been occasionally claimed that regional government is not compatible with Republic government. As accepting Republic means accepting popular sovereignty, while accepting jurisdiction authority of the qualified jurist means ignoring

people's growth and validity of their viewpoints and in other words, guardianship and Republic are two contradictory categories and it is impossible to put them together and we can establish compromise among them only through changing the meaning and basics of these two concepts. It is good in investigating this claim to look at the concept of Republic from the viewpoint of political scholars. Dr Qazi Abolfazl writes in the book "fundamental rights and political institutions" that: The purpose of saying monarchy, Republic or convention regime is the method of selecting this position (position of president of government or state). And he describes Republic as: a regime which selected individual or individuals have been placed at the head of its executive branch idiomatically is called Republic regime (Arasteh, 1990). The culture of political science also writes in definition of Republic that: Republic in political convention is called to democratic or undemocratic rule that its ruler has been selected by direct or indirect vote of different groups of people and inheritance does not involve in it and the period of his ruling is different according to some cases (Khaje sarvari, 2011).

The elements which are involved in definition of Republic could be enumerated in this way:

1. Selectivity of head of government by people directly or indirectly
2. Limited and temporary chairmanship of government
3. Presidency of government is not hereditary
4. Responsibility of president toward his actions. (Khaje sarvari, 2011)

Our claim is that these elements are totally compatible with guardianship system. Of course it should be noted that head of government in Republic systems does not necessarily mean that there is not any higher position as moderator power and authority. People in the guardianship system have the right to monitor all the authorities' even leader. Of course it is natural that the method of supervision in any process or level is subject to its special discipline. The other matter which is mentioned sometimes in expressing incompatibility of Republic and guardianship is that: In Republic government, the ruler's authority is bounded by law, and in guardianship government, the guardian is superior of law and legitimacy of law should be verified by guardian (Ashouri, 2010).

It is not correct to absolutely state that in guardianship government; legitimacy of law should be verified by guardian, because enforcement of judicial decree is spontaneously binding because of its lawfulness. Jurist guardian or another jurist who oversees the law on his behalf, acts only in the position of recognizing the compliance or non-compliance with religious law. The law which complies with religious law is binding and the law which is opposed to religious law is spontaneously repealed. But in the confine of government laws, the work of jurist guardian is to recognize the subject and this recognition gives evidence to the obligation of the government. In such cases of government

laws, in addition to compliance with religious law, the recognition of subject must be made and verified by jurist guardian. Therefore, if the purpose of superiority of law is that he is able to disregard the law, it is not acceptable, because the laws have been edited according to divine laws and interests whom are necessary to observe, and their observation is obligatory for public. Of course considering that the law has general aspect, sometimes law enforcement is against the interest which in these cases governmental verdict could be issued by Expediency Council and if generally, the law is lack of interest, it is possible to change it (Ghadrdan Ghara Maleki, 2003).

#### **4. Imam Khomeini (God bless him) and Republicanism**

Excellency Imam remarked in the response to foreign reporters and representatives of the French government who were not familiar with the basics of Islam that: Our desired Republic "is in the same sense that it is everywhere" and many writers who have spoken about originality of Republic, referred to this statement of Imam. But the Imam has well explained his view on category of Republic in that meeting and some others. He told to French government's representatives that: the principle of Republic is the same thing that is also in your country that public votes determine it. It is Republic means that it is democratic and it is Islamic means that its rules are Islamic (Imam Khomeini, 1999). Mothhari Morteza who was one of the religious leader of movement remarked in response to some of the ambiguities regarding type of government that: their mistake which they have considered this concept as vague arising from this that they have known national sovereignty right equal to lack of belief and school and lack of commitment to a series of intellectual principles toward world and scientific principles about life. He adds in interpretation of Republic government: "the issue of Republic is related to the form of government which requires democracy; it means that the people have the right to hold their destiny in their own hand (Imam Khomeini, 1999). Imam remained faithful to his view that vote and opinion of people is important in selecting managers and those who are in charge of system by observing conditions which Islam determined for government officials and in contrast to the opinion of some people who believe a kind of transformation in the political thoughts of Imam in this regard, he never change his view. He spoke about a system which relies on vote of people, both at before and start of the victory of revolution "because of religious right and based on the overwhelming majority of people's trust vote. (Imam Khomeini, 1999) Even two known statement have been quoted from him regarding role of jurisdiction authority of the qualified Jurist in the absence period which both of them indicate this fact. Imam in response to this question of his representatives in secretariat of prayer leaders of Fridays regarding in

which case, the qualified jurist has the guardianship on Islamic population?, wrote that guardianship has form in plural. But guardianship on Muslim's affairs and establishing government depends on votes of majority of Muslim which is also mentioned in constitution and in early Islamic period, it was interpreted as swear allegiance with Muslim's guardian. (Imam Khomeini, 1999). He also wrote in his letter of assembly of revising constitution in addition to expressing lack of necessity of the condition of authority in leadership, that "If general public voted to experts to determine a just priest for the leadership of their government, his forcible is accepted by people. In this case he is people's selected guardian and his verdict is valid. (Imam Khomeini, 1999).

#### **5. Conditions of statesmen and managers**

In Imam's point of view, what that can provides the real right and freedom of people and realize their ideals deserves to be command and the governmental rules and regulations are based on Islamic criteria. In other word, if statesmen are not worthy and righteous, and rules and regulations are not adjusted according to Islamic basics, the nation's ideals will not be realized (Imam Khomeini, 1999). Thus Imam spoke with French youth who expressed their interest toward Islam after observing the simple and pure life of Imam in Paris, and said about difference between democracies in Islam with Known democracy in public school in the world. He spoke in his speech about equality of right of statesmen an public people in one hand, and comprehensive Islamic rule for human's development and education at the beginning of birth, about importance of mutual relations of government and people, and people's relationship with together and with minorities and international relations in Islam. (Imam Khomeini, 1999).

What that can realizes nation's ideals are as follows:

Firstly: Observing desired conditions and terms of Islam by statesmen.

Secondly: Enforcing Islamic rules and regulations in all the aspects of individual and social life.. Regarding the importance of first axis it could refer to this phrase of Imam's sentences that: Islam has determined some conditions for one who is guardian of people, that if one of them does not exist, it is spontaneously quashed, it is finished, it is not necessary to gather people, it is nothing itself, we want something like this. Imam Khomeini believed that although some forms of government are preferable to other, but the government's form is not very important in preservation of democracy and providing humanitarian ideals of nation as much as possible. What that is important: 1. conditions of statesmen. 2. Criteria and standards which government must observe them which has been emphasized in Islam. In Imam Khomeini's view, the people's vote has a role not only in selecting type of government and officials, but also they have the right

of monitoring their performance and taking care of their social conducts after selection. Thus, in Imam's opinion, the people's vote has a role not only in selecting type of government and officials, but also they have the right of monitoring their performance and taking care of their social conducts after selection.

## 6. Islamization

The adverb of Islamic determines the constitution and charter of government and emphasizes on this point that the government which is selected by people must move within the framework of Islam's provisions and principles and must not violate it. In other words, the adverb of Islamic is not an emphatic adverb, but an ideological and allocation one which stipulate the quality and determines the direction of public government in the above definition. The word "Islamic" expresses the content of this government. It means that it suggests that this government should rule according to Islamic principles and provisions and move in the orbit of affairs. Because we know that Islam has a school as a religion is as a design for human life in all of its dimensions and statuses. In this way, Islamic Republic means that a form of government which its governor is selected by general public, for a limited time and its content is also Islamic (Motahhari, 1999).

## 7. Position of religious democracy in constitution of Islamic Republic of Iran

Due to prominent role of religion and culture in victory of Islamic revolution, immediately after that the Pahlavi's regime was overthrown and revolution was flourished, religion was viewed rationally for solving new problems and it was interpreted in a new manner. The result of this way of dealing with religion was emergence of a kind of political system whose main characteristic is combination of divine sovereignty with the popular sovereignty (Khaje Sarvi, 2011). According to this rule, on the one hand, doctrine of divine sovereignty has been confirmed which finds expression in traditional and religious values, especially in principle of jurisdiction authority of the qualified Jurist, and on the other hand, popular sovereignty has been emphasized which crystallizes in the electoral and parliamentary system and in the councils and civil and political liberties system.

Therefore, constitution of Islamic Republic has put two concepts of sovereignty together (Qazi Shariat Panahi, 2010). Despite this, the relationship between these two concepts in the law is such that they have placed along of each other, not in width of each other: Absolute sovereignty on the world and human belongs to God and he has made human to rule over his social fate. Nobody can deprive human of this divine right or give it in the service of another special person or group (principle 56) (Zahedi, 2012). Also it has brought in first principle of

constitution that type of Iran's government is Islamic Republic and this means that form of government is Islamic and its content is Islamic and as a result, its legitimacy is based on two principles of "school" and "people's choice". In the same sense, the purpose of two mentioned principles is making connection and compromise between institutions and traditional values (school and religion) on the one hand, and institutions and modern system (civil and popular liberties and establishment of democratic institutions and democracy system) on the other hand (Hashemi, 2007). On the one hand, different principles have been specified and emphasized on school being or traditional being of system. For example, in second principle has brought that Islamic Republic system relies on basis of faith on unique God, divine message, resurrection, justice, imamate (leadership); giving dignity to human's rules and freedom coupled with his responsibility toward God. In principle 4 has been explained that all the civil, criminal, financial, economical, official, cultural, military, political and others rules and regulations must be according to principle 91 of safeguarding of Islamic laws and constitution concerning lack of conflict between the approvals of parliament with them is the responsibility of guardian council. The principle 5 has assigned the people's leadership and administration to a qualified jurist and principle 110 has specified the responsibilities and authorities of leader. Accordingly, there are some other similar cases which indicate the emphasize on divine sovereignty tradition in some other principles and on the other hand, in several principles of constitution, the popular sovereignty has been equally considered and mentioned. For example, at the end of principle 2, application of science and techniques and advance experiences in human and the effort in advancing them and continuous intellectual effort of qualified jurists have been specified. General votes, whether by direct selection of president (principle 114) and parliament's representatives (principle 100), whether by indirect and two-stage selection of leader, (selection of representatives of Expert Assembly by direct vote of people and selection of leader by Expert) (principles 107 and 108), and whether referendum in main economical, political, social, cultural issues, means as functions of legislature branch has been emphasized and confirmed through direct referring to people's vote. (principle 59). The principle 8 emphasizes on general supervision and universal and mutual responsibility as the strongest lever for controlling power of maintaining the system. The function of system's Expediency by important institution "Expediency council of system" (principle 112) is another evidence for importance of democracy and accepting modern institutions. The third chapter of constitution of Islamic Republic under the topic of "nation's right" has confirmed different liberties: prestige, lives, property and salary, house and career of people are far from any offensive (principle 22) and some issues such as color and race and language

are not considered as a grant (principle 19). All the people have been equally supported in front of the law (principle 20). Searching ideas is forbidden (principle 23). Expressing subjects in publications and press is free provided that they must not interfere in Islam's basics and public law (principle 24). Also parties, communities, political and guild and Islamic associations with religious minorities are free and nobody can prevent people to participate in them or force them to do it providing that they must not disobey principles, independence, freedom, national unity, Islamic standards and Republic's basis (principle 26) and formation of communities and marches, without carrying weapon and interference with Islamic principles are free. (principle 27) and violating the sanctity and prestige of a person who is arrested, imprisoned or exiled by the verdict of law, in any cases is forbidden and leads to punishment (principle 39).

## 8. Conclusion

Republic is a kind of government in which officials are not selected hereditary, country's presidency is selected by direct or indirect vote of people and the chairmanship is limited. The main emphasis of concept of Republic is related to lack of a permanent position for the first person of country. In Islamic Republic system, nobody has the right to legislate and no law is able to be executed except ruling of the legislator. Therefore, inherent structure of Islam is totally compatible with Republic. Inherent structure of Islam is an open kind of structure. The Islam's religious thinking system was an open thinking system from the beginning and not a closed thinking system. The category of sovereignty as one of the necessary and constructive element of government should be considered as the most controversial concept in legal and political thought. So that understanding the government is not possible without understanding the concept of his sovereignty that is considered as a prominent and higher power in a community. With regard to what was mentioned concerning constitution of Islamic Republic of Iran, it was specified that legal system of Islamic Republic of Iran has discussed finely both perspectives. Thus, constitution of Islamic Republic of Iran must accept fundamental doctrine and emphasize on this basic point that God is essentially considered as the source of power and this is also the most basic doctrine of true religion of Islam and it should specify that God has granted to human the right they rule freely over their social fate.

At the same time, it should be emphasized that constitution of Islamic Republic of Iran has placed the basics of this kind of attitude in Islamic doctrine and has expressed Republicanism and Islamization with together. Therefore, it is observed that elections in order to apply people's view and vote in running affairs of community has been accepted and emphasized both at national and local level and even at the leadership level as the symbol of Islamization of system in constitution. The constitution, in

addition to accepts the principle of jurisdiction authority of the qualified Jurist which is rooted in the principles of guardianship of Shiite and it is divine through appointing general public, has made the Experts who are elites of people, responsible for selecting the Qualified Jurist as the supreme formal authority of country.

## References

- Amid Zanjani Abbas Ali (2008). Jurisprudence basics, generalities of constitution of Islamic Republic of Iran, University Jihad.
- Arasteh Hossein (1990). The basics of Islamic government, Qom: Publication center of Islamic advertisement office, first publication.
- Ashouri Darush (2010). Political diploma, Tehran.
- Ghadrdan Ghara Maleki Mohammad Hasan (1993). legal basics of constitution of Islamic Republic of Iran, publication of University Jihad.
- Hashemi Chief Mohammad (1998). The fundamental rights of Islamic Republic of Iran, Tehran: Martye Beheshti University.
- Javadi Amoli Abdollah (2010). Jurisdiction authority of the qualified Jurist: guardianship, jurisprudence and justice, Qom: publication center of Assents.
- Khajeh Sarvi Gholam Reza (2010). Political competition and stability in Islamic Republic of Iran, Tehran: the center of Islamic Revolution's documents.
- Khomeini Ruhollah (1999). The light scription (the collection of Hadiths written down by one of the Companions' followers in the next generation, Tehran: Institution of publication's adjustment and the works of Imam Khomeini.
- Motahhari Morteza (1999). Concerning Islamic Revolution, Tehran: look
- Qazi Shariat Panahi Abolfazl (2010). Fundamental rights and political institutions, Tehran: The institution of printing and publishing of Tehran University.
- Saabani Ghasem (2008). Fundamental rights and structures of Islamic Republic System, Tehran, Jungle Immortal.
- Zahedi Atefeh (2012). constitution, Tehran, Immortal publication.