Iran, Islam and Democracy: Fluid Identities

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IRAN, ISLAM AND DEMOCRACY: Fluid Identities

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Democracy is a problematic term. People cannot be bombed into democracy and it certainly cannot be imposed on them if they do not want it. Democracy must come up from the grass roots, it cannot be imposed from the top down. The idea that somehow the 'West' will impose democracy on the Middle East, regardless of how many years of war it might take, and how many thousands of people might die, is therefore problematic in its very theoretical formulation. We must stand back and think about what democracy is and whether it works. Most importantly, we must consider whether democracy is transferable at all — and even whether everybody would like to have it.

Islam, fourteen centuries ago, offered its followers an alternative approach to both assessing popular will and governance. From its inception, the Prophet of Islam conceptualised Islam as a form of governance and one can argue — and many Muslims do — that the details of his concept of governance can be deduced from his practices and his teaching.

When Islam and governance is discussed, one of the first stumbling blocks for many people is, however, that the Prophet of Islam clearly regarded Muslims as one. The umma of Islam consists of all people of Islam, wherever they are, whatever their colour, whatever their nationality and whatever their gender: there are no
Barriers. Membership of the umma does not, however, prevent Muslims from also being good citizens of diverse nationalities. Citizenship is bounded and is limited by geography and politics, whereas the concept of umma is wide and all-inclusive. People have great difficulty in conceptualising citizenship and umma as being mutually consistent and to appreciate that it is possible to belong to both.

To understand this better, by way of analogy, one may consider that feminists have long talked about sisterhood being global. This does not mean that we are all the same. Instead, feminists understand the notion of simultaneous unity and diversity. In a similar manner, some might think about the analogy of a ‘united nation’. After all, the world does claim to belong to one united nation, so it is possible in terms of understanding and conceptualisation to think both globally and locally, without thinking that one must choose absolutely between the two alternatives.

This difficulty in conceptualising the coexistence of an unbounded Islam and a localised citizenship was illustrated by the British government’s actions in telling Muslims that, as British citizens in England, they had to choose whether they were Muslim or whether they were British (Afshar, 2005). It has been quite difficult to explain in reply the idea of the commonality of interests that Muslims have, as well as the specificities of allegiances they carry at the same time. One must regard the umma, at least in terms of practicalities, as moving between asserting individual identities and working together.

**Islamic Governance: Democracy and Consensus**

A further question to consider is, ‘Who is the ruler of Muslims?’ This has been the subject of interesting debates with Muslims throughout the world. In a recent debate I had with one of the leading members of Hizb ut-Tahrir in London, I was told that the ruler — the ‘caliph’ — would emerge, and then have a contractual relationship with all believers. When I, as a woman, asked what would happen then if the caliph did not represent me — that is, what would happen to me — the response was that I could then take him (the caliph) to court. A system in which
the only way that one can contest a powerful ruler is through the judiciary, which is also man-made and is run by men, is not, however, going to suit everyone.

This debate about how one would deal with the caliph has been long-running. Historically, the notion of 'the caliph emerging' goes back to the death of the Prophet, when the question arose regarding who would be the next caliph of Islam. The Prophet's wife, Aysha (who was extremely savvy politically) decided that this was not something to be left to chance. She invited a group of elders to come and decide, and she suggested that the best method of choosing a caliph would be by consensus. Aysha being a king-maker, her father emerged as the caliph. Here the procedure to select a ruler was, in effect, that the ruler 'emerges'.

Many Muslim scholars, including Maududi, Khomeini, Qutb and others have been very critical of democracy. They contend that democracy is not rooted in consensus. Democracy usually means that either the very rich win, or, as in the case of Bush in his first election, the very rich cheat their way into government. In any case, in cases of proportional representation, one may often end up with the tyranny of the minorities: that is, those who represent the smallest group have a swing vote and decide how things go. It is very difficult, therefore, to come to what is 'the general will', or, put in other words, it is extremely difficult to understand what it is that people want.

An illustration of this is in Libya, where Muammar al-Qaddafi has decided that the best way to find the general will is by having jamahiriya, consultative committees that consist of everybody. I happened to be in Tripoli on one of the days when a jamahiriya was meeting. What it meant was that everybody had to lay down their tools, close their shops, stop their businesses and go and sit around and talk. The decisions have to be by consensus, so they had to talk for a very long time. I met a lot of grumpy people. They did not want this kind of consensus-building because it took a lot of time, which they would have preferred to use gaining a livelihood: maybe the jamahiriya is not, in fact, the best form of governance in practice.

As a matter of fact, the whole idea of consultation is problematic for all governments. The government seeks specific sorts of advice. The government invites participants to a consultation and requires immediate solutions. And the government
wants solutions that match its agenda. If the participants do not reach quick solutions, they are rejected. If they say something that the government does not like, then the government does not hear them. So, consultations do not seem to be necessarily the best way forward.

Islamic Governance in Iran: Theo-Democracy?

The Iranian experience highlights some other problems, as well. In his Valayeteh Faqih, Khomeini sets out his blueprint for an Islamic government. Like Maududi and others, Khomeini is of the view that a leader will emerge and, because the leader is the person that everybody would have chosen anyway, there will be consensus. Because there is consensus, there will also be no need for any intermediaries.

The Iranians had a revolution and wanted an Islamic government. When he came to power, Khomeini began by dismantling the army and the police. He argued that since he had emerged by consensus, he did not need any law enforcement agents. The state that he was heading was populated by willing subjects or willing followers. He also had the view that the only legislator is God and human beings have no right to legislate. It was therefore not necessary to have a legislator. But it soon became evident that there was a problem. The citizenry was not as docile as expected. People were taking to the streets and demanding various rights and opposing some dictators.

In the first instance, there was a great deal of difficulty because Khomeini, a bit like Lenin with Communism, had the view that the Islamic governance was so powerful that it would catch on of its own accord. Accordingly, the first problem was that he did not want to call Iran the ‘Islamic Republic of Iran.’ He wanted it to call it simply the ‘Islamic Republic.’ So that the other republics that would emerge would not have any difficulty in joining in (as soon as they saw how wonderful the Islamic Republic was) and being part of the umma. But it turned out that Iranians, in fact, wanted their fluid identities, they wanted both an Islamic Republic and to be Iranian. So, eventually Khomeini was obliged to accept the Islamic Republic of Iran.
The next problem for Khomeini arose from an attempt to rule by referenda. The first referendum was about having an Islamic government in Iran. People came en masse and they voted and thought it was absolutely great. But then, when a couple of months later they had another referendum, not quite so many people turned up. When the next referendum came, even fewer people were willing to come and tick a box to say 'yes' or 'no'. Eventually, Iranians had to accept that perhaps some form of representation was necessary because, wonderful as it is, consensus does not work with a population of 42 million. It is just not practical.

Khomeini was also obliged to accept that there would be parliamentary elections. Next, it was agreed that there would be a Majlis, a House of Representatives. Parliaments, however, are, of course, unruly things and it is very difficult to know which way they will go on various issues. So, the second article of the Islamic Constitution set up a Council of Guardians, the purpose of which was to make sure that all legislation going through the Majlis would be consistent with Islamic teaching. The Council of Guardians consisted of twelve, in two groups: six religious leaders (usually) nominated by the Spiritual Leader; and six others nominated by the Parliamentarians. But the Council of Guardians proved to be extremely conservative. Everything that was in any way liberal that was offered by the Majlis was turned down by the Council of Guardians. There was a real difficulty in that after every election, every new Majlis would come back with the same Bills and the Council of Guardians would reject them, again. For example, the Majlis wanted to have land reforms (indeed, even the pre-revolutionary government had land reforms) but the Council of Guardians would say that in Islam property is sacrosanct: one cannot disappropriate people who have ownership rights and entitlement to their property. Finally, Khomeini stepped in and set up a new Council for Discerning Public Interest.

This is interesting, because Iranians are, of course, of the minority Shi'a Muslim group. They have always relied upon reason, and as a means of extending the laws. The idea of using 'public interest' as a basis for the development of laws, on the other hand, is very much a Sunni principle. Khomeini borrowed this Sunni idea, so Iran now has a council which decides what is in the public interest, and it has
proved very good at overruling the Council of Guardians. Not only has it, for example, enabled land reforms to go through but it has also opened the way for women to seek the right to wider education and has allowed them access to the judiciary.

People continue to describe Iran as a theocracy. But we cannot say with certainty exactly what that is. People go at regular intervals to the ballot box. They tick the boxes and, amazingly, the people that they elect come out of the boxes. It has a lot less corruption that was some people believe they saw in the first Bush election or in many other elections across the world. But what it is complicated to define: perhaps it is a ‘theo-democracy’?

The situation is further complicated, because, although Iran has these elected bodies and they do work very effectively, Iran also has a ‘spiritual leader’. In the case of Khomeini, the spiritual leader was clearly the choice of people. People wanted him to be there, or at least a great many did, and he did govern on the basis of some kind of consensus, which remained in place to a wide extent, more than I think was necessary. People liked him and he was respected for who he was, although, again, I find it hard to understand why this was so.

When it came to succession to Khomeini, however, no obvious person emerged. Khomeini had decided that there ought to be a Council of Experts of 80 elected people. The Council had come to the agreement that a leading religious figure — Ayatollah Montazeri — should be the next spiritual leader. Unfortunately, one of Montazeri’s students blew the whistle on ‘Iran-gate’, also known as the ‘Iran-Contra’ affair. He accused the Iranian government of declaring that it was Islamic and anti-American and encouraging people to burn the American flag at every opportunity, while at the same time making back room deals with the U.S. on the quiet. He was, of course, referring to deals to re-arm Iran, despite U.S. trade sanctions. Montazeri backed his student, saying that he wanted to be the spiritual leader of a country where debate was open and where one could, if necessary, argue against the government.

Khomeini did not think that this was the right way forward and decided that Montazeri was, in fact, not a suitable person to follow him. Thus, Khomeini was at an impasse. Who could become the next spiritual leader, given all the qualifications
that a spiritual leader had to have, including that of being a leading scholar and an Ayatollah? There were not many candidates available. The Council of Experts decided to name Khamenei, who was only a _hojatoeslam_. Khomenei died soon after. Khamenei went on to become a _hojatoeslam_ and awoke the next day, suddenly an Ayatollah. This somehow did not seem to matter in the grand scheme of things in Iran. Khamenei had been a student of Khomenei, and was always going to toe the line: he was not likely to ask for an open society. Suddenly the system moved on with a new spiritual leader who certainly ‘emerged’, but who did not have a wide popular consensus behind him.

**The Theo-Democracy in Action: Elections in Iran**

In the presidential elections that followed, the nation chose to vote for individuals who promised to embark on open dialogue with the West. Individuals such as the presidential candidate Ayatollah Khatami placed themselves very much in a liberal, even pro-women, position. Khatami gave an interview to a leading women’s journal in which he promised to give women a place in his government. His opponent, on the other hand, who was supported by the conservative faction, said nothing and even refused to answer the question ‘Do you beat your wife?’ Not surprisingly, Iranian women, who can vote at 16, moved en masse and Khatami came to power on a ticket which was about defending what elsewhere would have been called democracy and in Iran was called the ‘rights of the dispossessed’.

Unfortunately, Khatami then had to face Bush, and every move that Khatami made for a rapprochement with the West was blocked. This meant that, by and large, he failed to deliver, particularly on the agenda for ‘opening up’.

Khatami was backed by the most radical _Majlis_ of the post-revolutionary era. It passed a raft of laws that helped to improve the situation of women — in particular, a Bill formulated by the Nobel Laureate, Shirin Ebadi. In Iran, there was a major problem concerning the age of marriage. Khomenei had been of the view that girls should be married off at the age of nine. The _Majlis_ came to this problem from a different angle. It considered the central duty of care that the nation has for its
children: the need to protect the rights of children. The parliament finally agreed that the age of marriage should be increased to 18. Predictably, the Council of Guardians turned it down. Undaunted, women parliamentarians (assisted by some male colleagues) returned to the fray. Eventually the age of marriage was raised to match the voting age; both now set at 16, which may still be low but is certainly a lot better than 9.

The last parliament was vocal and effective and so, when it came to the parliamentary elections for the current parliament, the Council of Guardians decided to do its utmost to get a tame parliament. The Council must ratify the candidature of parliamentarians, so they did something which is unique in the world: they turned down 2500 candidates, including parliamentarians who had passed the test the last time around and had been elected and had served in the previous parliament. Correctly enough, the Council of Guardians formed the view that those candidates did not have the necessary Islamic qualifications, which is all that the Council of Guardian has the authority to judge. The parliamentarians protested, staged a sit-in in parliament, and voiced their views over the media, but, in the end, they were defeated. The Council of Guardians claimed that it had a constitutional right—and a religious duty to exercise that constitutional right. As a result, Iran now, regretfully, has the tamest parliament it has had in its 25-year history as a post-revolutionary state.

When it came to the presidential election in 2005, there was, again, a real problem. Rafsanjani, who was very much the darling of the West, was seen as the obvious choice. Ironically, the Iranian system of presidential elections is based on the French system, with the result that in order for a presidential candidate to get elected on the first round, he or she would have to get more than 50% of the votes. It was clear after the first round that Rafsanjani did not get the 50% of the votes and indeed, performed poorly. Accordingly, the competition was ultimately between two relatively unknown people and, eventually, Ahmadinejad won.

Ahmadinejad was elected for three primary reasons. First, he ran on an anti-corruption ticket. Iran, like all the countries in the world, suffers from endemic corruption of all kinds. Ahmadinejad had excellent credentials. He had been the
mayor of Teheran for a number of years and, unlike previous mayors who had lined their own pockets generously, he had not done so. In contrast, what Ahmadinejad had done was to clean up corruption. During his watch, it was no longer easy to pay-off officials in order to do whatever one liked. Secondly, Ahmadinejad had excellent revolutionary credentials. He had been a member of the Revolutionary Guard and had fought against the Iraqis. Thirdly, while the other Presidential candidates had expensive propaganda machines, Ahmadinejad was sitting in his little Peugeot and driving downtown to talk to people. This is something that won the hearts and minds of many Iranians.  

**Conclusion: Nuclear Power and Popular Representation in Iran**

As a final note, it is significant that when Ahmadinejad talks about nuclear power, the majority of Iranians are with him. Iran is surrounded by countries that have nuclear power: India, Pakistan — and, especially Israel — have nuclear power. What is more, there is absolutely no guarantee that any of these governments would not use their nuclear power against Iran. In terms of popular interests or in terms of discussion with the Iranians, there are few (including the English-speaking intelligentsia), who could argue with conviction that Iran does not have strong reasons to seek access to nuclear power. Understandably, Iranians are scared. They had eight years of war with Iraq. They do not necessarily trust their neighbours. It might be part of the umma, but Pakistan is ‘in bed’ with America. Israel could attack Iran. As such, there is a real willingness on the part of most Iranians to support investment in nuclear power.

It is also notable that, in reality, the technologies on which Iran relies are long out-of-date. The Russians are selling Iran what Russia can no longer use. This sort of hand-me-down equipment cannot be that good. Similarly, the Pakistanis have sold Iranians some outdated know-how. Accordingly, there is a lot of bravado in what Ahmadinejad says, including saying that he wants Israel wiped off the map. There was also a lot of bravado in what Saddam Hussein was saying but that fact did not help him at all.
This paper explains the fact, which many do not recognise, that Iranians do have popular representation and moreover, they do have a form of democracy. They can select to some extent who their president or who their parliament is. Yet some people — Condoleezza Rice, for example — say that Iran has not got any of this. And they speak louder than I do.
Footnotes
1 I am a proud third-generation feminist.
2 As for one, refuse to make any such choice between the two 'alternatives', and instead opt for both Muslim and British.
3 Hizb ut-Tahir is a supranational political organisation, founded in al-Quds, that states its intended purpose 'to revive the Islamic Ummah from the severe decline that it had reached, and to liberate it from the thoughts, customs and laws of Kuff; as well as the domination and influence of the Kuff states so that the ruling by what Allah (swt) revealed remains.' - Hizb ut-Tahir, 2006.
4 For a thorough discussion of the succession of the imamate after the death of the Prophet, see, for example, Imama' Encyclopaedia of Islam, 1971; see also, Zuhaila, 2003: 74-76.
5 See, for example, Maududi, 1955.
6 The Saudi also have come up with small consultative committees, but there is a lot of input from the Saudi family about who is on the committees.
7 Available in English as Khormei, 1979.
8 The Shia minority have always argued that according to the teaching of their fourth imam that which is reasonable is permissible and that which is permissible is reasonable. Therefore they use reasoning, aqi, in other to develop laws in accordance with the needs of the time.
9 Fortunately, it includes some women, albeit very religious and conservative.
10 'Montazeri' (in Persian) means 'waiting'. So, ironically, he was spiritual leader in waiting.
11 Before the revolution, the Iranian army had been largely armed by the U.S. After the revolution, the hostage-taking episode of 1979, the disastrous attempts by the Americans to free the hostages and the subsequent political obstacle, the US imposed comprehensive sanctions on trading with Iran. These are seen by many as being instrumental in encouraging Saddam Hussein's Iraq to invade in 1980. The Iraqis seem to have been convinced that without good arms, ammunition and technological support the Iranian army could not resist. To the surprise of the US, this did not happen. This does show an absence of reflection. Iran had 40 million people; it is five times as large as France. Iraq had two million people and it is about the size of New Zealand, making war between those two an unequal battle, even if, as was the case, the Iraqis had their hands metaphorically tied behind their backs by the sanctions. So instead of lasting a couple of weeks — as the US had assumed Saddam — the war lasted eight years. Towards the end of this period the US began to think that maybe arms could be sold to Iran again, because perhaps Iraq might not win after all.
12 A doctorate can be likened to a research student, a scholar who has not yet earned a Ph.D.
13 Twenty years ago, I had great pleasure in taking Khormei's writing apart and, using reason (which is accepted by Shi'a tradition as a method of analysis for understanding laws), demonstrated that what he was saying about women was not rational (Adhkar, 1982).
14 To be optimistic, this may be just a minor blip and things will likely turn again soon.
15 Although I consider Ahmadinejad an appalling President and, of course, would not have voted for him, it cannot be denied that he is trying to clean up much of the government and many of the so-called charitable foundations that have been lining their own pockets and doing very little charity in the last 25 years. In terms of anti-corruption he remains popular.
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