

Theocracy vs. Democracy

The Metamorphosis of Political Thought in Post-revolutionary Iran

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Democracy, Sovereignty and the Religious Tradition,

Modern democracy and theocracy share a common central premise which is the idea of sovereignty. Democracy is based on the principal that sovereignty resides with the people and hence draws the lines of power from the bottom of the pyramid up. In the Post-Enlightenment era, the concept of autonomy means responding only to a law (*nomos*) that you give yourself (*autos*).¹ As Immanuel Kant pointed out, the only way to be 'rational' is not to allow reason to be affected by any alien power.

This secularized notion of sovereignty replicates the theological image of God Almighty as portrayed in Christianity, Judaism and Islam alike which is God Almighty as the first cause, the most autonomous agent and the most sovereign freedom of all. The Abrahamic tradition defines the sovereign in terms of his power to establish the law, to suspend it and to make an exception of Himself. For example, in the most extreme formulations of medieval Islamic theology, the omnipotent God has the power to suspend causality, break the laws of reason and stay free from ethical obligations. Likewise, the God of medieval Christianity is no less mighty. He is capable of changing the past, to make it to be that what happened had not happened.

As is well-known, the Enlightenment shifted the rule (*kratia*) from the sovereign one, God Almighty, or the sovereign few, the monarchs, to the people. In other words, modern democracies have left the sphere of sovereign and the realm of autonomy uninterrupted so that the new nation-state could occupy the former and the modern human being the latter. Hence, modern autonomy begins and ends in the self. "Modern democracy promotes the idea of a government of the people, by the people and for the people. Thus, after a sovereign God comes the sovereign nation, or the people."²

There is no doubt that the enlightened man managed to leap into the "modern world." A leap, however, is always a leap-from-somewhere and it is in this specific sense that modern secular democracies harbor elements of the traditional theology. Secularization, after all, presupposes a particular theology to secularize. Therefore, traditional theology has historically been a condition of possibility for the emergence of present democracies.

Democracy and universal human rights flourished in the West only after "the people" came to incarnate the sovereignty of the ex-almighty God. The political process of democratization in the West, therefore, has historically and theoretically accompanied a specific theology, the theology of the departed God, if you wish. Hence, Western

democracy is contingent upon an idea of a departed personal God whose sovereignty is handed down to natural law and the human self.

To the extent that the metamorphosis of the idea of sovereignty in the West contrasts or resembles the intellectual developments in other parts of the world, one may apply it as a heuristic device in understanding the latter. In what follows, I study two rival theories of statehood in post-revolutionary Iran by exploring the political-theological corollaries of each theory and underlining ways in which these theories open, or foreclose, a horizon for the emergence of the people as the new sovereign. I argue that although Ayatollah Khomeini's theory of the Islamic State, the absolute mandate of the jurisconsult, does not deny the omnipotence of God, it extends, and even delivers, the sovereignty to the jurisconsult. As such, Ayatollah Khomeini's theory injects pragmatism into the Islamic body politic and the autonomy of jurisconsult gives a secular twist to the *raison d'être* of the Islamic Republic. All along, however, this doctrine rejects the sovereignty of the people and, as such, stays undemocratic.

In contrast to both Khomeini's authoritarianism, and the Western notion of democracy predicated on the departure of God, Abdolkarim Soroush wishes to hand over God's sovereignty to the people while upholding the presence of God in human's spiritual life. The fulfillment of this allegedly impossible task, however, requires some theological innovation in Islamic thought as a prerequisite. Such an innovation would probably embrace a non-sovereign God. I believe that Soroush's theoretical paradigm carries the seeds of such a theology-to-come. As such, he promotes an indigenous idea of the democratic Statehood.

Khomeini's Theory of the Islamic State,

There are two fundamental tenets that form the conservative political thought of the 20th century Iran. First, a belief in the sovereignty of God as the exclusive source of all law and statecraft, and secondly, the conviction that God's providence has already provided the blueprint for the entire legal system as well as the necessary socio-political and economic directives and the ethico-theoretical heuristics necessary for implementing proper Islamic governance. Along with the emergence of a maximalist conception that viewed Islam as the eternal repository of answers to all human questions, the jurisconsults, who are supposedly the experts and guardians of Islam, were quick to declare their monopoly over its interpretation. The claim that they have epistemic access to God's plans for the human community came to justify the jurisconsults' quest for acquiring and maintaining political power throughout the century.

Some twenty years before the 1979 Iranian revolution, in a book entitled *Velayat e Faghih* (the Rule of the jurisconsult) Ayatollah Khomeini maintained that there is no distinction between religion and government in an Islamic state.³ Moreover, he argued, a modern Islamic government should closely resemble the theocratic Muslim community of the early years of Islam during which the only legitimate rulers were clerics who have assumed the mantle of leadership directly from the Prophet Mohammad through the Imams. The principle, Khomeini writes, that "the *foqaha*, religious leaders, are the trustees of the Prophet, means that all tasks entrusted to the Prophet must also be fulfilled by the *foqaha*. . . as a matter of duty." There is no doubt, according to Khomeini, that

“the Imam . . . designated the *foqaha* . . . to exercise the functions of both government and lawgivers.”⁴

Ayatollah Khomeini based his concept of rule by the clergy on the Koranic verse which reads: “O you believers, obey God, obey the prophet and obey those in charge among you.” According to him, those in charge after the Prophet, the *Imams*, had “been entrusted with explaining Islamic laws and rules as well as disseminating them among the Moslems.” In the absence of the *Imams*, “the just jurists have been required to carry out these tasks.”⁵

In the above mentioned book, Ayatollah Khomeini did not hesitate to emphasize the exclusive sovereignty of God as the source of all Islamic law. As an exiled revolutionary, he stayed loyal to the theological tradition and assigned no sovereignty to the jurisconsult in initiating the law. Indeed, he oversimplified a modern Islamic government as one in which “religious taxes meet all the State’s expenditures and religious courts implement social justice on an immediate and satisfactory basis . . . [Hence] There is no need for elections and representative government, because the laws are prescribed by Islam and the clergy have emerged as the best guides who have had to reluctantly accept the burden of government.”⁶

Although, Ayatollah Khomeini offered an alternative form of government in his exilic lectures, nowhere did he articulate how to implement such a system. Soon after the 1979 revolution, his assumption that a system of government based on a seventh century blueprint would be adequate to meet all the needs of a modern state lost its validity as the multifarious exigencies of governance in the modern world became apparent.⁷ Ayatollah Khomeini was forced to fiddle with his theoretical model so as to account for the socio-political, cultural, economic and international realities of statehood in late 20th century. His amended theory of Islamic government, however, amounted to a truly radical alteration of Shiite theological traditions and was met by a host of criticisms and condemnations from both religious authorities as well as the intelligentsia. It was indeed the political capital and charisma of Ayatollah Khomeini, rather than the theological soundness of his positions that subdued the critics and thereby allowed his theories to serve as the foundation for the Islamic Republic.

Khomeini’s theory of *Velayat e Motlagheh ye Elahiyyeh ye Faghih* (the absolute divine-like mandate of the jurisconsult) breaks the exclusive sovereignty of God and entrusts the jurisconsult with the power of initiating, and not just interpreting or implementing Islamic law. Khomeini’s jurisconsult is a sovereign proper; whose ability to initiate laws surpasses the limits of the traditionally known divine law. In a letter to Khamenei, then the President of Iran, Khomeini stated that “if the government can exercise its authority only within the bounds of the peripheral divine laws, then the bestowal of the divine-like command through absolute deputyship upon the Prophet . . . would be hollow and meaningless.” Indeed, Khomeini implied that the traditional Islamic legal system does not suffice to ensure the practical advancement of the Islamic State and secure the well-being of the Moslem community.

Khomeini’s latter-day political-theological position indicated a profound discontinuity with the maximalist tradition which maintains that Islam has the ultimate answer to all questions and God’s law foresees and covers both private and public spheres of human life once and for all. Khomeini’s sovereign jurisconsult, in the literal sense of the term, ‘adds’ to the body of Islamic laws and as such confirms the belief that the initiation of Islamic law did not end with the passing away of Prophet Mohammad. For, Khomeini’s

jurisconsult enjoys the same sovereignty that God or the Prophet used to enjoy since he has the power to establish unprecedented rules merely on the basis of his understanding of what is expedient for the Islamic State.

In other words, the sovereignty of the jurisconsult allows him to change, or make exceptions of, *Shariah* rules. For example, if under particular circumstances, to carry out the requirements of pilgrimage, fasting or daily prayers, which are three pillars of Islamic faith, were considered harmful to the safeguarding of an Islamic State, then the jurisconsult can ban these three divinely mandated practices. In principle, then, there is absolutely no domain of Islamic law that is beyond the reach of the sovereign jurisconsult.

According to Ayatollah Khomeini's doctrine the ultimate concern of the jurisconsult has to do with the pragmatic preservation of the Islamic State. Nonetheless, the pragmatist logic of *Maslahat* (expediency) gives a secular twist to Khomeini's conception of what is an Islamic State. Khomeini's jurisconsult initiates laws with an eye toward the pragmatic success of the administrative State. In such a setting, Islamic law becomes merely a means to safeguard the everyday goals of the State such as security and socio-political and economic progress. Henceforth, for Khomeini Islamic law follows the logic of instrumental rationality and inadvertently embraces secularism with open arms. To the chagrin of utopian revolutionaries, it is the pragmatic logic of the modern State that overshadows the sacredness of Islamic laws. It is the ultimate irony of Iranian theocracy that sacred *Shariah* becomes profane and the solidity of the divine law, to borrow Marx's phrase, melts into the air.

This irony, no doubt, is the unintended consequence of a victorious Islamic revolution. The shift of sovereignty from God to a human being, the jurisconsult, as well as the implicit suspicion about a maximalist Islam, might be perceived as progressive steps towards an eventual rational and secular conception of statehood in Iran. Nevertheless, as I tried to argue above Khomeini's absolute mandate of the jurisconsult is hardly democratic. His political theory proved to be authoritarian both in its conceptual underpinnings as well as historical manner of realization. Theoretically speaking, Khomeini confuses the mystical and medieval notion of *Velayat e Bateni* (spiritual guardianship) with the concept of *Velayate e Tashri'* (the autonomy to initiate the law). Khomeini's theory identifies the sovereign with the mystical *Vali e Bateni* (the spiritual commander), locates the sovereign above the reach of communicative rationality and makes him non-responsive to the collective reason.⁸ The manner of realization of Khomeini's theory also provides ample evidences of its authoritarian nature but that is beyond the scope of this paper.

Khomeini's theories on the Islamic state are important because they break the taboo of the exclusive sovereignty of God and testify to the inadequacy of a maximalist conception of Islam. While the failure of Khomeini's first theory of the Islamic State exposes the flaw in the maximalist idea of Islam, the undemocratic characteristic of his second theory proves that unless the complete passage of sovereignty to the people takes place, Iranians will not enjoy democracy and the human rights.

Abdolkarim Soroush's theory of the Democratic Religious State,

Starting with a minimalist idea of Islam, Abdolkarim Soroush aspires to hand sovereignty to the people without making God leave our universe of ethics. He criticizes Moslem's submissiveness to the authoritarian sovereign as a byproduct of "a political culture deeply influenced by centuries of tyranny." In large measure, this political culture can be traced to traditional theological and jurisprudential teachings. He writes: "The theoreticians of the past used to say 'earthly sovereigns are mirrors of the sovereignty of God.'" In traditional theology, God was portrayed as "an absolute bearer of rights and free of all duties toward human beings"; accordingly, kings and imperial rulers were viewed in the same light, as mirrors or replicas of divine authority. Soroush states that "the right to act as a God-like sovereign with unlimited powers" is "a source of evil and corruption."⁹

In Soroush's view, modern society rejects such God-like pretensions "because it does not consider government to be an extension of divine power within human societies." For the modern man, "management skills, and statecraft, require merely human, not God-like powers." Rejecting the concept of government as the extension of God's power within human society, however, signifies the dawn of an epoch in which the maximalist concept of Islam is overcome. Soroush believes that for Iranian intellectuals the "era of derivation" is over so much so that "nobody is now thinking of deriving democracy or modern ideas from the Koran or from the Islamic tradition." He adds, "The intellectuals have come to realize that we are living in a new world with new conceptualizations of the world, of human beings, of history and society. And the modern society is not a simple enlargement of the Arab or the Meccan society in the time of the Prophet. So you live in not only a quantitatively larger society, but also in a qualitatively different one as well. And since it is qualitatively different you cannot mechanically transfer [and project] old ideas into the new modern society. Therefore those people who think that in order to Islamize democracy they have to invoke the idea of Shura (consultation) or Beya'h (allegiance), are wrong headed,"¹⁰ even though they want to make a reconciliation between democracy and the traditional Islamic way of life.

As argued above, I believe that the failure of Khomeini's first theory of the Islamic statehood signifies the twilight of the derivation discourse. The crucial point, however, is the difference between the ways in which Khomeini and Soroush await the lights of the new dawn. Whereas Khomeini hands the sovereignty of God to the jurisconsult to make Islamic jurisprudential system an everlasting and continuous process, Soroush opts for a minimalist conceptualization of Islam. According to this minimalist concept, so far as the essence of religion is concerned, Islam has absolutely nothing to say about the management of the everyday life of human beings. Soroush's Islam is minimal in the sense that "it offers human beings only a way of living a spiritual life."

Soroush is adamant that it is indeed Islamic theology that must adjust itself to the central tenants of democratic political theory and not vice versa. Hence he argues "in order to make the compatibility between Islam and democracy conceivable, we need to have a minimalist conception of religion." According to his theory of the Expansion and Contraction of Religious Knowledge, "a balance should always be maintained between the outside and the inside of the religion, between the extra-religious ideas and the intra-

religious ideas.” In other words, religious knowledge finds its very content in interaction with other human, and thus, secular understandings and, as such, religious understanding is essentially unsacred and historical. Moreover, as democracy and universal human rights are nowadays considered prerequisites for a humane, ethical and dignified life, it is the responsibility of Moslems towards truth and morality to understand their religion in a way that it is compatible with democratic tenants of social praxis or existence.

Soroush’s minimalist concept of Islam comes across as being more profound since it views the dignity of human life and its morality as extra-religious concepts to which theology should attune itself. For Soroush, universal moral values like justice and freedom are not essentially religious. Rather, it is Islam that must regulate itself to these values.

Soroush further maintains that “the religious language, especially in Islam and Judaism, is a language of duties, a language of obligations, while democracy is an offspring of the language and culture of rights. The compatibility of the culture of rights and the culture of obligations is a difficult thing.” This point underlines Soroush’s crucial challenge for, he contends, “having right implies a form of independence for the human being from God.” “How should we reconcile” he asks, “duties and rights and at the same time surrender to God?”¹¹

As a research program, the Iranian project of reconciling Islam and Democracy is currently wrestling with these momentous questions. The Enlightenment implied that the maturity of the European Man and His rationality are adverse to His duty towards God. However, we might ask, is there another way to secure the sovereignty and rights of the people and, simultaneously, emphasize human being’s duty towards a non-sovereign God? Is the concept of a non-sovereign God a coherent idea at all? Can God be unconditional and non-sovereign at the same time? Should not we rid ourselves of the idea of sovereignty in both political and theological discourses? Can we imagine a democracy without sovereignty? Considering the powerful tradition of negative theology in Iranian Islam, if God should not be perceived as a personal being, or, yet, as a ‘being’ in the first place, should not we then reconsider our concept of duty towards God? These questions indicate the internal difficulties that Soroush and his colleagues are faced with.

Soroush aptly maintains that “reconciling Islam and democracy is not merely a matter of political pragmatism. It is not just an issue of having elections, separation of powers and so on. There are much deeper issues involved here and if our mentality is not prepared for democracy, all these democratic institutions may prove to be frivolous.” He continues, “you need some philosophical underpinnings, even theological underpinnings, in order to have a real democratic system. Your God cannot be a despotic God anymore. A despotic God would not be compatible with democratic rule and with the idea of rights. So you even have to change your idea of God, of divine and then it goes deep into your theology.”

The minimalist concept of religion, nonetheless, implies a minimalist idea of God. The ‘weak’ God, if you wish: a God with no sovereignty to command any law. A God that is unconditional but non-sovereign. A minimalist religion has no normative and even no informative content. Theoretical characterizations of such a God are necessarily

contradictory. Before the God of a minimalist religion, reason gets perplexed. Therefore, and according to Soroush's negative theology, this perplexity constitutes the essence of religiosity. As a consequence, the God of Islam, that Soroush's prayers and tears are for, has nothing to contribute to the rational way of social life. The religious mentality cannot be entrusted with the rational management of social life. Islamic mysticism, Soroush believes, provides a home-grown support for the minimalist idea of God. Soroush therefore, designates God to the spiritual/private sphere of life and as such, wishes to open the public sphere for the collective reason and people's sovereignty.

Conclusion and Comments.

In today's Iran, the absolute mandate of the jurisconsult functions as the paramount ideological state apparatus. It still resonates with some basic elements of the masses' commonsense, the personal God and the sovereign jurist/king. However, as the socio-political and economic failures of the Islamic Republic further call into question the hegemony of Ayatollah Khomeini's theory, it is up to the organic intellectuals to articulate their counter-hegemonic narratives. Soroush's narrative opens a horizon for alternative ways of thinking about God, the people and their sovereignty. The crucial point, however, concerns the degree to which Soroush's mystical, and to some extent, postmodern, idea of religion would properly resonate with the intellect of the masses and become effective as a material force for social change. I feel very pessimistic and here is my critique of Soroush's program. As the history of religion in general, and of mysticism, in particular testifies, the non-sovereign God of Soroush has a very long way to come to the masses' commonsense; it might indeed never come. But Iranians do need democracy now and at the very present moment. Does not Soroush's program postpone the moment of democracy to an unknown future when the theoretical basis is supposedly provided? Do Iranians need to wait for this philosophical breakthrough before taking practical measures towards making the clerical authority politically responsive? Does not Soroush's research program unjustifiably privilege the idea over the practice?

¹ This is Carl Schmit's definition of sovereignty. See Jacques Derrida, 'Rogues: two Essays on Reason,' Stanford, Stanford University Press, 2005. Throughout this presentation, I follow Jacques Derrida in his characterization of democracy-sovereignty relationship. See also, Jürgen Habermas, 'Philosophy in a Time of Terror: dialogues with Jürgen Habermas and Jacques Derrida,' ed. with Commentary by Giovanna Borradori, Chicago, University of Chicago Press, 2003.

² John D. Caputo, 'Without Sovereignty, Without Being: Unconditionality, the Coming God and Derrida's Democracy to Come,' in 'Journal of Cultural and Religious Theory,' 4, No. 3, 2003, 9-26. See esp. pp. 9-12.

³ Shaul Bakhash, 'The Reign of the Ayatollahs: Iran and the Islamic Revolution,' Basic Books, 1986, p.38.

⁴ Ruhollah Khomeini, 'Imam Khomeini, Islam and Revolution: Writings and Declarations of Imam Khomeini,' trans. Hamid Algar, Mizan Press, 1980, pp. 78-79, 96.

⁵ Ruhollah Khomeini, 'Islamic Government,' 9 (Joint Publications Research Service trans., Translations on Near East and North Africa, No. 1897, 1979) (1969-1970).

⁶ Homa Omid, 'Islam and the Post-Revolutionary State in Iran,' Palgrave Macmillan, 1994, p. 62.

⁷ For more discussion on this point see Neil Shevlin, 'Velayat e Faghih in the Constitution of Iran: the Implementation of Theocracy,' <http://www.articledashboard.com/profile/Neil-Shevlin/324>

⁸ See Mahdi Haeri Yazdi, 'Hekmat va Hokumat,' Shadi Press, 1995.

⁹ Abdolkarim Soroush, 'Rationalist Traditions in Islam,' lecture presented at Deutsch-Amerikanisches Institut, Heidelberg. Das Haus der Kultur, 13/11/2004. This speech encapsulates Soroush's most recent ideas.

¹⁰ Ibid.

¹¹ Ibid.