Citizens' political rights in Islam

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BACKGROUND

Islam, as the most complete heavenly religion, pays special attention to the issue of realizing full rights in all commands that sets for the guidance and salvation of all human beings and has put its observance an emphatic duty and preconditions for the acceptance of righteous deeds. Available trends in human communities affect each other inextricably; therefore, this issue makes a very broad domain of the discussion of the political rights of citizenship. The issue of politics and human political freedom in the field of law is one of the issues which has always engaged all thoughts toward itself. This article is to discuss the citizens’ political rights in various fields, such as the relationship between morality and politics, Politics features in Islam, the most important moral values, quiddity of political freedom, political participation in the Quran, right to freedom and right to supervision, and the right of fair judicial investigation of political crimes according to Islamic texts.

INTRODUCTION

The issue of law enjoys such an importance that a great attention has been focused on it in divine religions and especially in Islam. Rights that people have towards each other, no matter which class or batch they belong to, have a wide range and extent equal to the size of the world. Its not possible for a Muslim to observe all these rights towards all Muslims and all people. But it has been repeatedly recommended in holy Quran and Hadith that every Muslim individual must be prepared to fulfill these rights and perform what has been put in his responsibility towards other people and Muslims. In other words, as someone became a Muslim, some rights and obligations are put on him related to his Muslim character and should attempt to do them.

The issue of politics and political freedom of human, in the field of law, is one of the issues that always engaged all thoughts. Therefore, first of all, it’s necessary to determine: What’s the point of view of Islam about the policy? What are the political rights of the citizens of the community? Infallible Imams (PBUT) as a model for Muslim community and the ruler of his time, to what extent allowed the interference of people in political affairs? What was their solution and guideline in dealing with political offenses? Can the phrase "separating religion from politics" and, in other words, assigning policies to special ones among people be true? What should the role of people in political-financial and extraterritorial process be? Is it possible to define a term named “ethics-based policy” in complex world of politics? Or can politics be a companion of ethics? Is politics considered a religious duty when discussing citizenship? If yes, how is its extent defined? It’s even possible to introduce more questions. This article is to discuss and analyze the citizens’ political rights in Islam to answer these questions.

Relationship between morality and politics:

Ethics is concerned to virtues, traits and good deeds, but politics is allocated to the field of power and authority. So the politician seek to maintain and develop power, and ethics will face him with difficulty in achieving these goals; Because the policy, sometimes is accompanied with immoral concepts like trickery, lying, perjury, Coercion and misuse of religion and the sacred, and the politician owes his success to appealing to these anti-values. Policy coordination with the counter values is so clear that some people have even believed that politics is associated with cagey and lying. This conception of policy had even supporters among Muslims and has now.

Imam Ali (AS) states in 41 Sermon about the avoidance from trickery and deception: “O people! The truth is with the truth, and I do not know any shield more tightly than it. Anyone who is aware of his return to the resurrection does not have any betrayal and deception. But today we live in a time that most people do tricks and
deception, and assume them as an agility and ignorant people call them devisal ones. God kills them; perhaps someone knows all the future consequences, but Allah’s command and forbidding prevents him and despite the fact that he can do it, unleashes it, but the one who is not afraid of doing sin and opposing the religion, makes use of the opportunities for deception” [2].

Imam Khomeini defines politics as the guidance program of human beings toward worldly and otherworldly interests, and since only prophets and Imams are aware of all the interests of human beings, knows politics special for them and their true followers and says: "The policy is to conduct and take all society, to consider all interests of the society and to lead human beings towards something that is good for them, the good of the nation, the good of individuals and this is dedicated to the prophets; Others cannot govern this policy; This is dedicated to the prophets and saints and consequently to awakened Muslim scholars”[14].

Another contemporary Islamic scholar writes in a similar definition: “management and justification of human with regard to realities of human beings as it is, and with regard to human beings as they should be, from the perspective of higher material and spiritual goals, is called policy”[6].

Elements and features of politics in Islam:

Each category contains multiple elements and has its own unique characteristics So that makes it different from other categories. The policy issue is no exception and we refer to some of them that are the most important ones.

A) God-centered:

One of the most important factors in shaping these duel policies is worldview that has been replaced beyond these two types of policies. Islam is the belief in the God whom Islam is His introducer, is the most important factor that will obligate the politician to establish his own policy based on morality; because someone who believes that Allah looks all the time at his actions and his smallest act seeks Allah’s wrath and His pleasure, will coordinate all his personal and social activities with Allah’s orders and prohibitions and Allah becomes the criterion of right and wrong for him. In other words, the commitment to Allah’s limits in social activities, proscribes leaders from resorting to unethical practices; because with belief to Allah, policy goes away from concepts such as relationship between superior and subordinate,core strength, seduction and privilege and focuses on similar concepts such as serving the people, responsibilities, duties, and managing and conducting society towards being Allah’s Khlyfh.

A politician, who believes in Allah and sees Him as the whole existence world, does not allow the poor and short power of the world to deceive him and doesn’t abuse the power to achieve his self-interests, [2].

Therefore, the more the amount of theism in human being’s soul, the more moral his behavior will be, and also more tightly the field for cruel and despotic behavior - the most important issue of policy.

B. Hereafter Orientation:

According to Islam, a deep link exists between this world and the hereafter, So that we see that the belief in resurrection is one of the principles of Islam. Therefore, according to Islamic teachings, the otherworldly fortune and misfortune is the direct consequence of individual performance in this world. The generality and applicability of this law, includes political behavior of politicians as well. According to Western Thought the politician has the right to do a variety of tricks to solicit the public opinion and can resort to lies and slander to send the opponent out of competition and finally, to justify many of the offenses as political offense or with other titles. If we can hew out an excuse for certain crimes of politicians to escape judicial proceedings, certainly, these tricks will have no place in court of divine justice. If a politician have faith in the close relationship between political behavior and the otherworldly fortune and misfortune, he will never make his eternal felicity sacrifice of limited worldly power. The result of attitude toward Allah and the resurrection in making policy moral, made the commander of faithful, Imam Ali(A.S.), to order his governors and agents Continuously to notice the communication with Allah, hereafter remembering, transient being of the worldly situations and positions and their worthless being in comparison with otherworldly rewards[9].

Here after the expression of policy’s elements in Islam, we’ll refer to some of the citizens’ political rights from the perspective Islamic texts:

1 - The right to freedom:

Since "freedom" is a definition for the human sensual attributes, it will have different meanings with the multiplicity and difference of anthropologies; Due to the fact that the definitions are always a function of outlooks and perspectives, so because of the existence of the rule of plurality of views, comments are somewhat weak and contractual; while the Quran is derived directly from a divine source, Thus, its commandments and expressions are genuinely stable.

According to the divine worldview "freedom" can never be absolute and unlimited because the universe has origin of and Resurrection, and revelation and mission have come for humans; and human has a supernatural
being and dignity, although he’s a natural creation. And human is a passenger who has left behind worlds and has also worlds ahead and is destroyed by death [13].

Therefore, although human being is not a bound up creature, his freedom is in the circle of divine religion and its vital commandments. The right of freedom has types and kinds that we mention some of them and some verses about them. Political freedom is the right to interfere and community participation in the management of the country, whether directly or through elected representatives [3].

a) Political freedom:

Political freedom is the right to interfere and community participation in the management of the country, whether directly or through elected representatives. (The same).

Holy Quran recognizes the right to interfere in the political system and having the right to choose and prohibits from any kind of tyranny and reminds the need to intervene in determining the destiny of their affairs for people, and provides the political freedom of people while recognizing it. As Allah says ": “and consult them in the affairs” (Sura Al – e – Emran, 157)

General policies of sovereignty over the community are determined by the specialists and scholars of the community and its effects are clearly felt by the general public. In Islamic society the foundations of thoughts, and also the conditions of the policy are originated from the Holy Quran. So Islam deducts a very specific condition for people in the society about the discussion of freedom and here again justice is the first argument.

"Political freedoms are a set of privileges that the residents of the community need them to participate in the political life of the society. These prominences appear in the form of civil rights (the right to vote, the right to volunteer and membership in political parties) and political rights (freedom of competition of ideas, freedom of choice and freedom to determine rulers) "[15].

"Political Freedom, is a part of the rights of individuals whereby they can have sovereignty; either directly or through elected representatives "[7].

b) Freedom of thought and thinking and intellection:

Having divine guidance is the base for selecting correct purpose. The Holy Qur'an says: “Thus Allah makes clear to you people The Words of Decrees in order That you may ponder concerning this World and the Hereafter”; (SuraBaqarah,).

And identifies the resources and subjects of thinking in other verses for the scholars. For example, studying and accepting advice from the edification of history, have been introduced as leading resources for insight and thought in a verse: “Is this not enough for the guidance of These polytheists that they live and Move in the habitations of those Previous generations whom We Destroyed due to their disbelief and Rebellion? In this indeed are Signs for Men of wisdom;” (SuraTaha, 128)

c) Freedom of opinion:

The Holy Quran prohibits any type of imposing opinion and forcing about the choice of religion in order to venerate and respect human will and intelligence and thought. In Islam research in the process of choosing religion and acceptance of religious principles is essentially a prerequisite. As Quran says: “There is no compulsion in accepting Religion[,] since [Truth has verily Become distinct from Falsehood] in The Qur’an and through The Messenger and Miracles "]” (SuraBaqarah, 256)

This freedom includes the freedom to have or to accept a religion and also the freedom to express religion or belief and doing religious rituals and obligations.

The first type: "means that the person can freely and openly or secretly, express his religious beliefs through speech or writing and no one should prevent his freedom and it isn’t, in this limit, i.e. in the limit of thought, different from the freedom of opinion and expression .". But the second type "means that the person can do the duties and rituals of his religion in such a way that has been implemented in the law and establish the required order between individuals and society” [11].

According to Islam, a person has the right to choose any religion without having damages or losses incurred in his/her social life. In other words, every citizen has basic human rights because he/she lives in the community. This right in society is not divided and distributed according to religion; rather being a citizen in a country brings this right to him/her. In addition, the acceptance of a religion that is contrary to community formal religion should not deprive him of his constitutional rights. And thus, the religious freedom that is not political in nature, finds a deep connection with political freedom and in this sense, can be considered as political freedom.

Imam Khomeini (RA) has exactly mentioned this issue in the Book of Sahife Noor and said: "Islam gives freedom to religious minorities more than any other ideology or religion. They should also have benefits of their natural rights which Allah has given to all men. We keep them and do our best for them [14].
d) Freedom of Expression:

Freedom of Expression, in terms of Quran, is a divine tradition and one of his teachers’ recommendations and basically revelations and verses are Quran are full of rational conversations, hearing words of the opposition, freedom of expression and ... As Allah the Almighty says:” Those who listen to different speeches And preaching[ regarding religions and Rites ]and follow the best among The variety, those are the ones whom Allah has guided and they are indeed Men of Wisdom;” (SuraZumar, 18).

However, it should be noted that any abuse of liberty and conspiracy against the pillars of Islam its fundamental principles is forbidden and we must distinguish between true liberals and the real enemies of Islam who are increasingly seeking to use freedom as a tool in the covering of slogan and the so-called human right organizations. Freedom has limits and principles in various fields and the unbridled freedom, without constraint, brings chaos with it. This is the fact that even the freest countries have laws and regulations. For example, Quran says about not oppressing Allah’s rules and respecting Allah's limits;” These are The limits Ordained by Allah so do not Exceed them and those who exceed the Limits, Ordained by Allah, then such are Indeed the transgressors;” (Surah Baqarah, 229).

Since the human is limited his freedom is limited, too. Since the description is a function of the existence of described one, in the origin of its realization, it will also be a fraction of its existence in all dignities of being. If the universe were an infinite and unlimited being, its inherent description would also be infinite like the existence of the essence, although the description of its act is limited, as a human existence is limited and his attributes and perfections such as life, knowledge, power, will, and so on are finite, his freedom will be limited as well. The sole reference to determine the limits of freedom is Allah the Almighty. Thus the range of freedom, according to Quran, is to the extent that is not contrary to Islam or Islamic state benefits and public morals [8].

The point to be noted here is that essentially the expression of the views and viewpoints in many occasions, not only is not harmful to people but they will also make benefits. Because the community which is exposed to various ideas and viewpoints can better take advantage of its opportunities and potentials. One of the other points which have been emphasized by Imam is to deny conspiracy and to avoid the application of freedom for conspiracy. If freedom of expression appears in the context of a conspiracy, it is not acceptable and it is prevented. Hence, as long as the freedom of expression does not figure for conspiracy or an overthrow and subversive scheme, not only does not have any obstacle, but rather is one of the fundamental rights of the people. Namely the axis of freedom of expression, is the right or the truth so that the freedom is to the extent that no right is to be overwhelmed. "The freedom of opinion has been existed in Islam, originally. There was freedom at the time of our immaculate Imams and also at the time of the Prophet (pbuh). All people said their words. We have reason (Hojjat) ... Someone who has the reason is not afraid to speak; but we do not let the conspiracy. "[14].

2 - The right of guardianship:

The term “Guardianship” has been mentioned in the Holy Quran with its frequent derivations like: guard, governor, those in authority, the lords, .... What is discussed here is the termic meaning of the term guardianship about which commentators have said: The word “Guard” in holy Quran means someone who guards the people’s lives and properties, and has the right to seize from his presence or other’s permission in the dignities and affairs of people. Almighty Allah states in the Quran: “Verily, your guardians[ after ]Allah Are His Messenger[ Mohammad ] and The believers.[ The believers are: ]Those Who establish prayer and pay alms[ Even ]while they are bowing down[ in Prayer ];” (SuraMaedeh, 55).

The owner of the book “Mobin” states in the explanation of this verse: In this verse Allah determines Muslim supervisor that according to the meaning of the verse include Allah and His Messenger and the believers who have certain attributes. According to Sunni and Shia Hadith it is about Imam Ali (AS), who gave his ring to an asking man at the prayers [4].

The writer of Al – Mizan Interpretation has a similar idea about this verse and says: This verse has been sent down about Imam Ali (AS) and about his Caliphate and supervision, because only Ali (AS) gave his ring to the asking man while he was inRoku in his prayer [11]. In other words, everyone can not afford the guardianship and supervision, rather they are those who have special features and are higher and above others and common people refer to them. in the this context, Allah says:” O, you who believe [in Allah’s Oneness]! Obey Allah and obey The Messenger and those governors among you who have received Divine Authorities. If you differ in anything among yourselves, refer it to Allah and His Messenger, if you believe in Allah And in the Last Day, this is better and More suitable for final conclusion.” (SuraNisa, 59).

3 - Judicial impartial for political offenses:

It has been come in the dictionary of Political Science in the definition of political offenses: 1. A crime that its Specific and unit subject is destroying or instability of one or more elements of the political system. 2. A
crime that without damaging any private benefits and without having the title of any specific crimes, protests public organizations of a country to modify or disrupt those organizations. 3. A crime that is against the government and its organizations [3].

Islam avoids the believers from futile argument and discussion that causes attenuation of heart and hypocrisy and says quoting Prophet (pbuh): “Avoid the controversy and hostility because these two factors are the cause of heart disease and deception are hypocrisy factor” [12].

In addition, Quran has introduced dealing with crimes and executing Allah’s limits as the most important tasks of the Muslim community and theocratic state (Sura Maedeh, 33).

Islam warns the brokers and officials about trustworthiness and Promise Keeping because sometimes happens that some people do something that is against the law, and the Sharia, and because of the biased insistence of some criminals on these behaviors, Islamic state is required to review the issue and offenses through the courts of competent authority in order to restore the rights of security and authority of citizens, and it’s obvious that fair judgment and regarding Islamic compassion and avoiding extravagance and oppression, giving opportunity, hearing the defense, and formally charged are among the characteristics of the trial of fair. Judicial security refers to THE Safety of life, property, honor and dignity, freedom, residence and occupation of individuals from the aggression and violence outlaws. Therefore Qur'an says:” Indeed We sent Our Messengers with Signs and Miracles and revealed to them Books of Religion and gave them The Criterion for establishing justice Among the people.” (Sura Hadid, 25)

A crime is considered political crime in which there is aggression from moderation and no personal interest should be in it. There is no definition of political offenses in the Iran constitution, but the existence of the jury is considered necessary in the court of political crimes. Like many other countries, there is no explicit definition of political crime in Iran criminal and legal laws. But it seems that this is the most complete definition of all. "Doing or omission of an act that is punishable in accordance with current laws, could be considered a political offense, when it is committed politically motivated against the stationed political order and political management of the country's sovereignty and interests of the Islamic republic or the political, social, cultural and legal rights of citizens, provided that the purpose of committing the crime isn’t a personal interest” [5].

In general the most major crimes in this case are considered: Diversion of public opinion by spreading lies, bringing unfounded charges against the natural or legal persons, the disclosure of classified information and spying, Abuse of authority and status, war and obstinacy against fundamental principles of the Islamic system, threats against internal and external security of the country, and threats against the interests of people in political, cultural, social fields are among circumstances of political offense. The scope of the political offense can be broad or narrow according to the customary or religious interpretations of these threats. Exceeding from limits that Shariah and religion specified for individuals is considered a political offense if it is not motivated by self-interest, because Iran law has a religious origin.

Summary and Conclusions:

1 - People are considered benefactors in Islam and the rule is considered one of the greatest blessings for the people because it brings integrity and security in all aspects. Therefore seeking excellence and hostility between Islamic nation is condemned which is a huge obstacle to achieve an Islamic ideal society.

2 - The political arena in the Islamic community is somehow that Muslims can participate in political destiny of society based on the principles of Quran and Prophet’s Sunnah easily, benefit fairness, justice, safety and welfare, and rise to fight and jihad with the infidels when it’s necessary due to the tight heavenly unity and sense of responsibility.

3 - Intentions and purpose of brokers in the policy of religious society is in the name of Allah and to serve Allah's creatures eligibility and to maintain political power of Muslims, and it’s in such a way that worldly and otherworldly benefits are achieved simultaneously.

4 - Despite the fact that Islam’s way of dealing with rioters and oppositional and external opportunists and internal seditious is very tough and inflexible, Islam has considered the existence of a fair and scientail judicial system and also giving opportunity to criminals as original condition, and avoids the extremes. However, it has identified rights for non-Muslims and religious minorities within the community and outside it that Muslims should follow them.

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