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Theocratic Democracy and its Critics

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 of 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

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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 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.²

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

² High religious vicegerent of guardian

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 of 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 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 Skinner³ relying on his behaviorist analysis of the human mind emphasized the need for competence of those who have political might over the science

³ 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”

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 democracy which is manifested in the framework of the system of vicegerency of the supreme source of jurisprudence (valayat-e Faqih⁴) 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.⁵

⁴ Or vicegerency of high religious authorities normally in Shi'ite jurisprudence

⁵ 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

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, 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.

by the people elect the leader, but neither the people, not 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.

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 *valayat-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:

«...مَاذَا بَعْدَ الْحَقِّ إِلَّا الضَّلَالُ...»

“... and after the truth what else can there be save error?...”⁶

⁶ Quran: Yunus (Jonah), Verse 32

«... وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَ...»

“... And whosoever seeks a religion other than Islam, it will never be accepted of him and”⁷

And the opening verses of Chapter Al-To’bah (Repentance), too, are contrary with the human beings’ freedom of choice.⁸

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 polices 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

⁷ Quran: Ale Imran (Family of Imran), Verse 85

⁸ Ibid, PP.525-526

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.⁹

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.

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

⁹ Various authors have criticized neutralism in liberalism and its opposition to perfectionism. For instance refer to; Galston, 1991

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:

«...إِنَّ الْحُكْمَ إِلَّا لِلَّهِ يَفْضُ الْحَقُّ وَهُوَ خَيْرُ الْفَصِيلِينَ»

“Commanding is belongs to Allah only, Allah will declare the truth and He is the supreme judge.”¹⁰

« وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ...»

[Say O messenger!] “And in whatever you people differ the decision and the command is with Allah:...”¹¹

«... فَإِنْ تَنَزَعْتُمْ فِي شَيْءٍ فَزُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ...»

“... 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, ...”¹²

¹⁰ Quran; Al-An'am (Beasts of Burden), Verse 57

¹¹ Quran; Shura (Consultation), Verse 10

¹² 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.¹³

The reason why such thinkers as Abol-Ala Mawdudi and Seyyed Qotb 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 revises and changed in a way to match the occurred changes in the public opinion."¹⁴

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).¹⁵

¹³ Many of the fundamentalist and Salafi trends within the Islamic world support the soul of this reasoning (refer to; Zalloom, PP.33-37)

¹⁴ Mawdudi, P.30

¹⁵ 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 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 (Mobaah¹⁶), or as Martyr Sadr called them are the "Free Zone" (Manteqatul-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

¹⁶ Lawful; permissible; allowed; or permitted

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 Faqihin 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-

Muslim groups living in an Islamic society, and there is also the unequal rights if men and women in gaining heritage, or blood money (Diyeh¹⁷). These legal inequalities are obstacles in the way of establishment of true democracy if societies are committed to the legal system of Islam.¹⁸

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

¹⁷ Blood-money; fine; compensation for manslaughter and such other offences

¹⁸ Jahanbakhsh, 2001, P.49

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.

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 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.¹⁹

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 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 Salafi²⁰ 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

¹⁹ 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.

²⁰ Fundamentalism; a reformist movement of 20th century in Egypt (Salafiya)

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 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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