

# Freedom and law in Liberalism and Religious Intellectualism in Iran

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## Abstract

Liberalism as a universal ideology gained its power as a dominating power in the world after collapsing the east power. It is natural that a universal ideology affects all the other small religions in the world. The main hypothesis of this study is the influence of liberalism after 1980 which includes the first decade after the Islamic Revolution in Iran. The case of study is Mojtabeh Shabestari and Soroush. Due to a wide range of topics in liberalism and its influence on many scholars in this study, the authors paid attention to the concepts of “freedom” and “law and separation of powers” in liberalism. Religious intellectualism in Iran and the notions of Shabestari and Soroush in this regard might be the main topics to test and evaluate all aspects of liberalism. Therefore, the main question might be as follow: To what extent the concept of freedom and separation of law and power have been used in the works of these two Iranian elits? The library method was used as the research methodology.

**Key words:** liberalism, freedom, religious intellectualism

## Introduction

Fukuyama wrote an important article which is still reviewed by many political scholars after decades. “The End of History and the Last Man” was about liberal democracy, the ultimate political ideology in the world (Fukuyama, 1992).

Fukuyama was not alone in overdominating liberalism in the world and this way someone were too, like Alvin Tofler and Hantington and.

Liberalism has been classified into different categories like cultural liberalism, political liberalism, and economical liberalism. These variations in meanings and concepts originated from a wide scape of liberalism. Anyway, we can define different features like freedom, democracy, peacefulness, govern of law, secularism, rationalism and paying attention to science.

The motivation in this study is the similarities between features of liberalism and religious intellectuals after Islamic Revolution in Iran..Based on researches, the most important characters in religious intellectuals in Iran might be Soroush and Shabestari. They balanced the concept of freedom with universal discourse after revolution and also they applied the concepts of human right, rationalism, pluralism, peacefulness etc. It is clear that law and

separation of law are inseparable parts of a liberal society in theory. In the absence of law and separation of law there is no freedom. In this article we expanded the meaning of freedom due to its wide range of concepts.

Due to the focus of researchers and above-mentioned reasons, the authors analysed religious intellectuals in a referential way and they introduced Shabestari and Soroush as two important religious elites. Also due to wide range of usage of liberalism concepts and religious intellectuals in their works we focus on these two scholars. Freedom and law are concepts which have been repeated in the history several times.

### **Freedom in liberalism**

“Individual” is the canonical point in liberalism. In order to show its existence, the first thing is freedom. In Kant’s opinion, as one of liberal democracy fans, in a social community, the least and the last range of freedom and opposition of individuals in society should be defined based on exact border of freedom. The freedom of anybody should not limit or in opposition to others’ freedom (Fooladvand, 1990, as cited in Shabestari, 1997).

Sometimes, in classical liberalism, freedom might be defined in a negative connotation as a situation that person is not bound or has not to interfere in teaching and he would not be under pressure (Arblaster 1998, p. 87). In Berlin’s opinion, negative freedom reaches liberalism and democracy and positive freedom reaches totalitarianism.

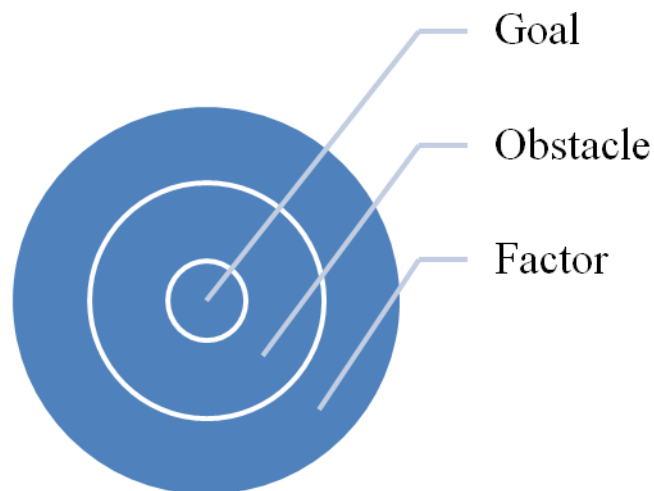
In McCulloch’s opinion any concept from freedom has three meanings: a- a factor (it can include an individual, a group, a class, a nation or an ethnic background-which liberals focus on individuals’ freedom).

b- an obstacle which limits the above-mentioned factor (when factors can’t sweep away the limitations, ideology wants to sweep away the limitations e.g. limitation for women freedom which faced with gender discrimination).

c- a goal that factor is looking for (different factors have different aims-the aim of liberals is to live as they want and they want nobody disturb their life) (Bal & Dager, 2005).

We can make a chart for these three factors. In the below chart factor (person) can pass “the obstacle” and reaches goal

The main question toward definition of freedom in administration framework is law. So we should point to its meaning in liberalism. Where is the place of law in liberalism? Where is the place of law and triple laws in a liberal administration?

**Law and separation of law:**

Constitutional government and equal law have roles in liberal theory. In all political liberal systems, there is internal separation of law. In order to achieve this goal, we can use Montesquieu separation theory. This school believes that law maker powers should be established with three independent powers so that they can control and prevent each other from leading to dictatorship. For example the administration of America has separation among Congress, president and Supreme Court. Also there is emphasis on Supreme Court and justice department in America because interpretation of law, common or basic, depends on courts interpretation which it limits the power of other organizations. This institution should be independent and politically isolated (Heywood, 2004, p. 91).

**Religious intellectuals:**

The term religious intellectual has been put forward for the first time by Dr. Shariati. This wave was to make a connection between tradition and modernism so it started before Shariati. One year after death of Shariati Islamic Revolution in Iran (1979) happened. Simultaneously with revolution the world's system faced with conflicts and changes. After revolution, i.e. after 1980, due to weakening of Marxism and overdominating of liberalism in world's ideology, the thought path which has been introduced by Shariati changed. Soroush and his followers criticized Islam and Marxism and they turned into law, separation of law, freedom and peacefulness. In the middle of 1980, new horizons started to grow up in the world's ideology which it was a springboard for ideological challenges in the world. Marxism collapsed and liberalism and nationalism appeared (Ghoreishi, 2005, p. 208). Religious intellectuals after eightieth decade tried to identify oppositions and differences between tradition and modernism with a positive liberalism point of view therefore, they chose rationalism compare to pioneers in their school.

**Freedom and law in Shabestari's viewpoint**

There are similarities between Shabestari's works and liberalism, which is a dominating

ideology in the world. Shabestari deals with freedom and willingness of humans in his works a lot. We can see this interest in his works like: Faith whatever it is like witnessing to messengers or behaving like a human being. It won't be achievable without releasing human beings. Indeed a human being can believe in something when his internal and external desires are free from anything without following someone or something. Of course faithfulness might be for someone whom has the capacity of accepting it (Shabestari, 1997, p. 7).

Shabestari put forward three things: freedom from..., freedom in..., freedom for... he believes that in defining freedom we should show the reason of freedom of a person in what and howness. Also we should show for which and what goal. The meaning of freedom might be visible if we clarify these three things (Shabestari, 2002, p. 32). He believes in order to get the concept and definition of freedom the willingness of humans should be a base for humanitarian values and this originates from external factors like capturing humans by a dictatorship system and internal factors like desires etc. after this step person is free and he has freedom. Freedom should be founded in actual use and this actual use has a goal. Therefore the third factor arises i.e. freedom to support aim then he defines freedom as follows: freedom of will is being free from anything internally and externally in actual use and in order to save freedom of will we should pay attention to any aspect. The result of this introduction is the reality of a human, being always free and behaves and lives as a human being (Shabestari, 2005).

It seems that the definition of Shabestari in his work is compatible and similar to those of liberalism. He likes McCulloch define three aspects for freedom: person (factor), obstacle (which the will of a person should go away) and third is goal of freedom. He says that the end of freedom is the goal of freedom. He believes that freedom is for a better life. Even in this sense, he believes that believing in God is when "the thought of a person is free from anything, an idea and thought which follow something never can have faith in God" (Soroush, 1997, p. 42). Here, he points that looking in a rational way to a religious school doesn't have any conflict with freedom in religious.

Shabestari in his ideas regard to freedom of speech (as a factor in human right and freedom) believes that if a scholar has an opponent view with group he will talk about it and no one can deny or raise against it or prevent him from expressing his ideas. The person who wants to express his ideas even if he has different view with others has freedom of speech and thought and this freedom has an effective influence on evolution of culture and civilization of a nation (Shabestari, 2005). An important and obvious point in his ideology toward freedom is to accept freedom in a sense except from religious background "freedom of religion and politics in nowadays concept is a non-religious concept" (Shabestari, 2002, p. 276).

Shabestari in a liberal manner, try to make a link between the definition of freedom with a social concept in natural freedom and classical liberals like Lock (whom like Shabestari were religious) says that "God created humans free and responsible. Because being responsible and free exists in humans' nature" (Shabestari, 1997, p. 15). Therefore, humans have been created free and they have choice to select their options and behaving in a way they like (Soroush, 2000). Kant believes freedom is nonfinite and it doesn't bring any limitation for anyone.

This situation is accessible only in a social civilization community. Shabestari talks about humans' freedom from internal and external aspects. Therefore, he put forward and define

freedom as a process which always it continues. In capturing there is not any limitation, feeling, emotion and there is no situation that limit someone and there is no condition that someone can say I am free because the concept of freedom is not a static process. It is not a feature that someone can get it. The issue is that we are waves and always we should be dynamic (Soroush, 2001).

Other concepts which have been focused in liberalism and religious elites like Shabestari paid attention to it are separation of powers in a political system and we compare it here in this study.

Shabestari identified separation of powers in modern societies and he believes that it is necessary in order to make a balance between different organizations and their activities so that they can control each other. In his opinion there are three classes of law: triple law of freedoms, citizenship right and social right. When we have such rights and humans called citizens and individuals have equal rights then we have this question if political power be in hands of one then misinterpretation of power will appear" (Shabestari, 2005, p. 521). Democracy is a feature of civilized society (in this interpretation Shabestari considered a civilized society as a nature) which in non-democratic countries there is misinterpretation of law and power and there is no way to prevent them from this. In ancient and old society this has been forward to a guy who is innocent and free from sin so he won't mislead anything (Soroush, 1991).

### **Freedom and law from Soroush's viewpoint**

Soroush in a classification and base don views of Berlin, classify freedom into two categories. As we know, Berlin classified freedom into two categories: negative freedom and positive freedom. "In his famous article "negative freedom and positive freedom" or in my interpretation "freedom from", "freedom in". A distinction between these two freedoms is important. Negative freedom in Persian should be define as "releasing" or "freedom from" freedom from means being free from obstacles, limitations and forces. The song of freedom from means let us free, let us alone, and don't capture us. "Freedom of" means free from prison, free from strangers, and forces. Freedom from wife, husband etc. humans when they face with concept of freedom what they get from freedom is "freedom of" (Soroush, 2000, p. 217). In this sense, freedom means security of wealth, soul, body and preventing from external forces. Berlin believes negative freedom originates from natural desire of human beings to get liberal democracy. It is clear we should get the meaning of negative freedom in order to understand positive freedom as a complementation of negative one. Indeed, negative freedom, is the first step to get political freedom and to complete second step we should get positive freedom. Positive freedom follows the formula that we mentioned before "factor, obstacle and aim". An individual should pass obstacles in order to get freedom. Here, if we have negative freedom then any limitation and obstacle will go away in order to achieve positive freedom (the same). Positive freedom has a wide range of meanings. Freedom of poor people is "freedom of". Freedom of rich people is "freedom in". Poor people are whom they are captured in poorness and their voices is high and they shout get us out the hell (Soroush, 2001a).

Soroush based on liberalism point of view, believes that economic freedom is more important

than political one. In his opinion freedom is a goal not a device. Therefore, freedom is the right of humans and anyone should get their aim and their right. Soroush in case of freedom of speech and in liberal view point talk about natural right of human beings and he insist on human right and he says: “human is a human in this aspect if they behave like a human not due to any other reason. He has rights and one of them is speaking, having ideology, express ideas and criticizing”. There are some other rights like defending himself, choosing a wife or a husband, having a nation, religion etc. (Soroush, 2003, p. 63).

Soroush ideas are very vague and we can sum up with a united idea but from his speeches it is clear that the significance of law and separation of power is very important for him. Soroush in his works support democracy. We can conclude this from this point that a principle in democracy is separation of power and law and Soroush believes in this idea.

In his opinion, law should not be mixed with spiritual issues. In a civilized society law has been organized based on social agreements, i.e. most people agree upon a thing to do or not to do. A society in which there is no law and some other things are the sources of decision instead of public opinion is not a civilized society. A society in which there is only one vote and there is not any other vote it is not civilized (Soroush, 2001b). In a civilized society separation of power is a limitation among organizations of power so they can control each other. He brings a reason from a liberal country that individuals have their own responsibility. In such society all organizations have special roles. Separation of power, forceful education, empowering media, freedom of speech, different levels of decision-making etc. all are for democratic societies (Soroush, 1997, p. 305).

### **Conclusion:**

The hypothesis in this study was domination of liberalism over the world in the last quarter of 20<sup>th</sup> century on religious elitism case of Shabestari and Soroush. Liberalism has different features like freedom, peacefulness, government of law, human right etc. which all of them are circulating on humanitarian values. It is clear that a human being without freedom in a civilized society can't achieve his goals. Therefore, this study from different features and aspects of liberalism focus on freedom, law and separation of power. Because in civilized society, law and separation of law will expand the situation for defining freedom. In this sense dependent variation in this study is the influence of Shabestari and Soroush ideologies of liberalism as two main and important characters in Iran after the Islamic Revolution. Due to wide range and scope in this study we just paid attention only to a comparison between religious elitism before Islamic Revolution and after that. After Revolution Soroush and Shabestari borrowed discourse from universal discourse in the world in order to define meanings and concepts based on liberalism view point and they classify freedom based on Berlin's not in into “freedom from” and “freedom of” and they put the base base don western scholars. This point is obvious in his worlds and ideas that with the experience of liberalism three main features can be divided as factor, obstacle and aim.

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