

# Civil rights in Imam's thought and manner<sup>1</sup>

## Abstract:

Iranian constitution is very much influenced by Islam's lessons as well as Islamic revolution discourse that in its turn could be an outcome of Imam's thought suggesting various principles such as civil rights and people's active presence and contribution in courses of affaires. And we know this as the basis of Islamic republic legal system.

Civil rights for Imam always have been a serious concern and its examples have been receiving special attention and emphasis in both his theoretical and practical manner. A quick exploration in Imam's tracks especially in Sahifeh (a collection of Imam's speeches, statements, decrees and letters) reveals his great concern and precision on civil rights and individual privacy. Imam in his speeches have frequently been stressing on the legitimacy as an effect of people's votes. According to his theoretical and practical manner people active presence is not merely a legal license (for government) but also a legitimizer; a legitimization that comes from people's want with which everyone is in share. In another word just as everybody in the society is advantaged with some natural rights, in same way he is supposed to receive his social rights as well, with only a little difference that human rights are a natural consequence of one's humanity while social rights are a consequence of one's membership in the society. Islam did also care about this type of people's rights and called it *Hagh-al-Nas* (people's rights).

According to Imam's viewpoint civil rights in addition to upgrading legitimacy of government and encouraging public contribution – in affaires – it helps also best in fixing and securing the system, producing peace, satisfaction and sense of national belonging of members of society to the system and the method of ruling. Once peoples feel their rights secured by the government and immune from violation they'll be sure about the powerful support behind their civil rights a consequence

---

<sup>1</sup> By Abbasi, Mahmud & Rahbar, Navid

which will not only be immunity in social relations but also it'll increase their fixation with the government.

## **Introduction**

The matter of civil rights has always been of the most essentialities of a civil society and the citizen is of the most important concepts in social-political one's; what've been through a very complicated history in term of brain storming discussions of thinkers and elites ever since the old ages. In recent years the subject of civil rights' been followed more seriously within national and international spheres. But in spite of this, never a standard takes of civil rights as a concept and its side rights' been formed so that in spite of looking united in generalities but in presentation of examples every expert according to his school still gives a different read of civil rights.

The subject of civil rights is of the pivotal discourses of contemporary rights which some researchers trace its history in the independent declaration of United States and Human Rights declaration and believe that in investigation of nature of civil rights best is to look for its concept in the right's literature of the countries claiming achieving democratic maturity, but the concepts of civil rights in its general meaning it has probably been of an ever concern ever since human's grown up and out of his primitive life. That's why it seems best in pondering and deciding on the domain of civil right concept to refer to genuine religious texts.

Study on the concept of citizenship and its consequential rights in Quran and *Sunnah* (practice of the holy prophet) is of great importance. Through study and research in Quran and investigation of manner and words of innocents (Imams) and prominent religious leaders we reach to the point of realization of civil rights as well as human rights aside from ethnicity and religion of peoples to which we have always been advised and especially in Islam it's been emphatically attended. Same time we know that lack of knowledge on civil rights cause trouble in social relations and communication and also brings difficulties in cooperation and contribution of the society's members. Therefore, as long as the concept of citizenship and rights and its historical stages is not stated and every individual is not aware of his

citizenship and the rights of, realization of civil rights – at least – in full cannot be expected.

Imam Khomeini the founder of Islamic republic as a great jurisprudent carries comprehensive ideas around the rights that come from citizenship. He's got some basic standpoints about citizens' rights and his theoretical approach is based on rights of ummah (Muslim world). He would take an Islamic ruler as the servant of nation assigned to disperse justice in the society. His words on the nation's rights are in same direction with issues postulated in civil rights and human rights field. One dare to express the best example of civil rights in Islam is his manner and attitude. More interesting fact in this regard is that his most repeated word in Sahifeh second of Islam is the word nation and since the concept of nation is hidden in citizenship thus he cared and thought about civil rights and actualization of. Applications of civil rights in Imam's view are various and can be divided in three categories:

### **1. Citizens' civil rights from Imam's view**

Citizens' security, justice and freedom are inseparable attachments to the citizen's right of existence. Right of existence means that human being deserve a born right to live and human rights depend on their being alive. And this is the first right and above all others, citizens achieve their other rights as its side effects cause with no life no right is applicable. Here we're going to mention some of the rights of the type that Imam brought about in his speeches.

#### **1-1 Respecting people's privacy**

Imam Khomeini while forbidding spying on people's privacy and disapproving stigmatization of individuals by false and baseless allegations, advises emphatically on legal approach with every citizen. A more important consideration on this matter was Imam's stress on realization of legal and Sharia measures where some extremist movements just after triumph of revolution when the context fitted turmoil, some individuals committed wrong methods and likely to have trodden people's civil rights. Imam even in such revolutionary time would

find consideration of citizen's rights and Sharia laws as well as moral standards.

One issue that Imam never liked and always forbid was spying on people's privacy. In his 8 articulated command addressing justice department and executive organizations of the country emphasizes on this point:

*“No one has the right to enter the house or shop or workplace of a person without the permission of their owners or arrest any person or in the name of discovery of crime or committing of sin. No one has the right to pursue and follow somebody or insult an individual and commit inhuman and un-Islamic acts or eavesdrop over the telephone, or make a recording on a cassette recorder on the pretext of locating a center of vice or in order to prove a crime and sin—however major the sin be. No one has the right to place listening devices or unearth the secrets of the people or work undercover to discover the sins of others or to disclose the secrets of others even if it is to a single person. All of these are crimes and are sins and some of them because they spread immorality and sins are among the cardinal sins. Those who commit any of the previously mentioned transgressions are criminals and merit religious compensations while some of them are liable for the religious verdict.”<sup>2</sup>*

He just made an exception to this command – in his seventh command –against conspiracies of hostile and opposition to Islamic republic groups, those might have plots in stigmatization of authorities or over throwing the sacred regime.

In importance of people's privacy for Imam, enough to say is that he continues his words:

*“It needs to be strictly warned that if in order to find a group home or center of espionage and corruption against the Islamic Republic system, by mistake or error they enter the private homes or workplace of someone and therein they discover instruments of pleasure and vice and gambling and the rest of the deviant materials such as narcotics, they have no right to disclose them to others because the disclosure of immoralities is the biggest of cardinal sins and no one has the right to*

---

<sup>2</sup> Sahifeh-ye-Imam, Vol. 17, page 136

*dishonor a Muslim and violate the religious criteria. They must only act in accordance with the precept of “forbiddance of evil” that has been stipulated in Islam and have no right to arrest or prosecute or beat-up and torture the owners of the homes and the residents. Transgressing the Divine limits is a sin and is liable for compensation and in some instances retaliation. However, those persons that are proven to be engaged in procuring and distributing narcotics among the people are decreed as spreaders of corruption on earth and are evidenced to be spreading immorality and causing death of generations and seeding so that in addition to confiscation of such things in their possession, they must be introduced to the judicial authorities. Likewise, none of the judges has the right to issue initially a verdict by means of which the authorized persons enter the homes or workplace of individuals that are neither secure bases and homes of the outlawed hypocrites and nor of other conspiracies against the Islamic Republic system. In this case, the one who issues the verdict and the one who implements it shall be liable to prosecution under legal and religious laws.”<sup>3</sup>*

#### 1-2 No detention without a judge rule

Imam in his 4<sup>th</sup> command of the 8 stressed on not detaining people without a judge’s rule:

*“No one has the right to prosecute any person or summon him without the order of the judge that must be based on the religious norms however less the period of his arrest. Arrest or summon by coercion is a crime and contravention of the religious law.”<sup>4</sup>*

#### 1-3 Immunity of ownership of citizens

Immunity of people’s ownership from trespassing is of individual rights relevant to individual security of citizens. From Imam’s view point people’s right of ownership and properties as long as it doesn’t threaten Islamic society’s interests are

---

<sup>3</sup> Sahifeh-ye-Imam, Vol. 17, page 137

<sup>4</sup> Sahifeh-ye-Imam, Vol. 17, page 136

respected. Of course this respect is only carried as long as it's not in clash with public interests, the exception that is taken by every legal system in the world.

#### 1-4 banning on torture and any treatment that is against one's dignity

According to Imam's view utilization of torture in any case and of any method is forbidden as well as treating peoples with humiliation, a kind of treatment that is not justifiable in any case. The point of banning torture is dignity of human being which has to be recognized by other fellows as a right.

From the same view Imam emphasizes on Islam and issues connected to human's dignity as an innate characteristic he recognizes immunity of life and ownership of the citizens under Islamic ruling as an outstanding characteristic of this type of ruling and put more emphasis on. The dignity that Imam stores for human being condemns every threat on ones lives strongly to the extent that he condemns even mistreating of prisoners too.

Imam takes immunity of citizen's ownership as an important difference between Islamic ruling – under which peoples are safe and secured by property and ownership – and none Islamic type,<sup>5</sup> sometime he addressed the justice department that the main criteria is Islamic creeds and in implementation of God's creeds must neither discount nor exceed. He even strongly emphasizes that must never insult a death sentenced criminal when taking him to the gallows.<sup>6</sup> Imam in his speech on the occasion of the 5<sup>th</sup> anniversary of revolution triumph he stresses on wellbeing and comfort of prisoners, he says while there is no difference between prisoners they shall be treated nicely so that criminals and the sin full men get a chance to taste Islamic kindness, and come to Islam and repent for what they've done consequently.<sup>7</sup>

#### 1-5 Justice equality

An outstanding example of realization of citizen's rights is their inclusion in advantaging of justice and fair judgment. One of the important characteristics of

---

<sup>5</sup> Sahifeh-ye-Imam, Vol. 12, page 348

<sup>6</sup> Sahifeh-ye-Imam, Vol.19, page 301

<sup>7</sup> Sahifeh-ye-Imam, Vol. 18, page 283

fair judgment is that every citizen be advantaged with fair court and trial in presence of an advocate, jury and witness. In Imam's thought judicial justice can be found in subjects such as peoples' equality against law and courts, the right of litigation and self-defending. Sometime he said: *"The thing that rules in Islam is the divine law that is based on the Islamic justice"*.<sup>8</sup>

In the discourse of justice, judgment always have been a concerning topic for Imam. He always mentioned to the justice authorities the importance and sensitivity of their job and reminded them the need for care and precision in their performance. He believed that the justice department is a guard to Islamic society's face as well as Islam's and every wrong doing in it can disappoint people with justice institute and make them skeptical about the Islamic republic. The high rank authorities of the justice department are assigned to have proper supervision on their subordinate institutes and prevent disorder and wrong doing.<sup>9</sup>

#### 1-6 Freedom of expression and speech

Imam believed that: *"Freedom is one of Islam's principles."*<sup>10</sup> and the most important freedom is freedom of speech. He strongly emphasized on reasoning and avoiding from imposition of thought and ideas same time he thought relaying on reasoning instead of imposition is of perfect human characteristics. He strongly believed that Islam is religion of reason and reasoning for which it doesn't worry about freedom of thought and feels no fear from the failure schools and can response them with reasons.<sup>11</sup>

The freedom that Imam defends can be meant under support of Islam and its framework is determined by Islam.<sup>12</sup>

Obviously a freedom that results in social losses or breach of other citizen's rights cannot be very much of favorite.

---

<sup>8</sup> Sahifeh-ye-Imam, Vol. 9, page 386

<sup>9</sup> Sahifeh-ye-Imam, Vol. 14, page 188

<sup>10</sup> Sahifeh-ye-Imam, Vol.4, page 232

<sup>11</sup> Sahifeh-ye-Imam, Vol. 10, page 52

<sup>12</sup> Sahifeh-ye-Imam, Vol. 10, page 66

From Imam's view freedom of expression must be secured even for opposition groups as well as others unless they mean to terrorism or over throwing the regime.

13

In Imam's view freedom is meant in security and brings prosperity for human being community and freedom under fear and anxiety of insecurity is worthless.

### **1-7 Freedom of religion for minorities**

Imam believed that Islam more than any other religion valued religious minorities and considered freedom for. They are allowed to practice their rites in frame of the law of the land. They shall be advantaged with their natural rights which have been gifted to every human by God. <sup>14</sup>

## **2- Citizen's political rights in Imam Idea**

### **2-1 Right of protest**

Imam thought criticizing and objection cause growth and fruitfulness of society. He believed that – the ability of –criticizing is a gift of God to mankind and when it's done in accordance with moral Islamic principles and with no malicious and vindictive goals then everyone must be allowed and free for it.<sup>15</sup> But same time he did emphasized on this point that we shall not forget fairness and justice in our criticizing and abuse the right of for conspiracy. He'd always welcomed critics and oppositions which appeared in his manner of theory and practice clearly.

### **2-2 voting right**

Right to vote is a citizen right that Imam always stressed on. His famous word as: "The criterion is nation's vote" shows his belief in people's right in making their destiny so well.<sup>16</sup> He would not only recognize voting a right of citizens but also their duty.

---

<sup>13</sup> Sahifeh-ye-Imam, Vol. 4, page 414

<sup>14</sup> Sahifeh-ye-Imam, Vol. 4, page 335

<sup>15</sup> Sahifeh-ye-Imam, Vol. 5, page 397

<sup>16</sup> Sahifeh-ye-Imam, Vol. 11, page 26



### 2-3 freedom of political activities (political parties)

Imam would recognize freedom of activities for political parties in frame of law and had no problem with as long as it's not abused for conspiracy and espionage. He believed that political parties can act in frame of Islamic system and can also express their views freely.<sup>17</sup> Imam thought formation of societies and citizens' contributions and their presence in political scenes of a basic aim goal of Islamic revolution.

### **3- Social rights of citizens from Imam's view**

Citizen's equal use of social opportunities is meant challenging inequalities. The various inequalities such as: wealth, power, color of skin, race, ethnicity, language, age etc. an exploration in Imam's theoretical and practical manner shows that he's been always up to eradication of inequalities. For the very same reason he was so allergic about social gaps and always encouraged authorities to work on clearing the ominous phenomena. The strategy that Imam would think in securing equal welfare in the society and mentioned it with authorities every now and then was to pay a deeper attention on wealthy peoples and methods of getting rich, government's supervision on economic activities, and distribution of tax income in between poor.<sup>18</sup>

Imam recognized equality of all in access to proper welfare as a right for every member of the society and believed in good and comfortable life for people under Islamic republic.<sup>19</sup> Imam wished Muslims, Jews, Christians and other believers advantaged equally from social welfare.<sup>20</sup> He would find poverty and classical gap a risk – of security – in social relations as well as a cause for national disappointing with Islam and Islamic ruling.<sup>21</sup>

Here is also worth to mention that Imam besides materialistic rights would realize citizens' spiritual and psychological rights too. An example of this is his

---

<sup>17</sup> Sahifeh-ye-Imam, Vol. 5, page 469

<sup>18</sup> Sahifeh-ye-Imam, Vol. 17, page 399

<sup>19</sup> Sahifeh-ye-Imam, Vol.6, page 465

<sup>20</sup> Sahifeh-ye-Imam, Vol.4, page 468

<sup>21</sup> Sahifeh-ye-Imam, Vol. 10, page 237

creed on trans-sexual attempts for those challenged sexual identity problem. In Imam's view a citizen who was troubled with his/her sexual identity in fact was deprived with psychological health which is a right for every human and in turn caused his deprivation from some social rights. Imam with that creed proved that the Islamic ruling did care about citizens' psychological health as well as physical. More interesting is that following the creed which by itself is a proof for Shia's inquisitive jurisprudence, some criterion was also determined regarding the new identity of the individual as well as his new Sharia assignments, according to which the criteria in mandating his religious duties is his new state of sexuality.

### **Conclusion**

In spite of none or little history on civil rights in Iran, and in spite of critical conditions after triumph of revolution, Imam paid more than enough attention to the matter. He'd never spoke or wrote on but the examples of it in his theoretical and practical manner are clearly seen. In Imam's view citizens are subjected to many civil, political and social rights, for securing and support of which governments are assigned. And this is a support that in current situation of Iran helps solution to lots of problems.