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## **Session 16: Difference between Divine and Atheistic Culture in the Realm of Law and Freedom**

### **Role of choice, awareness and observance of law in attaining the goal**

According to Islam, man is a locomotive being; in other words, a traveler moving from his point of origin to a certain destination, which is ultimate perfection and bliss. The span of life must be lived in order to reach the destination. An example will help in understanding the subject. Let us assume that a driver wants to travel from Tehran to Mashhad. If his hands and feet are paralyzed he obviously cannot drive. He can only drive if his body limbs are sound, having the freedom to choose and select.

Without that freedom he cannot tread any path leading anywhere, least toward perfection. Therefore, God, the Exalted, has endowed man with freewill and the power to choose so as to tread this path on the feet of his own “choice and volition” and arrive at the destination. Otherwise, he will never arrive at the destination. As such, if one thinks that in a state of compulsion he can tread this path toward perfection and arrive at the destination, he is wrong. Man must be free and have the power to choose the right path.

The more man is free to choose, the more valuable his deed. For the driver to merely have a sound physique is no guarantee that he will arrive at his destination. It is possible that out of recalcitrance, whim and caprice, he chooses the wrong way. In other words, the necessary requisite for the attainment of bliss is that man should pay attention to the road signs and faithfully observe the driving rules and regulations in order to arrive at the destination. He, who believes he is powerful because he has free will, and can violate driving rules and regulations, should be aware that his path will end in the abyss of

doom.

Apart from the fact that man should have a sound body and mind, he should also know the route and observe the rules. Driving rules can be divided into two: the first set of rules, which if not observed, will cause harm to the driver himself. For example, if he deviates from the highway, he might possibly fall into a canyon or fall from the bridge—harm himself and his vehicle.

In order to avoid those dangers, the second set are warning signs such as “Dangerous curve,” “Keep to the right,” “Drive slowly,” etc. so that the driver remains safe. Yet, violating the second set of traffic and driving rules will not only endanger the life of the driver but also the lives of others by causing accidents, which sometimes endanger the lives of hundreds of people.

In some expressways and highways, especially in countries where speeding is allowed, violations of rules are responsible for the hundreds of cars that hit one another, and as a result, endanger many lives, for example, in an accident in Germany 150 cars bumped into one another. Naturally, in such environments it will not suffice to warn and advice precaution; traffic lights and more powerful warning signs will be posted; surveillance cams, automatic cameras, and occasionally, policemen will be on duty in order to pursue, fine and punish the offending drivers.

Violation in the first case would lead to the deviation of the vehicle from the highway, its turning upside down and breaking the driver’s hands and feet. In this way, they will not fine the driver because he harmed only himself. But in the second case, the violations would endanger the lives of others, and, therefore, the police will pursue the violator and penalize him.

## **Difference between moral and legal laws**

In the course of man’s life, there are two kinds of dangers: *personal* and *social*, namely *moral* and *legal*. The first kind refers to dangers related only to ourselves. If we do not abide by the laws and regulations, we harm ourselves. In these events decrees, which are technically called moral laws, are enacted, obeying which is emphasized. If a person does not pray or, God forbid, commits other sins in privacy, which no one is aware of, this person harms only himself.

Nobody will pursue him and ask why he committed such sins in privacy. Nobody is even permitted to investigate because spying on actions done in privacy by individuals is unlawful. This issue is a personal one. Although there are moral admonitions, decreeing that even in privacy man shall not commit sin and think of committing it, these admonitions are like the warning signs posted along the roads.

Nevertheless, the second kind of danger is not related only to the person himself. In case of non-observance of the rules and regulations, which are technically called legal offences, both the person in question and society will be harmed.

As such, these laws need the assurance of obedience, and their violation needs to be dealt with

accordingly. These are similar to driving offences that cause accidents and endanger the lives of other people. It is on this account that the police pursues and penalizes the offender. It is here that *legal* laws, including penal and criminal laws, are brought up vis-à-vis *moral* laws. This domain deals with the field of those laws which are enacted by the legislature and whose execution is guaranteed by the government, thus, the basic difference between moral and legal rules is that in moral rules, nobody guarantees their execution, nor is their violator penalized. If someone is being pursued, it is not because of a violation of moral rules, but a violation of legal rules, for which the government is guarantor. "Privacy" is an individual's legal right in the general sense; when it involves others it becomes penal and criminal.

Just as a driver must be careful about his life as well as that of the passengers and save them from danger, man is like a traveler who moves from a starting point facing many dangers along the way leading to the destination. These dangers are sometimes related to himself and have individual rules for which there are moral admonitions. Yet, wherever these become possible dangers for others, or somehow morally corrupt others, or encroach on their lives, properties and chastity, they fall under *legal* (in contrast to *moral*) laws, which the government has to execute.

All rational individuals in the world acknowledge that if a certain act of an individual poses a threat to others, there must be a law to curtail the freedom of the violator because that freedom is not legitimate and legal. The intellect does not accept this freedom as it poses a threat to other people. We do not know any 'rational' person who, out of knowledge and awareness, would say that man should be free in life to do whatever he likes no matter what harm it entails for himself as well as for the lives, properties and chastity of others.

Thus, wherever there must be a law, and society must accept that law, there is no dispute. The point of difference is this: Are moral rules sufficient, or are administrative laws also necessary? Are we in need of an external executive guarantor, i.e. the state or not? Could one rely only on the same moral admonitions? In reply to those who say that government is unnecessary, and people can be trained by means of moral instructions, we must admit that it is very idealistic a demand. The historical experience of mankind has proved that no society attains its goal only through moral admonitions and that systems only work by adhering to the laws administered by the state or government.

## **Divine and atheistic cultures and their different perspectives on law**

After acknowledging the fact that law has the right to limit freedom that can harm others, this question is raised: Does the legislator limit the freedom of man only if it harms the material interests of others and causes material loss to him; or, in lawmaking the religious, spiritual and otherworldly interests of human beings have to be taken into account as well? The bone of contention lies on this discussion.

We can classify cultures into two: One is the divine culture, an example of which is Islamic culture, which is the focus of our attention. We believe that divine culture is not peculiar to the religion of Islam. It includes other heavenly religions as well, though there have been distortions and deviations therein. Another culture is the “atheistic or non-divine culture,” the symbol of which is the Western world.

It must be kept in mind that what we mean is not the geographical west; rather, what we mean is what we called Western culture, which is prevalent in Europe and America. The states in that part of the world are promoting this culture and spreading it to other countries. So, for clarity sake, let us present two classifications of culture. One is divine culture while the other is Western (atheistic) culture. These two cultures have some fundamental differences which we will now clarify.

## **Three pillars of Western culture**

It can be said that Western culture consists of three fundamental pillars. Its first pillar is “humanism”. That is to say, nothing else but a life full of comfort, happiness and ease is valid for man. The word “humanism” opposes inclination to God and religion. Its famous meaning is “anthropocentrism”. That is, man has to think of himself, his pleasure, enjoyment and comfort, there being a god or an angel is not his concern.

This trend is opposed to the one prevalent during the Middle Ages in Europe, and before that in Eastern countries where the main attention focused on God and divinities. The humanists say that they need to abandon extreme attention to celestial affairs for the sake of mundane affairs. They want to return to the core of humanity, and discuss nothing beyond man and nature, especially God. It is not necessary to deny them, but they need to have no business with them. The criterion should be man.

This principle is contrary to divine culture, which states that the pivot is Allah and that all our thoughts must revolve around the concept of God. We must seek our prosperity and perfection through proximity and union with Him, for He is the fountainhead of all beauty, felicity, nobility, and perfection. Hence, Allah is the axis. If we need to put an *ism* with it, we will call it “Allah-ism”. That is, attention to Allah in opposition to attention to man. This is the first basic point of departure and clash between divine culture and Western atheistic culture. (Of course, there is also an exception in the West as there are also divine and spiritual trends there. I mean the dominant trend, which today is called Western culture.)

The second pillar of Western culture is “secularism”. After the Westerners made man their focus, any person who wanted a religious inclination was like someone who wanted to be a poet or painter, and as such, he would not be confronted. Just as some accept a particular school of painting and sculpture, some want to be Muslims or Christians, and they are free to go along their way, for what man wants must be respected. Choosing a religion is like choosing a kind of literature, poem or art, and individual choice must be respected.

But these individuals must be aware that religion has no relation whatsoever with the basic issues of life

and must not pose any obstacle to them. Just as poems and literature have their own particular status, religion also has its own. It will be respected, but this show of respect does not mean that religion becomes the nexus of politics, economics and international issues. So, religion is a marginal issue. If those who want to worship God go to the house of worship like a poet who recites a poem and supplicates to his God, it is no one's business.

The secularists are concerned with which law should rule over society; what kind of an economic and political system should be instituted. Religion should not be allowed to interfere in this domain. The locus of religion is the mosque, church and idol-temple. The serious issues of life are related to science, and religion must not play any role in the basic issues of life.

This trend and mindset in general is called secularism. That is, the segregation of religion and the issues of life, and so to speak, "thinking of this world" instead of "thinking of heaven," which is inculcated in religion. Statements such as celestial angels descending on the Prophet (s) or, in the hereafter man will be admitted to the kingdom of heaven and the like, must be dismissed. As earthlings one must talk about food, clothing, art, dance, music, and similar things that are beneficial to life and have no relation with the domain of religion. Since, fundamental issues of man life, particularly economy, politics and law are related to the science and religion should not interfere in them. This is the second pillar of Western culture.

The third pillar is "liberalism". That is, nobility depends on man. Man must be totally free. There must be no restrictions and limitations on the life of man, unless they are necessary. One must try to minimize the limitations as much as possible, and reduce the values. It is true that each person and each society has his or its own set of values, but they must not be treated as absolute. Everyone is free to be faithful to a set of individual and collective ceremonies and customs, but he must not allow a certain manner to be regarded as a social value and let it interfere in politics, economy and law.

Man is free to conduct any transaction he wants and to produce anything he wants. He can use any kind of labor in any manner, and he must be as free as possible in economic affairs. There must be no restriction in choosing profitable transactions whether it involves usury or not. The worker must be given as much work as possible, and the length of time of his work must not be fixed so that the capitalist can earn more profit and income.

Concerning the labor wage, they say that the lower the level, the better. Fairness, compassion and justice are essentially discordant with liberalism. The liberal man must think of advancing his economic interests. Of course, expediencies demand that sometimes law must be observed so as to avoid chaos and disorder. But the crux of the matter is that man must behave the way he likes. He is also free to choose his mode of dress, and, should he wish, go nude, as there is no problem with that. No one should restrain him.

Of course, sometimes particular social conditions impose restraint on individuals, such that if they want

to be totally nude, the people revile and vilify them. This is a different story, otherwise no law is supposed to impose a limit on man on how he dresses, whether his attire is short or long, limited or not, and stripped or not. Based on liberalism, man must be free, and the relationship between man and woman must also be as free as possible.

Freedom must be checked to some extent only, in case extreme conditions that lead to chaos emerge in society. This is the ultimate point of freedom. Unless it reaches that limit, man and woman are free to have any kind of relationship whenever and however they please. The same applies to political issues. The principle is that no condition or circumstance must limit man, unless it is necessary. These three pillars of humanism, secularism and liberalism constitute the triple edifice of Western culture, which play a vital role in their lawmaking.

## **Fundamental conflict between Western and Islamic culture**

The first conflict between Western culture and Islamic culture is humanism, opposing the supremacy of God. The humanists do not believe in divine legislation, just as the Muslims believe in God. They only think of their economic interests, welfare, comfort, and pleasures. Among Western schools there are further disputes on whether pleasures and interests are individualistic or collective. However, all these schools have one thing in common, which is, reducing conditions and limitations.

In opposition to this atheistic thinking is the mindset of the divine school and Islamic culture, which states: Nobility does not depend on man; rather, God is supreme. It is He Who is the genesis of all values, beauty, felicity, and perfection. He is Absolute Truth. He has the greatest right on human beings, and we have to behave in such a way that we establish a link with Him. God cannot be set aside in life, or else man will forfeit his humanness. The essence of humanness lies on worship of God. Man is innately inclined toward Allah. Once we overlook this inclination, we remove man from his humanness. The main focus in the ideas, thoughts and values is only God, whose opposite is anthropocentrism.

The second conflict is secularism, opposing the supremacy of religion. The most important issue for a faithful person is the choice of religion. Prior to thinking about his daily bread, he has to investigate whether the religion he is professing is the truth or not, whether his religion is authentic or not. Is belief in One God correct or not? Is it better to remember God or to deny Him? Which is correct, belief in One God, the Trinity or many deities?

Thus, on the very day that man reaches the age of responsibility, he has to determine whether or not he believes in God, the revelation and the Day of Resurrection. Is the Qur'an the true word of God or not? Prior to choosing occupation, spouse and field of study, he has to choose his religion because religion is related to all aspects of life. Thus, the second pillar of divine culture is religion-centeredness, which opposes secularism because it marginalizes religion, and does not allow it to interfere in the main issues of life, nor consider it as essentially encompassing all facets of life.

Islam states that no subject is outside the ambit of religious values, the lawful and unlawful. Religion determines the lawfulness or unlawfulness of every thing. This is the opposite of secularism.

The third conflict is on liberalism; that is, the supremacy of freedom, capriciousness and a lack of restrictions. Liberalism means the preeminence of desire; if we translate it into Persian we say, *isalat-e delkhah* [the primacy of desire]. Opposing liberalism is the supremacy of rightfulness and justice.

Liberalism states that you have to act as you like, while the divine culture states that you have to act within the periphery of rightfulness and justice. One must not take a step beyond the sphere of rightfulness and act against justice; of course, the two (rightfulness and justice) are interrelated, for if we take rightfulness in its general sense, justice will also be included:

الْعَدَالَةُ إِعْطَاءُ كُلِّ ذِي حَقٍّ حَقَّهُ.

*“Justice means to give to all the rightful owners (claimants) their rights.”*

Hence, the concept of rightfulness is blended in the concept of justice, but to avoid misunderstanding, we mention the two concepts together.

Liberalism upholds the primacy of desire and its opposite is religion that advocates the supremacy of truth and justice. In other words, religion says that truth and falsehood exist and we have to identify which is truth and which is falsehood; which is justice and which injustice. Even though I want to commit injustice against others, I am not supposed to do so to anyone. The expediency of liberalism is that we respect truth and justice so long as going against them leads to a crisis; otherwise, everyone can do as he likes.

They say that compassion and fairness are concepts humanity has evolved while in a state of weakness. If you have the ability, you can do whatever you want to do unless you feel that this freedom (of action) will cause a social crisis and since its dire consequences will also affect you, it (freedom) must be restrained. Thus, the third principle in Islamic culture is the supremacy of truth and justice whose opposite is the primacy of desire.

Apart from these three pillars, there are also other elements in Western culture which lack either universality or authenticity. One of the most important of these elements is “moral positivism” which means that moral values are dependent on the desire and taste of people and have no innate reality. If today they accepted, approved and are pleased with a thing, it becomes a value. But if tomorrow they no longer want it and reject it, it will become a non-value. I have said many times that the members of our society, given their mental purity, cannot comprehend how polluted Western culture is.

For instance, in a society in which, not too long ago, it was one of the filthiest practices, today, homosexuality has become a moral value regarding which an attractive philosophy and tons of literature

are presented, official associations are formed in which prominent figures of the country, such as ministers and lawyers are members! The demonstration in support of it is more crowded than any political demonstration. Why? It is because the preferences of people have changed. Before their preference was to live with individuals of their opposite sex but now their preference has changed and they want to live with individuals of the same sex. Marriage between two men or two women is officially registered in the mayor's office!

This mindset is called "moral positivism" which maintains that moral values have no rational reality and are dependent on the demand, preference and choice of the people. The criterion is the people's vote. Whatever the people say today is good becomes good, and tomorrow if they say it is bad, it will become bad. Apart from the desires of people, there is nothing real which serves as the criterion of values. This is only one of the many diseases infecting their society thanks to, the influence of these three main pillars, i.e. humanism, secularism and liberalism on their lawmaking process.

## **Difference in approach between Islam and the West on determining scope of freedom**

As stated earlier all rational people of the world reject absolute freedom. We do not know any rational person who says that anyone can do whatever he wants at any time. On negating the absoluteness and limitlessness of freedom, the question is: What is the extent of freedom? The common answer is that the extent of freedom is determined by law. Then, it is asked: To what extent can law restrain freedom? In previous discussions we stated that some say that there is a set of liberties which cannot be restricted by any law because they are above both religion and law.

In previous sessions I explained that the essence of law is to limit freedom and the legislator can put a restraint to some extent on the freedom of individuals. Basically, this is the meaning of law. The bone of contention is the extent of law to promote or restrain freedom? Based on Western culture, freedom can be limited whenever it threatens the material interests of human beings. If freedom threatens the life, health and property of human beings, the law will restrain it. Therefore, if the law says that maintaining health is necessary and that potable water must not be poisoned as it would endanger the lives of people, this imposition of limits on freedom is acceptable in order to maintain the safety of individuals.

Undoubtedly, this law is acceptable for all. Nevertheless, in case an act threatens the chastity, eternal bliss and spiritual values of people and pollutes the human soul, should the law hinder it or not? It is here that the dispute between the divine and Western cultures arises:

From the divine perspective, man is moving toward divine and eternal perfection and the law is supposed to pave the way for this evolution, by removing all obstacles along the way. (At this juncture, the laws we are referring to are legal and administrative laws, not moral laws, whose guarantor is the government and what is related to the individual, i.e. moral issues, are not the subject matter.)



In answer to the question whether law should prevent anything that jeopardizes the eternal life of human beings, divine culture states that it should, but Western atheistic culture replies in the negative. If we are truly Muslims, and do acknowledge God, the Qur'an, Islam, Hadrat Muhammad (s), Hadrat 'Ali ('a), and the Imam of the Time (may Allah, the Exalted, expedite his glorious advent), we would hold the spiritual, eternal and otherworldly values in high esteem.

Our lawmakers have to protect the spiritual and divine interests, while the Islamic government has to prevent that which is harmful for the spiritual health of human beings, otherwise we will be following Western culture. The law should not only facilitate the spiritual wellbeing but the bodily health, subsistence and material welfare of human beings, prevent anything that creates disorder and crisis in society, and, check any action that threatens the economic interests and security of the people. We have two options before us: We have to accept either Islamic law or Western law. Of course, in these two options there are intermixtures and intersections as stated earlier. The Commander of the Faithful ('a) says:

يُؤْخَذُ مِنْ هَذَا ضِغْتٌ وَ مِنْ هَذَا ضِغْتٌ فَيُمَزْجَانِ

*“Something is taken from here and something from there and the two are mixed!”<sup>1</sup>*

Taking something from Islamic culture and something from Western culture constitutes the asymmetrical combination. Certainly, Islam does not accept such an approach, and in reproaching it the Qur'an states:

﴿إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَنْ يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُلِهِ وَيَقُولُونَ  
نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا \* أُولَٰئِكَ هُمُ  
الْكَافِرُونَ حَقًّا...﴾

***“Those who disbelieve in Allah and His apostles and seek to separate Allah from His apostles, and say, ‘We believe in some and disbelieve in some’ and seek to take a way in between—it is they who are truly faithless.”<sup>2</sup>***

Today also, there are those who want to mix some elements of Islam with some elements of Western culture, and present it to society as “modern Islam”. These individuals do not believe in Islam. He who believes in Islam, knows that Islam is a totality whose demands he must necessarily accept. I cannot claim that I do accept Islam, but I do not accept some of its demands. Therefore, our affair in legislation and in setting limits on freedom is situated between the two, one of which we have to choose.

We have to regard either the material and worldly threats, or both the material and spiritual threats as

the criterion in setting limits to freedom. If we accepted the first we would accept atheistic Western culture, but if we accepted the second, would we accept the divine Islamic culture. The farther we are from the first, the nearer we come to Islam.

When only the material interests are considered, a small circle of limitations is set around the freedom of man; however, when we add the spiritual values, another circle is added to the first circle, and two circles emerge. As a result, the circle of limitations becomes wider than the circle of freedom. We cannot be like the Westerners who are unrestrained and unfettered. We have to observe the set of other values related to the spirit, true humanity and eternal life of man. But Western culture says that these values are not related to social laws.

Government and state laws revolve only around the axis of material affairs of society and their opposite are related to ethics, which have nothing to do with the state. Once it is said that the sanctity of religion is in danger the government official says, "It does not concern me; my duty is to protect the material interests of people. Religion is related to the seminaries and the *akhunds*;<sup>3</sup> they themselves have to go to protect it (religious sanctity). The government has nothing to do with these issues." But if the government is an Islamic one, it says: "Religion first, then the world".

Therefore, we need to be very careful while dealing with these two cultures. We should know that whenever we go against religious values and feel internal weakness, the reason is that we have moved closer to the atheistic culture and forgotten the truth of Islam. This Revolution was not only for fulfilling material values, but, essentially, it was for reviving Islam. All these martyrs who offered their lives and blood were meant to keep Islam alive and not merely guarantee material welfare and sociopolitical development.

These martyrs gave their lives for the advancement of the Islamic culture. Islam and Islamic values must be at the top of the agenda of the Islamic state. If some individuals incorrectly interpret certain words and quote them out of context, and distort the truth for various motives, we have no business with them. We want the dear Muslims to be aware of the scope of religion, the importance of religious values, and the sacrifices needed in preserving them. Our people are aware of the issues but the duty of a religious scholar is that whenever he feels that a spiritual ailment wants to permeate society, he has to set the alarm signal to warn his fellowmen.

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1. Nahj al-Balaghah, Sermon 51, <http://www.al-islam.org/nahjul> [1].

2. Surah an-Nisa' 4: 150-151.

3. Akhund: a word of uncertain etymology that originally denoted a scholar of unusual attainment, but was later applied to lesser-ranking scholars, and then acquired a pejorative connotation, particularly in secularist usage.

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