Mechanisms for the welfare of Islam and constitution of the Islamic Republic of Iran

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ABSTRACT
Social policy taken by the government towards people is one of the most important issues that has captured the attention of scholars for a long time. The government is one of the key artifacts of human history that acts as an institution and moral guide to direct people’s lives so that the social policy can be seen as synonymous with government intervention in the provision of social services. Accordingly, the government is required to provide some standards of citizens’ life from the beginning to the end. Although the roles and functions of the government in the past were limited to defense and provision of the security of the territories, today the government basic roles and functions have increased due to the population growth and the diversity of human needs. Accordingly, issues such as the maintenance of public order, social solidarity, and social welfare are among the least government assignments that should be taken into account by governments in the realization of citizens’ welfare and happiness. Elaborating on the issue of social welfare and its features, the present study aims to explain the basics of social welfare in the light of the some principles of the Constitution of Islamic Republic of Iran.

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Introduction

Welfare state is a system based on collective action to facilitate the production and distribution of public and excellent goods with the aim of raising the level of social welfare. Welfare state is generally based on the expansion of social rights (Hezar Jaribi and Safari, 2012). Welfare state is indeed a political system that was established actively and extensively in the twentieth century in the capitalist countries and is responsible for the objective and subjective well-being and welfare of all members of society. The concept of welfare as a type of human experience is one of the achievement of the Renaissance Era based on which each individual’s basic social and biological needs must at least be met during his life. Besides, rights related to social welfare should include a set of regulations that determine the boundaries of the obligations taken by the government and the community and the conditions of benefitting from these rights for individuals. Therefore, an analysis of the position of social welfare in the legal system of a country requires considering the foundations of this system in historical contexts on one hand and the stipulation of the related rules and regulations on the other hand (Hashemi, 2005). The Constitution of the Islamic Republic of Iran is the outcome of the various stages passed by Iranian people during the past two hundred years that emerged in the aftermath of common sufferings such as tyranny, colonialism, and backwardness. Therefore, it can be said that firstly, these laws are full of concepts and principles related to social welfare so the principles and the basics of the welfare state have been effectively adopted in the provisions of the Constitution. Secondly, the welfare state stipulated by the Constitution of the Islamic Republic of Iran is based on Islamic principles. Thirdly, regarding the division of governments based on resources and earnings, the welfare state stipulated by the Constitution of the Islamic Republic of Iran is a participatory welfare state. Therefore, here in this study we hope to provide the interested thinkers with anew image and a new plan for the welfare state in the light of the basic principles of the Constitution of the Islamic Republic of Iran.

The scopes of main roles and functions of governments:

The emergence and the existence of governments is the least optimism to meets the needs of society and social life. These needs can be divided into four categories:
A: The political function: The most important function of the government is political. While the government itself is the product of the creation of power, its responsibility is to create or to continue a certain structure of power within the society.
B: The cultural function: One of the responsibilities of the government is the cultural function which is performed by the creation of a common belief on identity and personality in the society.
C. The economic function: One of the other functions of the government is to manage all activities related to trade and profitability to manage the social life. Governments have been active fairly in this field and have spent a part of their energy to manage the community's economy.

D: Welfare function: This function is somehow important in the modern world. The purpose of these services is any action taken directly by the government to improve people’s living and working conditions and also any action taken to keep people’s health, to provide housing and basic requirements of life, and to create socio-economic security and the like (Abolhassani, 2007).

An overview of the concept and the characteristics of social welfare:

The concept of welfare and the provision of a single definition of it seem to be very difficult. Because a lot of people express different views about this issue and the way it may be realized. Welfare literally means expansion, the facilitation of life, leisure, fun, and relaxation in life (Jeremy Bentham, 1748-1833). Mohammad Reza Batani in his English-Persian dictionary defines the word welfare as “happiness and prosperity” (Batani, 2004). In Moein’s Persian dictionary, welfare means leisure, comfort, and relaxation. According to the proposed definitions, it can be said that a person, group, or nation’s ability to provide happiness, security, and the production of useful products. Human’s nature is in such a way that he is seeking the highest level of welfare and happiness in his life due to his various needs in the society. In the past welfare was expressed at the micro level of the family because of people’s expectations in their lives. Humans’ needs in the past can be regarded as a type of primary needs. But nowadays with the emergence of modern societies with urban characteristics a second group of needs called secondary needs has emerged in humans’ lives. Today, the government is responsible for the satisfaction of these needs as humans’ life is depends on it. A society or government can undoubtedly be considered a developed society or government in which the minimum level of life including housing, education, nutrition, an health care is provided to all members of society. Because the government’s disregard for the people’s basic needs will create a kind of distrust in the communities. In addition, such disregard may result in the occurrence of incidents such as revolutions and coups; many examples of which can be seen throughout the history.

An overview of the concept and the definition of the welfare state:

The provision of the welfare for individuals and community has long been debated among different scholars and communities and has been discussed from different angles. The welfare state refers to a government that plays a key role in supporting economic development and in providing social welfare for citizens that has been realized objectively in the contemporary period. In Oxford Dictionary, the welfare state is defined as a system that protects and takes care of a country’s citizens through the expansion of services, pensions, and the provision of free medical care to the elderly. According to another definition, the welfare state is regarded as the most common form of the modern government which has been formed in response to the crises caused by capitalism (Bashiriyeh, 2007). The wave of the crisis of capitalism in the 1930s leading to unemployment, recession, and the drop of investments, necessitated the need for the government intervention in the economy in a new way. According to Herbert Lehman, the welfare state is a government where people are free to develop their individual talents, to receive a fair reward for their efforts, and to seek happiness without the fear of hunger, homelessness, or oppression because of their race, opinions, and color prevents them to do so. An analysis of the above definitions suggests that the welfare state has the following features: 1 - In the welfare state the individual assumes a pivotal position, 2 - The welfare state guarantees the minimum level of life and opportunities for citizens without regard to their race, opinions, and color, 3 - The welfare state provides a wide range of social services for citizens, and 4 - The welfare state ensures the better distribution of income for all citizens (Alam, 1994). In addition to what was mentioned above, here we discuss a classification suggested by Dr. Masoud Nourbakhsh with regard to supportive and welfare functions of the welfare state including: 1 - The preservation of independence against external aggression and internal disorder, 2 – making legislations to preserve independence, strengthening compliance, and the establishment of total security conditions, 3 - The preservation of institutions such as family and property, 4 - Maintaining diplomatic relations with other countries, and 5 – Collection of taxes and the punishment of tax evaders (Alam, 1994). Besides, one of the striking aspects of the welfare state is its welfare function. Granting subsidies to farmers, giving quotas to industrial manufacturers, tax reduction to encourage making a family, and the provision of public education all are a part of government policies towards the whole citizens. All of the above programs are made to ensure the least level of justice among people in the society whose precondition is the improvement of health, the development of education, the economic security, and finally the provision of social services.

The history of the welfare state:

Throughout the Middle Ages for several centuries the church was responsible to provide charity for the poor. But during the recent decades and the gradual exclusion of the church from the political and social functions, this important responsibility was entrusted to the government in the late sixteenth century. A
mandatory legislation known as the Poor Law in England in 1601 implies the principle of taking care of the poor by the government. After the industrial revolution, almost in every industrialized country, governments took all necessary responsibilities in this area. The second stage is related to the period from 1883 to 1914. The first government interference in citizens' social welfare happened with the adoption and then the implementation of the German Social Insurance Law by Bismarck, Germany’s iron chancellor. Bismarck was the Germany chancellor of at that time. He had a lot of success in economic development. He “passed three laws as the basis of Germany Social Insurance in the parliament adopted by many countries afterwards. These three rules were: 1 - Sickness Insurance in 1883, 2 - Work-Related Accidents Insurance in 1884, 3 - Disability and Old-Age Insurance in 1889. These rules were followed in several ways: Firstly, these laws had a relatively large coverage. Secondly, the insurance laws were compulsory. Thirdly, the support and services provided to workers at the times of oldness, sickness, and disability were unprecedented and finally the services and supports were funded by employers, workers, and the government, and the premium was paid based on workers’ wages” (Ostovar Sangbori, 2005). The third stage occurred at the time when the public pressure on the government to further expand the scope of protective regulations to all citizens was increased. The high productivity rate and the growth in the 1920s enabled the industrialized countries pass the economic crisis during the war and increased their production about 25 to 36 percent, leading to an unprecedented stability and prosperity in the economy of the industrialized countries especially the U.S, France, Germany, Great Britain, Italy and Japan. The main law in this regard was the New dt Social welfare Act passed in August, 1935. The act provisioned a variety of initiatives to support various social groups such as wage earners and disabled mothers and to put the under the insurance coverage. The fourth stage from 1945 to 1975 led to the operationalization of the concept of the welfare state due to conflicts in most industrialized nations in Europe in prewar tensions before the World War II and after the devastating war in 1939. After the World War II and the emergence of the financial, political, and social crisis for the winning governments, the idea of the welfare state was developed in order to meet socially the people immediate needs. By expanding the scope of government power, the idea made some equity-oriented and socialist goals as the main priority of the goals of the welfare state. The fifth stage was from 1965 and 1980 and it gradually ended by the transformation its rules and regulations in policies known as (structural adjustment) ended. In addition, factors such as the crisis of the 1970s, the globalization of the economy and culture, the inability of the tax system to finance the cost of welfare and the influx of neo-liberal approach to political economy based on which the market had priority over the welfare interventions along with the criticisms posed by some theorists such as Jeremy Bentham, A.C. Pigo, Wilfred de Parto, John Rawls, Alfred Marshall, John Maynard Keynes, Herbert Spencer, and Milton Friedman paved the way step by step for the decline of the welfare state in this period. For example, Herbert Spencer believes that society is nothing but a process of constant strife and unending war for survival. This is not only completely normal but also absolutely desirable because if the strongest are survived the whole humanity will also be stronger. This means that people should be left alone so that they could survive or not to the best way they can.

Types of welfare states and their functions:
Welfare states have been divided into different categories based on the political economic system and the regime governing the countries or based on the financial resources needed by welfare states to perform their functions. Sping Anderson has divided welfare states based on the political economic system in advanced capitalist societies into three categories (Juliano, 2009).

Liberal welfare state:
The main concept of liberalism ideology is the citizens’ freedom under the law based state whose main aim from the beginning is to combat the absolute power. One of the main goals of this ideology is the limited power subject to the regulatory power. Liberal welfare states have existed in Anglo Saxon countries such as the U.S., the Great Britain, Canada, Australia, and New Zealand. What can be said about the liberal welfare states is that there is no generous look from the government towards the people and only charities and initiatives taken by individuals are used to manage welfare affairs. For instance, in the U.S. there is no health insurance system and the unemployment insurance is relatively limited and narrow-minded.

Corporate welfare states (trade-oriented unions):
Corporalism can be defined as a system of interest representation in which the constituent units can be organized in terms of a limited number of specific essential and competitive categories or guilds based on a hierarchical order and different functions. The government identifies these units and grants them monopoly in their own businesses in return for the imposition of certain controls by the government on the selection of their leaders, making request, and asking for support. Generally, this model is a type of welfare state which is created legally or officially among the major participant groups in the society. Germany can be considered as an example of this model.
Social democratic welfare state:
Social democracy has two ideologies: social liberalism and social democratic ideology. The main function of the government is to create high levels of employment and to ensure equitable distribution of national wealth. Social liberalism believes in a strong link between political equality and economic equality. Although social conservatives are supporting welfare services to prevent social indiscipline, social liberals use these services as a tool to strengthen liberal democratic society. This distinction means that the former group wants somehow to reform these undesirable inequalities while the second group wants to create favorable levels of social equality. It can be said that egalitarian and generous social policy is more frequently found in social democratic states than other states. Besides, the state can play a more active role in the service delivery to citizens.

Social welfare from the perspective of Islam:
Top religion of Islam as the most sublime religion compared to other religions talks about the welfare of its followers. Certainly, one the most important social purposes of Islam and also of the incentive of sending prophets and the introduction of the divine religions is justice and the establishment of justice as God says: “We sent down Our messengers with signs and sent down with them the Book and the Criteria to establish justice among people” (The Quran). Accordingly, the main purpose of the divine religions is to create a society in which humans know nothing but justice. Such a society is just based on justice and equity. This ambitious goal is to obliterate economic imperialism and economic oppression and then to create a balanced living system. Unquestionably, the just distribution of wealth and livelihoods in the society is one of the most important factors, which brings about the social, economic, ethical, cultural, political, and welfare stability, strength, and solidarity (Aram, 2006). On the other hand, it can be said that one of the factors that has undermined the Muslim communities in the history and has made them underdeveloped and vulnerable compared to Western societies is either relative or absolute poverty which can be the antithesis of welfare. When poverty infects a community it will influence the norms of the community and creates a type of unrestrained free living. If the goal of all human endeavors and efforts is closeness to God to achieve worldly and other worldly peace and comfort, it should be said that peace and comfort makes up an important part of the human goal so that humans naturally run away from poverty, scarcity, and the lack of material comfort and turn to comfort and welfare as they permanently try to access to power and wealth that pave the way for their comfort in life so that one of the wings of happiness i.e. comfort will come true.

Principles and objectives of welfare in Islam:
Social justice can be seen as one of the most important principles of welfare in Islam. In the Quran, God says that the mission of the prophets is to establish justice and equity. On the other hand, the Islamic society has been founded based on mutual cooperation and assistance among individuals and groups based on monotheism and Islamic values and ethics in order to achieve Islamic values and social justice. In this regard, Allah says in the Quran: “Be just as He is nearest to those who fear God”. Accordingly, two principles of social custody and social equilibrium that involves people’s mutual responsibility in society are of significance importance here (Taeeb, 2002).

Iranian legal provisions and mechanisms related to social welfare:
The presence of human as a member of the society is based on ambitions and demands whose realization is inevitable in order to protect human dignity. Article 22 of the Universal Declaration of Human Rights accepted that the Islamic Republic of Iran has required the governments to provide facilities and social welfare advantages for people to meet their basic needs. The provisions related to social welfare in the Islamic Republic of Iran are discussed in the following sections.
Organizations providing social welfare: Active institutions and organizations in the field of social welfare in Iran are: Iran Social welfare Organization, Healthcare Organization, Government Employees Pension Fund, pension funds and institutions, specific government companies and institutions such as the armed forces and supporting organizations such as Imam Khomeini Relief Organization, Welfare Organization, the Islamic Revolution Martyrdom Foundation, 15 Khordad Foundation, the Foundation for the Oppressed and War Veterans, Islamic Republic of Iran's Red Crescent, and non-governmental organizations such as charities and religious institutions and endowments.

Welfare indicators in common law:
Although some principles are provisioned in the Constitution to account welfare issues and categories, such welfare indicators and categories can also be found in common law. For example, we may refer to the Social welfare Act Amendments in 1975 and amendments made in the pension regulations in 1993. The regulations have been made in order to create new institutions to provide a part of the social welfare services for the public and certain community groups including specific provisions of the Welfare Organization, Imam Khomeini Relief Organization, the Islamic Revolution Martyrdom Foundation, and the Foundation for the Oppressed and
War Veterans in addition to regulations to take care of widows and orphans passed in December 1992 and Public Insurance Act passed in 1994. However, the most important common law concerning the social welfare system was passed on 11 May 2004 by the Iranian Islamic Parliament and was endorsed by the Guardian Council on 30 May 2004. The law was submitted by the Iranian government to the Parliament as a bill and was discussed by the members of the Parliament. After the settlement of the differences between the Parliament and the Guardian Council, it was finally enacted on 30 May 2004. Afterwards, the law was published in the Official Gazette and a minister was suggested to the Parliament to obtain the vote of confidence by the MPs. Accordingly, the Ministry of Welfare and Social welfare was selected as the trustee and executor of the law. According to articles 138, 139, 140 and 141 of the 3rd Economical, Political, and Social Development Program, specify some responsibilities for the government to provide housing for all the people and promote citizens’ welfare and social justice. For instance, articles 106, 46, and 47 are related to subsidizing basic commodities. Accordingly, governments are obliged to provide food for citizens. The fifth chapter of the 3rd Economical, Political, and Social Development Program is related to the social welfare system and the protection of all categories of people against various events. The government is required to provide all the needed services using revenues gained through people’s participation. The third and seventh chapters deal with healthcare development, human security, and social justice to promote citizens’ health and quality of life. In order to establish justice and social stability, Article 59 has required the government to reduce social and economic inequalities and the differences between income deciles, to promote fair income distribution throughout the country, to reduce poverty and deprivation, and empower the poor through efficient and purposeful allocation of social welfare resources and payable subsidies so that to implement comprehensive poverty reduction and social justice programs. According to Article 69 of the Constitution, the government is obliged to provide financial services and supports specified in Article 29 by the use of revenues from public participation in order to establish social welfare as provisioned in the 4th Economical, Political, and Social Development Program. Beside, the fifth program seeks to robust the defensive power and self-sufficiency in strategic and agricultural products, the establishment of social justice and equity, and human-based growth of the right and justice to achieve the Islamic development model for Iran. According to this law, the government is required to cooperate with other systems in order to achieve development based on Islamic and revolutionary values and the realization of social and economic justice which is the preface of social welfare. Although the main approach in this program is mainly cultural engineering, welfare indicators can be observed in this program. Chapter III of this Act, as a social chapter, addresses the efforts to promote human development indicators and the growth of indicators such as education and health. For example, according to Article 27 of the Constitution, for the purpose of the creation of stability and sustainability, the government is required to take some actions in order to establish a multilayer comprehensive social welfare system, at least at three layers: 1 – The assistance provided by social institutions including supportive services and empowerment, 2 – Basic social insurance such as basic pension and basic medical insurance, 3 - Pension and health supplement insurance with respect to the realization of integrity, structural integrity, alignment and coordination between these layers in the country.

Welfare in the Constitution of the Islamic Republic of Iran:

The Constitution of the Islamic Republic of Iran is the outcome of the various stages passed by Iranian people during the past two hundred years that emerged in the aftermath of common sufferings such as tyranny, colonialism, and backwardness. The Constitution is full of comfort and security related concepts. According to the Preamble to the Constitution, the goal of Islamic economy is to provide a context for the emergence of different human creativities.

Discussion and conclusion:

Today, the government as the main architect of social policy structures is considered as the most influential agent of social reform that attempts to organize human life so that social policymaking today is synonymous with government involvement in the provision of social services. Accordingly, the government is required to provide some standards of citizens’ life from the beginning to the end. Until the early twentieth century, this was considered as the least action taken government to address the needs of the poor and the vulnerable. However, the adoption of a comprehensive and systematic social and governmental policy based on the Europeans’ idea of the welfare state in the post-World War II was manifested in a newly founded government led by Germany’s iron chancellor Bismarck. Iranian economic system in the past has been based on traditional and modern social welfare so that there was on government intervention in public affairs during the traditional period to form urban societies. Consequently the poor were supported through good cooperation and assistance to mankind. However, in the modern period, social welfare enables the government to promote urbanization and expand the diversity of human life. The occurrence of the Islamic Revolution led to a more serious approach toward social welfare both in the constitution and the common laws including the third, fourth, and fifth development Programs. Welfare of society, on the other hand, is something that the formulators of these laws are highly interest in. The Constitution explicitly speaks of the right of having welfare and putting the responsibility on the government to
provide it for the whole community as in articles 3, 13, 15, 19, 20, 21, 28, 29, 43, 59… However, in Article 29 of the Constitution of the Islamic Republic of Iran the legislator states the most explicit and important principle governing welfare and social welfare. According this principle, the enjoyment of social welfare in terms of retirement, unemployment, old age, inability, household, wayfaring, accidents and disasters, the need for healthcare services in the form of insurance all are public rights and in accordance with the law the government is supposed to provide the above services and financial support to all citizens in the country using public revenues and income derived from public participation. Though earlier in this study, the classifications of different types of welfare states and their functions in terms of welfare services in the form of rent and participatory welfare stats were discussed, it can be said that based on the Constitution of Islamic Republic of Iran and the Social welfare Act, the welfare state accounted for a large share of the corporate welfare state. However, the role of the God-given and ground resources such as oil and the provision of welfare services provided from these resources in Iranian economy is an undeniable fact which shows that the welfare state is a rent state. Nevertheless, according to the Iranian Constitution (Article 29), financial requirements to receive welfare services upon the payment of premiums and superannuation by stakeholders support the fact that a part of social welfare is participatory based on Iran’s laws. Apart from the prominent role of corporate welfare in the Constitution, the tendency of socialist regimes towards the rentier welfare cannot be disregarded given the economic structure of Iranian regimes before and even after the Revolution. Given the unsuccessful experience of the socialist systems that explained largely rentier welfare versus the emphasis put by liberal governments on corporate welfare and the expression of this transition in Iran’s developmental events and plans, it can be said that Iran is moving towards corporate welfare based on the Constitution and the Social welfare Act.

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