

# Theocracy - Mysticism and Contemporaneity

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## Abstract

*Religion occupied a pivotal place in the life of our ancestors, even being a proof, at that time, of raising the degree of civilization of mankind. We say a pivotal place and not just an important one, since a large part of social life revolved around religion and its symbols. Often there was no boundary between politics and religion and what was Caesar's was not Caesar's. In those bygone times, political power was legitimized through a divine, cosmic, supernatural bond. No doubt that connection between politics and the supernatural was shrouded in mysticism. Today, when the importance of religion is in decline, humanity is more concerned with science, evidenced by sometimes exacerbated empiricism. It is as if there is no more room for the spiritual, for religion, the latter falling into a form of obsolescence. But is it so? Has religion really lost its ancestral role, is it headed for extinction? Contrary to a non-religious view we will notice that even in the present time there are societies in which religion and politics are intertwined, in which the source of state sovereignty is divinity and thus, we still have present theocratic political regimes. The divide between religious and non-religious views of society exists but understanding how theocratic regimes exist can lessen this divide.*

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## 1. Introduction

Human evolution is closely related to religion, to the role it has had throughout history on individuals, but also to the role it has manifested in a political sense. This latter role for a long time had a mystical dimension and sometimes served as a justification for confiscation of the sovereignty of the people by the sovereign, in the name of a god or in his own name. Gradually, at least in the case of the Christian religion, there was a separation of spiritual life from politics, and religion began to manifest itself less and less in a political sense. This separation had to exist from the beginning, since Christianity never urged the interpenetration of state political life with religion, Christian philosophy being only perverted in this sense.

In the present time, when there is a decline in religion, at least in the West, we ask ourselves, does religion still play an overwhelming role in people's lives? Does religion still transcend the individual spectrum and play an important role in defining political regimes? In the European space, when we talk about religion and rights we will go to the area of freedom of conscience, and rightly we can look with skepticism at the interference of religion with politics, since secularism in Europe has been affirmed for some time and is a widely embraced value.

Leaving the mystical zone and identifying several contemporary theocratic political regimes is a challenge to the doctrine<sup>2</sup> and identifying only some regimes of this type does not capture the actual and actual manifestation of these regimes.

Constitutional doctrine is tempted to see these political regimes only around confusion of powers in favor of the executive branch<sup>3</sup>. Identifying the theocratic constitutional elements and

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<sup>2</sup> See Dan Claudiu Dănișor, *Drept constituțional și instituții politice. Tratat*. Vol I, C.H. Beck Publishing House, Bucharest, 2007, p. 478.

<sup>3</sup> *Ibid.* p. 478.

placing them in a correct systemic interpretation, alongside other constitutional provisions, can capture the contemporaneity of these theocratic political regimes.

Thus, a comparative, historical and heuristic analysis of some theocratic aspects presents itself as a useful approach to have a high degree of awareness of the manifestation of religion in a political sense and to reduce the cleavage between the two visions - secular and theocratic.

## 2. Theocratic and secular political regimes

The constitutional doctrine is not adapted with this criterion for defining political regimes, namely, to refer to the source of sovereignty as divinity, in which sense a classification of political regimes according to the previously mentioned criterion into secular political regimes and theocratic political regimes, does not exist<sup>4</sup>. Perhaps this criterion is not present in the constitutional doctrine since science by its nature separates itself from religion. Science tries to explain things, at least as far as a limit is prefigured, but religion, in essence, does not want to explain things, but rather imposes a vision on its followers, which cannot be researched, but only believed.

Referring in the first phase to theocratic regimes, and invoking the divinity, the cosmic, in appearance we are heading towards mysticism. The appearance is given by the moderation of a contemporary theocratic regime, which is adapted to current social realities, and within it not all things are explained by exclusive reference to divinity. Yes, the sacralization of the role of divinity is present, but, for example, the prime minister is not the messenger of God, but is the indirect result of the elections<sup>5</sup>. We could say that in the case of the Islamic Republic of Pakistan, the theocratic political regime is present, but the holy does not transpose absolutely, and rather remains at the level of symbols and philosophy.

However, to think that the entire Islamic world manifests itself politically in the same way is an artificial approach. "Neither the Qur'anic verses nor the traditions from the beginning of this civilization can alone constitute the key to the knowledge of this world or the Muslim religion"<sup>6</sup>. The guiding path to be able to make a correct analysis of Islamic political regimes is to start from the fact that the interpenetration of politics and religion has as its premise the appearance of Muhammad<sup>7</sup>. From this point, the analysis will keep an exact framework, namely if in each case the substrate is analyzed, such as the comparison between the Iranian and Pakistani political regimes.

Of course, theocratic elements did not appear or do not appear at present only in the Islamic world, they were found in the past and in the Christian world. Although the Holy Book of Christianity detaches religion from state and pushes the Christian world towards secularism, since the Kingdom of God is in heavens and not on earth, in the case of the Byzantine Empire we find full theocratic elements<sup>8</sup>. The connection between the state and religion in the case of the Byzantine Empire went, in certain periods, to the point where the emperor, to give a new direction to the religious policy of the empire, the consent of the Church was mandatory<sup>9</sup>. This last element, as a guide of the religious policy within the Empire, a role played by the Church, does not necessarily lead us to the idea that politics and religion were not separate, but the association of the emperor as the "Lieutenant of God"<sup>10</sup> certainly shows us that some emperors of the Eastern Roman Empire believed in a privileged connection between the kingdom and the divinity.

Secular political regimes can be defined in opposition to theocratic regimes and are all those political regimes where religion and state are separated and where political power does not base its

<sup>4</sup> See Cristian Ionescu, *Regimuri politice contemporane*, ALL Beck Publishing House, Bucharest, 2004, pp. 67-92; Mihai Bădescu, *Drept constituțional și instituții politice*, 14<sup>th</sup> edition, Hamangiu Publishing House, Bucharest, 2021, pp.112-142.

<sup>5</sup> See article 91 paragraph (4) of *The Constitution of the Islamic Republic of Pakistan*, available at: <https://www.pakistan.org/pakistan/constitution/>, [accessed 05 November 2023].

<sup>6</sup> Paul Bruszanowski, *Religie și stat în Islam. De la teocrația medineză instituită de Muhammad la Frăția musulmană din perioada interbelică*, Herald Publishing House, Bucharest, 2009, p. 7.

<sup>7</sup> *Ibid.*, p. 25.

<sup>8</sup> Steven Runciman, *Teocrația bizantină*; translated and introduction by Vasile Adrian Carabă, Nemira Publishing House, Bucharest, 2012, pp. 9-46.

<sup>9</sup> *Ibid.*, p. 94.

<sup>10</sup> *Ibid.*, p. 47.

actions on a divine bond. Of course, we should not imagine these state political spaces as a place where religion is forbidden, but rather we will encounter a consistent religious pluralism and the state will not grant competition to any religious cult.

The road to secularization sometimes meant the disappearance of religious offenses as crimes, the affirmation of equality before the law, the recognition of the practice of other religious cults, the transfer of marriage registers from the church to civil authorities and the establishment of civil marriage<sup>11</sup>.

### 3. The Islamic Republic of Iran

Bringing the above-mentioned substratum into discussion, in the case of this Islamic republic we must make a brief reference to the Zoroastrian heritage<sup>12</sup>. The Persian space met in ancient history at least one ruler who considered himself a god - King Shapur<sup>13</sup>. In this case, it was no longer necessary to resort to indirect connections, the king himself being of divine origin. It is not difficult to imagine that the political life of the Persian state at that time kept political manifestation in an area of mysticism, and the society did not have much chance to manifest itself politically in front of such a divinity.

Flash forward to the present, the study of the constitution of the present state undoubtedly leads us to a mystical area, where the secular constitutional principles specific to the European space do not find accommodation. Article 2 point 1 of the Iranian Constitution<sup>14</sup> regulates that the system of the Islamic Republic is based on the belief that there is a single God, sovereignty, and the right to legislate are exclusive and obedience to His orders is mandatory. Article 4 of the same fundamental act states that all laws are based on Islamic law. Islamic principles also apply to the constitution. Turning our attention to the methods and means of governance, we must clarify whether these too are touched by Islamic principles.

Article 56 regulates that absolute sovereignty over the world and over man belongs to God and that God is the One who made man the master of his own social destiny. Paying special attention to this article leads us to the idea that, at least in theory, the Iranian fundamental act wants to give the political regime of the Islamic Republic of Iran a democratic-theocratic character, but the theocratic character suppresses the democratic one. In other words, over man is the power of the One God, yet man is the master of his social destiny, through the care of the divinity.

Next, according to art. 62 of the Iranian fundamental law, we will note the fact that the Legislative Assembly is constituted following elections of the Iranian people. The executive power in the case of the Islamic Republic of Iran is led by the president, and the president is also elected as a result of direct elections of the Iranian people, according to art. 114 of the Constitution. Government Ministers are appointed by the President, but a vote of confidence from the Legislative Assembly is required. The judiciary is defined as an independent power, being the protector of individual and collective rights.

Although article 57, thesis II of the Iranian Constitution regulates the separation of the three powers, thesis I of this article shows us that the principle is illusory, since the three powers are placed under the supervision of the supreme leader.

Researching the powers available to the supreme leader, regulated by article 110 of the same fundamental act, we can find that he is the head of state, has a great influence on the three powers and an overwhelming role in the election and dismissal of the president of the state. Also, the supreme leader can delegate his duties.

In the case of the Islamic Republic of Iran we can speak of an authentic theocracy. State power

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<sup>11</sup> Jean Baubérot, *Laïcité, laïcisation, sécularisation*, Published in *Problèmes d'histoire des religions*, Edited by Alian Dierkens, Bruxelles, no. 5/1994, p. 12.

<sup>12</sup> See Burchard Brentjes, *Civilizația veche a Iranului*, translated by Petru Năvodaru, Meridiane Publishing House, Bucharest, 1976, pp. 5-13.

<sup>13</sup> *Ibid.*, p. 185.

<sup>14</sup> The Constitution of Islamic Republic of Iran, available at: [https://www.iranchamber.com/government/laws/constitution\\_ch01.php](https://www.iranchamber.com/government/laws/constitution_ch01.php), [accessed 28 October 2023].

is seized in the name of divinity by the supreme spiritual leader, and the separation of powers in the state, although affirmed by constitutional provisions, is nullified by the same provisions by placing these powers under the supervision of the spiritual leader. Considering the other constitutional duties of the spiritual leader, we can easily say that he belongs to the executive power, meaning that the political regime of the Islamic Republic of Iran is confusingly in favor of the executive.

#### 4. The Islamic Republic of Pakistan

The birth of the Pakistani nation is closely related to a religious cohesion, and the emergence of the Islamic Republic of Pakistan as a state as a "land of purity" is a result of the partition of the former British India<sup>15</sup>. The history of this geographical area, which includes states such as the Republic of India, the Islamic Republic of Pakistan, and the People's Republic of Bangladesh, is particularly complex.

The historical aspect relevant to this paper is the clash of two great religions, sometimes between populations of the same ethnicity and with significant cultural similarities, which led to the birth of the world's first Islamic republic. The nation of Pakistan and the state of Pakistan emerged as a result of the danger of Hinduism felt by Muslim populations, namely that they felt a minority whose existence was threatened within a Hindu India<sup>16</sup>.

Furthermore, to identify concrete theocratic elements, the approach can be a difficult one. The father of the Pakistani nation and the Pakistani state is thought to be Muhammad Ali Jinnah. The vision that he wanted to impose on the political configuration of the Pakistani state did not seem to be in the direction of a theocratic political regime<sup>17</sup>, although the auspices of the formation of the Pakistani state were of a religious nature. However, the vision of Jinnah, the founder of the Pakistani state, did not last, and after the adoption of the Constitution of 1956 (later revised)<sup>18</sup>, a theocratic dimension of the Pakistani political regime can be observed.

The Preamble of the Constitution of Pakistan places the source of universal sovereignty in the hands of the one and only God, and the exercise of sovereignty falls to the people of Pakistan, a task which is within divinely granted limits.

Article 2 of the Pakistani constitution regulates that the state religion is Islam, meaning that the beginning of the Pakistani constitution states that the state and religion are not separate.

The President of the Republic is elected by indirect vote and is the head of state of Pakistan and to be elected he must first be a Muslim, be over 45 years of age and be qualified to be elected to the National Assembly as per Article 41 of the Constitution of Pakistan.

The condition of being a Muslim in order to be elected President of the Islamic Republic of Pakistan is not absolutely transposed at the Pakistani parliamentary level, where some seats are reserved by law for women as well as for non-Muslims (in the National Assembly), according to Article 51 of the Pakistani constitution. But this fact cannot lead to the idea that the theocratic elements are canceled by this concession. This concession, representing some non-Muslim elements, has a preventive role, diluting possible sectarian divisions. Even though it was Muslim cohesion that led to the birth of the Pakistani state, beneath those borders there were also non-Muslim populations who obviously could not naturally embrace this cohesive state.

In the Pakistani constitution, the principle of separation of powers in the state is not expressly stated, but a type of rigid separation implicitly emerges, as a result of the fact that the Islamic Republic of Pakistan is a federation.

Compared with the situation in the Islamic Republic of Iran, in the Islamic Republic of Pakistan there is no supreme authority that supervises the three powers, although both political

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<sup>15</sup> Shaheen Sardar Ali and Javaid Rehman, *Indigenous People and Ethnic Minorities of Pakistan*, Curzon, Surrey, 2001, p.1.

<sup>16</sup> *Ibid.*, p.1.

<sup>17</sup> Mr. Jinnah's presidential address to the Constituent Assembly of Pakistan, August 11, 1947, available at: [https://www.pakistan.org/pakistan/legislation/constituent\\_address\\_11aug1947.html](https://www.pakistan.org/pakistan/legislation/constituent_address_11aug1947.html), [accessed 05 November 2023].

<sup>18</sup> The Constitution of the Islamic Republic of Pakistan, available at: <https://www.pakistan.org/pakistan/constitution/>, [accessed 07 November 2023].

regimes have theocratic elements, that is, religion is not separated from the state, and the state favors a particular religion.

Thus, although the characteristic elements of a theocratic political regime are not so significant in the case of the Pakistani state, as we find them in the case of the Iranian state, even if in doctrine the opinions are not firm in this direction<sup>19</sup>, we can say that the Pakistani political regime is theocratic. The Pakistani state embraces the Islamic religion as its state religion, the source of sovereignty is divinity, and participation in the political life of the republic as a representative is generally conditional on belonging to the Islamic cult. The element of confusion of power in favor of the executive branch or in favor of another power is missing, but this fact does not disqualify the political regime of the Pakistani state from being a theocratic one.

## 5. The Islamic Republic of Afghanistan

Although the political situation in this state is not clear at the time being and the constitution adopted in 2004<sup>20</sup> no longer configures the current political regime, a brief analysis of the former Afghan Constitution is required. Article 1 of this fundamental act imposed the form of state Islamic republic and defined the state as unitary, independent, and indivisible.

Article 2 of this constitution imposed the Islamic religion as the state religion, and Article 4, did not state the source of sovereignty as divinity, but regulated that it belongs to the Afghan nation. Compared to the first two political regimes analyzed, we could say that this fundamental act, although confined to the area of those that present theocratic elements, tries to separate social-political life from the religious one.

Like the Pakistani constitution, the Afghan one also imposed a special elective condition on the person who wanted to run for the dignity of President, namely, to be a Muslim, according to Article 62. The notable difference, and this difference brings us to a presidential regime, is that the election to the head of state was done in a direct manner, and not indirectly as in the case of the Pakistani state. According to Article 71 of the Afghan constitution, the President was the head of government, meaning that the position of Prime Minister did not exist.

The fact that the former Afghan fundamental act did not separate religion from the state and embraced the Islamic religion as one of the states, did not impress the political regime of the Islamic Republic of Afghanistan with such a pronounced theocratic political regime. But undoubtedly the political regime of the Islamic Republic of Afghanistan was a theocratic one imposed by this constitution which survived from 2004 to 2021.

## 6. Conclusions

The short research of the three political regimes from above reveals one important thing, namely that there is diversity even among theocratic political regimes. This analysis started from the research of an absolute theocratic political regime and arrived at the analysis of a somewhat more attenuated one.

In the case of the Iranian political regime, we can say that the need for total political control over this nation has imposed such a theocratic political regime and religion serves this purpose best. All in the name of God, we might say. Who would oppose the sovereign power of God?

In the case of the Pakistani political regime, theocracy is not so pronounced, but it is certainly more pronounced than the Afghan one. The creation of this type of political regime had the role of uniting different populations under a common flag, and the history of this state from 1947 to the present shows us that sometimes religion brings together even ethnically different populations. We

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<sup>19</sup> See Larry Catá Backer, *Theocratic Constitutionalism: An Introduction to a New Global Legal Ordering*, Indiana Journal of Global Legal Studies: 2006, Vol. 16: Iss. 1, Article 5, available at: <https://www.repository.law.indiana.edu/ijgls/vol16/iss1/5>, [accessed 07 November 2023].

<sup>20</sup> The Constitution of the Islamic Republic of Afghanistan, available at: [https://www.diplomatie.gouv.fr/IMG/pdf/The\\_Constitution\\_of\\_the\\_Islamic\\_Republic\\_of\\_Afghanistan.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf), [accessed 07 November 2023].

could say, that from an ideological point of view, the Islamic religion imposed itself most authentically in the case of the Islamic Republic of Pakistan.

In the case of the former Afghan political regime, we could observe the most attenuated form of theocratic political regime. We believe that this mitigation is best revealed by placing the source of sovereignty as the Afghan nation. Once the current Afghan political crisis is over, and a new political power is recognized externally, it will be interesting to see what final form this theocratic political regime will take. Will religion be used to legitimize an eternal political power? Will it be used as a cohesive factor at the level of the Afghan nation, to bind the ethnic mosaic in this state? These aspects remain to be seen.

As we have seen above, leaving the mystical zone regarding theocratic political regimes is more than necessary. The political manifestation in the case of these political regimes is real and sometimes adapted to contemporaneity. Religion can be used either as an integrating factor, and in this case, the theocratic political regime will not manifest itself in confusion of powers, but in the situation where it is used as a controlling factor, the confusion of powers in favor of the executive is certain.

Regardless of how religion is used to shape a political regime, it has not had the final say in its political manifestation and remains a topical issue, even if we are tempted to believe in its obsolescence.

Wherever there are populations that give primacy to the religious factor, recognize its pre-eminence over state power, and religion can impress cohesion on them regardless of other differences, and this situation can undermine secularism.

In the sense of this research, it is worth mentioning the appearance of the Islamic Forum in the French Republic, which facilitates the dialogue between the actors of the Muslim cult in Hexagon and the public powers, as well as the first meeting of this Forum with the President of the French Republic, which had place in February 2023<sup>21</sup>. Although the French President has insisted that he is against Islamic political manifestation and that respect for secularism in the Hexagon is mandatory, we cannot wonder if this forum is trying to soften something that already exists in the French Republic.

## Bibliography

1. Ali, Shaheen Sardar & Rehman, Javaid, *Indigenous People and Ethnic Minorities of Pakistan*, Curzon, Surrey, 2001.
2. Backer, Larry Catá, *Theocratic Constitutionalism: An Introduction to a New Global Legal Ordering*, „Indiana Journal of Global Legal Studies”, Vol. 16: Iss. 1, 2006, Article 5, available at: <https://www.repository.law.indiana.edu/ijgls/vol16/iss1/5> Indiana, 2006, 2009.
3. Bădescu, Mihai, *Drept constituțional și instituții politice*, 14<sup>th</sup> edition, Hamangiu Publishing House, Bucharest, 2021.
4. Baubérot, Jean, *Laïcité, laïcisation, sécularisation*, published in Alian Dierkens (ed.), *Problèmes d'histoire des religions*, Bruxelles, 5/1994.
5. Brentjes, Burchard, *Civilizația veche a Iranului*, translated by Petru Năvodaru, Meridiane Publishing House, Bucharest, 1976.
6. Brusanowski, Paul, *Religie și stat în Islam. De la teocrația medineză instituită de Muhammad la Frăția musulmană din perioada interbelică*, Herald Publishing House, Bucharest, 2009.
7. Dănișor, Dan Claudiu, *Drept constituțional și instituții politice*, C.H. Beck Publishing House, Bucharest, 2007.
8. Ionescu, Cristian, *Regimuri politice contemporane*, ALL Beck Publishing House, Bucharest, 2004.
9. Runciman, Steven, *Teocrația bizantină*; translated and introduction by Vasile Adrian Carabă, Nemira Publishing House, Bucharest, 2012.
10. The Constitution of the Islamic Republic of Afghanistan.
11. The Constitution of the Islamic Republic of Iran.
12. The Constitution of the Islamic Republic of Pakistan.

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<sup>21</sup> Réunion du Forum de l'Islam de France à l'Élysée, available at: <https://www.elysee.fr/emmanuel-macron/2023/02/16/reunion-du-forum-de-lislam-de-france-a-lelysee>, [accessed 10 November 2023].