

PROTECTING OPINION FREEDOM AND ITS EXPRESSION IN THE ISLAMIC GOVERNMENT WITH PREVENTIVE MEASURES

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The purpose of the current research is to examine the preventive strategies of the Islamic government in protecting opinion freedom and its expression based on Islamic teachings. The method is descriptive and analytical and its results show that Islam has special measures to prevent situations in line with the protection of freedom of opinion and expression. Situational prevention is one of the common and classic forms of crime prevention that has existed in human societies for a long time and it includes measures that emphasize the root causes of crime to influence the environment and to make the environmental conditions around people healthy, and some, based on Islamic teachings, have interpreted it as *Daf' al Munkar* (repelling evil) and *Sadd Zarayi'* (blocking means of committing a prohibited conduct) and they try to reduce the activity of possible criminals with development programs and policies in various ways in order to protect the freedom of opinion and expression. According to Islamic teachings, measures such as banning the publication of false books and its waste, establishing scientific centers and theorizing chairs, forming religious and political parties and the *Hisbah* institution are proposed in this field in order to reduce possible crimes, which the Islamic government should consider. It is obvious that coercive and criminal measures to protect the freedom of opinion and expression should be used after these measures. Talking about preventive measures does not mean removing criminal measures. Punitive and coercive measures should be taken into consideration as the last solution considered by the Islamic government to protect the freedom of opinion and its expression.

Keywords: *free thought, repelling evil, prohibition, situational prevention, expression of opinion*

1. Introduction

One of the types of freedom emphasized in human societies and in Islamic civilization, and human rights institutions have also considered it for nations, is freedom of opinion and freedom of expression of opinion. Legal systems are trying to protect this vital and human freedom with prevention and criminal policies. One of the components of today's progressive, modern and advanced societies is the amount of giving value and significance to this important issue. The basic question is what measures and policies do Islam and the Islamic government use to protect this freedom? Islam's approach in criminal policy is based on prevention, and the implementation of criminal policies such as criminalization and accountability is based on necessity, expediency and justice and through legal and Sharia channels. Situational prevention is one of the common and classic forms of crime prevention that has existed in human societies for a long time. Situational prevention in the protection of the freedom of opinion and its expression includes measures that are formed to influence the environment and to make the environmental conditions around a person healthy in line with this freedom. As the most complete religion, Islam has defined the basic lines for mankind. In addition to paying attention to social prevention, with detailed and deep recommendations, Islam has also narrated another type of prevention, which is known as situational or environmental prevention, which some persons have interpreted as repelling evil deed (Mirkhalili 2011: 65) and some others have interpreted it as *Sadd Zarayi'* (banning evil means) (Haji Dehabadi 2017: 181). It is obvious that talking about preventive measures does not mean the omission of criminal measures, and for those who have passed the preventive measures and commit crimes in the field of freedom of opinion and expression, criminal measures are emphasized as the last resort. In this research, the preventive measures of the Islamic government based on Islamic teachings are examined in order to protect the freedom of opinion and its expression.

2. Basic Concepts

Regarding the fact that the explanation of concepts is very important to explain the issues and prevent misconceptions, in this section we will define the fundamental concepts of this article.

2. 1. Freedom of Opinion

Idiomatic opinions are those opinions that originate from freedom of thought, not from imitation and blind obedience. The source of some beliefs is

thought, and many others are the result of a correlation and spiritual and emotional coagulations that cannot have an intellectual basis. Freedom of opinion means removing obstacles to the activity of an active and progressive force. The freedom of opinion that results from imitation and obedience to the environment, not free thinking, is not freedom of opinion. A genuine belief has rational and reasonable bases and foundations, and it is not baseless and cannot be accepted by arousing feelings and emotions.

2. 2. *Protection*

The meaning of *Siyanat* (protection) in the word is to preserve and to keep (Ibn Manzur 1987: XIII/250) and it has also been interpreted to mean abstinence (Amid 1984) and self-restraint (Dehkhoda 1986) and guarding. The words *Savn* and *Siyanat* mean keeping and protecting something from what corrupts it (Farahidi 1989: VII/157) or preserving something from what makes it incomplete (Fayumi, n. d.: II/352). In the statements and phrases of jurists and writers, the word *Hifazat* (preservation) and the word *Siyanat* (protection) are used together and in the same meaning. It seems that the word *Hifazat* can be used as appropriate for material and even non-material objects and places, but the use of the word *Siyanat* will be more appropriate only in matters of value and spirituality. In the term, protection can be defined as a set of actions that aim to preserve human values by strengthening the element of internal and external deterrence through the promotion of culture and education and awareness of the society and environmental foundation.

2. 3. *Situational Prevention*

Situational prevention in protecting the opinion freedom and its expression includes measures that are formed to influence the environment and to make the environmental conditions around a person healthy in line with this freedom. Islamic teachings have given detailed and deep recommendations to situational or environmental prevention regarding the protection of freedom of opinion and its expression, which some have interpreted as repelling evil (Mirkhalili 2019: 65) and some have interpreted them as the banning means of evil (Haji Dehabadi 2017: 181). As can be found in the interpretations of jurists, repelling evil is to disable the perpetrator from committing a criminal act; whether by his free will or by coercion, he gives up the criminal act (Khuyi, n. d.: I/181). *Sadd Zarayi'* (banning means) also means the means and method of preventing anything that leads to a forbidden and criminal act (Mirkhalili 2011). In any way, jurists have pointed out its necessity and have stated that it is obligatory to prevent evil and the origin of corruption. In other

words, repelling evil is as obligatory as removing it (Musawi al-Khomeini 2000: V/215).

3. Foundations and Principles of Situational Prevention in the Protection of Freedom of Opinion and its Expression

Situational prevention in the protection of freedom of opinion and expression means the foundations on which the situational prevention measures are based in such a way that if there is a disturbance in it, it will cause instability and anxiety in it. This type of prevention in all crimes, especially in the field of possible crimes, in order to protect the freedom of opinion and its expression, has foundations and principles; part of which refers to the offender, part of which refers to the victim, and some refer to the situation of committing crimes in this field. In this topic, we will discuss its foundations and principles in protecting the freedom of opinion and expression.

3. 1. Reduction of Benefits and Lack of Opportunity

If people's calculations are that by using insults and defamation and violence, inquisition, disbelief, atheism and apostasy, they will benefit from such actions, they take such actions. Therefore, if the benefits of such crimes and deviations decrease, people will refrain from committing crimes. Some people are of the opinion that a crime does not occur with the mere existence of a criminal and a victim, but the opportunities and situations are what provides the commission of a crime. Therefore, not giving opportunities and creating danger for potential criminals will reduce crimes. By this reason, it seems that one of the principles of situational prevention in this field is not giving opportunities and not creating situations for committing crimes in this field.

3. 2. Warning

As stated, one of the foundations of situational prevention is increasing the risk of committing a crime, from the point of view of a potential criminal, so that as a result of a rational calculation, he will desist from committing a crime. The risk of a potential criminal raises if he learns about the preventive measures taken for the risk, effort and difficulty of committing a crime. Undoubtedly, one of the most important and practical principles in situational prevention is the principle of warning. In Islamic teachings and based on the words of jurists, in addition to the statement in the rulings, it is also mentioned that the statement should reach the audience and the audience should be aware of it. Based on this condition, the effectiveness of the preventive measure is

ensured, and from the legal point of view, the lack of responsibility to warn is also justified. Based on this condition, the effectiveness of the preventive action is ensured, and from the legal point of view, the lack of warning responsibility can also be justified. The use of situational measures for prevention requires notification, and lack of notification increases the probability of crime and may cause material and moral damage to the offender. While the purpose of situational prevention in all crimes, and especially in crimes in the area of freedom of opinion and expressing it, was never to harm the criminal or to make a pitfall for him, but the goal was simply to stop him from continuing the path of committing a crime and to reform him as a result of protecting freedom of opinion. From Islamic teachings, this rule can also be inferred, such as the rule of caution, which is based on the famous saying “the one who warns is excused” (Tabatabai 2008: XXXI/488; Kuleyni 2008: XIV/331; Ibn Barraj, n. d.: II/515). Ibrahim Nakhai is quoted as saying: “Umar forbade men to circumambulate with women”. And after announcing this order, he saw a man praying among women and punished him with a whip. The man protested and said that “if this act of mine was worship and good, you would have allowed me to be oppressed, and if it was a sin and bad, you would not have informed me before”. Umar asked: “Have you not heard my announcement about the prohibition of this work?” He said: “No”. So, Umar threw his whip at him and said: “Retaliate”. The man said: “I will not take revenge”. Omar said: “So forgive me”. He said: “I do not forgive, and thus they separated” (Khuyi, n. d.: XXX/80). In addition to this narration, informing and being aware and not being responsible in case of damages caused to the criminal is also compatible with the rational basis because the intellectuals of the world do not recognize a warner who warns the opposite party who is at risk of harm from his side as a guarantor. This rule has countless examples with its very sensitive and preventive function so that it is applicable in any situation, time and place where there is a possibility of harm and danger and threat to the health of human life or property and it can even be effective in protecting the freedom of opinion and expression, which will be mentioned later.

3. 3. Fairness and Justice and Respecting Human Rights Standards

Another principle of the situational preventive measures in all crimes, especially in the field of protection of freedom of opinion and expression of opinion, is the rules related to the observance of fairness and justice and the necessity of observing human rights standards in general. Protecting freedom of opinion and expressing it is in line with a natural right, but this does not mean that other rights, justice and fairness are violated. The more the relationships between people are formed on the basis of justice and fairness, the less

they resort to violence to get what they think they deserve. Therefore, although one of the best methods of prevention is situational measures, compliance with human rights standards makes it more reasonable and fair. Therefore, if the situational measures regarding the protection of freedom of opinion and its expression arouse the feeling of injustice or against human rights, it will have little or the opposite effect because this type of actions may cause insecurity and incite people to riot. In addition, unfair behavior will also lead to moral blame of others. Prevention policies must follow some legal restrictions. In fact, the goal of state prevention cannot be achieved at any cost. To reach that goal, you should not do any means and any action because even if the goal is just, it does not justify any means. Some rights, which are an integral part of the right to life and human dignity and provide the basis for the enjoyment of other rights, cannot be violated under any circumstances (Article 1 of the International Covenant on Civil and Political Rights), such as the right not to be persecuted or subjected to cruel or inhumane treatment. Therefore, according to the necessity of observing the standards of human rights, the measures regarding the situational prevention, whether by the government or by ordinary people, should be realized in such a way that fairness and justice and the standards of human rights (the most important of which is the right to life, which is one of the inalienable rights) must be observed. Also, the right to security in a person's life, which may be violated in situational measures, must be respected because everyone has the right to feel safe in his personal life and should not feel insecure about his reputation and personal secrets such as correspondence, phone conversations and the like. Spying on people is explicitly prohibited in the Holy Quran (Hujurat: 12). It is clear that our discussion is about situational prevention, otherwise punishment is out of our discussion.

4. Strategies and Examples of Situational Prevention in the Protection of Freedom of Opinion and its Expression

In Islamic authentic narrations, many examples can be presented for the prevention of crimes in the field of freedom of opinion and expression of opinion, and these strategies will be effective in preventing crime. These solutions, as they are effective in victimization, will also be effective in delinquency. In fact, this type of actions destroys the opportunities to commit crimes and be victimized, for example, the government's action to prohibit and imprison immoral scholars, which is included in a narration of Imam Ali who says: "It is obligatory on the imam to imprison wicked scholars..." (Saduq 1992: III/31), or disciplining and punishing someone who annoys people with his words which has been related to in a narration among the judgments of Amir al-Muminin: "A man said to His Holiness that this man had a dream that he

slept with my mother. He said that a dream is like a shadow. If you want, I will whip his shadow, but I will punish him so that he does not disturb the Muslims” (Saduq 1992: IV/72). It can be mentioned as one of the situational prevention measures that prevent crime and victimization of members of the society in this way, and we will mention some of these strategies below.

4. 1. Prohibiting Publication and Destroying Stray Books

Based on Islamic teachings, one of the prevention measures, which can be considered as one of the examples and strategies of situational prevention, is ban on the publication and also the destruction of stray books in the Islamic society. Stray books or books of misguidance, in its common sense, are said to be writings that lead readers astray. However, in jurisprudence books, different definitions of them have been proposed: some jurists have chosen the same conventional meaning for them (Sobhani 1995: 443). Some have said that they are books that are written with the motive of going astray (Rouhani 1991: 343) and according to some others’ opinion, misguiding books are books that were written with the motive of going astray and causing astray (Khuyi, n. d.: 401). The meaning of misguiding books is a written book that causes misguidance, disbelief and polytheism of all people or most of them, or promotes corruption and sin among them and therefore, it does not include a writing that does not lead astray to the majority of people. The evidences of the sanctity of publishing misguiding books and its elimination in general can be deduced from verses, narrations and reason. Although some of the reasons are questionable and problematic, there is no doubt about the sanctity of compiling, publishing, and buying and selling stray books and it is possible to refer to Quranic verses such as Luqman: 36, Ma’idah: 2, Hajj: 30 and the following narrations; as narrated by Abdul Malik who says: “I said to Imam Sadiq: ‘I am addicted to looking at the stars’. Imam said: ‘Do you judge?’ I said: ‘Yes’. He said: ‘Burn your books’”. And the narration of Abu Ubaydah Al-Hazza, who has quoted from Imam Sadiq: “Whoever teaches a chapter of error, it is the same as the sin of the person who acts on it” (Naraqhi 1994: II/346); and using the priority that is understood from the traditions that indicate the sanctity of keeping idols, when it is forbidden to keep and promote idols and idol houses, compiling and publishing a written document that promotes and strengthens idol worship and the like is forbidden in more priority (Najafi, n.d.: XXII/56). In the statements of jurists, it has been mentioned that the intellect perceives the ugliness of corruption and its spread and the virtue of eliminating it (Khuyi, n. d.: I/85). Also, the goodness of rejecting evil has been considered in the statements of Islamic thinkers, and although there are differences in whether the obligation to reject evil is rational or Sharia, most

jurists consider it as obligatory. Some people, like Imam Khomeini, do not distinguish between removal and prevention, because he says: "According to reason, sin must be prevented from happening, whether that sin is being committed (repelling) or whether we know that the person intends to commit it and the sin is about to be committed (removing). What has been prohibited by law is the nature of sin, not its external existence" (Musawi al-Khomeini 2000: I/205–206). Therefore, if a person has false beliefs that we know will lead others astray and intends to express them, or those thoughts and opinions in a group that we are sure will lead them astray, he is in the process of expressing them, according to Imam Khomeini's opinion from prohibition of evil will be obligatory. Therefore, if we know that a person intends to express false beliefs that cause others to go astray, or is in the process of expressing those thoughts and opinions in a group that we are sure will lead them astray, then according to Imam Khomeini's opinion, his prohibition will be obligatory due to the prohibition of evil. Also, the obscenity of contributing to the crime is also stated in the discussion of the introduction of haram in the words of the jurists, and although they do not consider the connection between the sanctity of the work and its preliminaries, but in the discussion of contributing to the crime, they consider it rational. Imam Khomeini says: "We have denied the connection between the action of work and the sanctity of its preliminaries in the discussion of the introduction of haram but in the discussion of aid, we accept that common sense considers it abhorrent to aid sin and crime. Reason understands that although the prelude to a crime is not a crime or haram, but helping it itself is a crime and abomination" (Ibid.: 194–196). In this regard, some jurists, while considering the obscenity of donation, have expressed its conditions with other interpretations (Ibid.: 206–215). It seems that since the mentioned narrations are vague and abstract in terms of meaning, and the first two narrations are personal cases and related to a specific event, it is not possible to issue a general verdict. However, it is possible to infer the sanctity of expressing false and misleading opinions, which actually lead to misguidance, from these narrations and rational reasons, but as it was mentioned earlier that the government should criminalize some cases of expressing opinions in order to prevent possible errors, it cannot be used. However, it is possible to use the stated arguments and other narrations in general that it is necessary for the government to somehow prevent social corruption caused by the expression of opinions and ideas and to take action to wasting and destroying misguided books and anything that causes misguidance. In fact, it should be paid attention to as a situational prevention strategy and as an example of the concept of priority in the words of Amir al-Muminin Ali who said: "O people, I have a right over you and you have a right over me. It is your right to advise you, to teach you so that you do not remain ignorant, and to teach you manners so that

you know” (Sayid Razi 2000: sermon 34), used that the Islamic government is responsible for misleading books and everything that causes people to go astray because when it is the right of the people to increase the people’s property and capital, as well as to educate and raise their level of religious awareness, it is the right of the people to preserve religious beliefs, morals, and public chastity from deviation and corruption in the first way that the imam must deal with them, and it is assumed that misguiding books threaten and weaken the religious beliefs and good morals and general or majority chastity of the people. The problem that comes to mind is that in the past there was no printing and publishing industry and the government’s action was to waste and destroy it, but today there is a printing industry and in addition to books, the radio and television industry, satellite and internet and there are different software and it is not possible to waste like in the past. So what is the duty and action of the government and sovereignty?

We can answer with two possibilities in this regard: firstly, the fall of the obligation to waste and destruction of misguiding books due to the lack of power to do it. Therefore, lack of duty is not correct. Secondly, the necessary and logical answers to the doubts, books, and false beliefs should be prepared and refuted by wise Islamic scholars and thinkers, and they should be widely published, which would be a waste of those materials and there is no longer an obligation to destroy them, such as the false content that certain books such as *Shafi* and *Kashshaf al-Haq* have narrated and then violated and rejected. In addition to the fact that it is not necessary to destroy such books, there is no problem in buying and selling them (Najafi, n. d.: XXII/59). Of course, this matter does not contradict wasting stray books as much as possible and preventing their publication.

4. 2. *Creating Scientific Centers and Theorizing Chairs*

One of the actions that can be considered in the field of preventive measures is the existence of places and scientific spaces and centers full of valuable scientific works and a place to exchange opinions and ideas. Knowledge is a burning torch that removes people’s ignorance and illusions and false ideas on their minds and reveals the truth and it gives a person a clear eye and a sharp intelligence so that he can see and understand the hindering veils in its light and analyze the issues around him. In the narrations of Ahl al-Bayt, there is a lot of emphasis on acquiring knowledge, and it can be understood that knowledge can be a barrier against deviations and crookedness when the Imam says: “Knowledge is the destroyer of ignorance” (Tamimi Amadi 1987: 56); and “since knowledge is the root of all good things and ignorance is the root of all evils” (Ibid.: 48). It is the knowledge that keeps him away from the

filth, as the rough sea and, even from some narrations, it is possible to infer the establishment of scientific centers to cleanse the inner self and stay away from the filth. When Imam said: “Associate with scholars so that your knowledge increases, your manners are good and your soul becomes pure” (Ibid.: 341), it shows that there should be centers where some people are engaged in scientific and religious discussions and studies and people should be guided to them. When thoughts and ideas are irrigated from the center and the main source of knowledge, and when there is a conflict of opinions, and when it frees itself from the fences and constraints, it will freely guide itself towards the light (Safa-Taj 2013: 46–70). It is obvious that we do not merely mean to create a scientific environment, but public information sources should also act in this direction and the information centers should not be limited and the mass media broadcast all the news and reports needed by the people. Chairs of theorizing should be formed in scientific centers and the conflict of opinions should be realized in a real way. In the past, governments were against knowledge, because knowledge is the companion of awareness, and when someone acquires knowledge, he can easily gain knowledge of other information, and the consequence of that was the disruption of the government. But today, knowledge does not go hand-in-hand with political and social awareness, and it is not only harmful for governments, but also useful, because when people have up-to-date knowledge and can express their opinions and opinions from a place far from propaganda and indoctrination or listen to different opinions, deviations and bad propaganda will not penetrate into their minds and will not have an effect on their thinking, and the assumption of influence will not be deep and profound because of the knowledge they have. If people observe scientific work of their own thinkers and experts and read intellectual emanations of other scholars of science and religion, valuable facts and sciences and great scientific materials and intellectual emanations that have been written or listen to them, the ground for presenting new scientific opinions and works is created and intellectual and ideological deviations are avoided.

For this reason, creating free educational and research centers, providing knowledge resources and informing them, and creating theorizing chairs is one of the effective measures to the situational prevention. With this strong arm, people do not fall into mental and ideological deviations and even crimes related to freedom of expression. Free-thinking chairs have many effects and benefits, including creating a flow of intellectual fluid¹, expanding the production of

1 “These free-thinking chairs that we presented and proposed to be set up in universities and seminaries can start a very valuable flow of intellectual fluid in the society” (Information base of the Supreme Leader’s Office: March 21st 2010).

science and creativity¹, creating an environment for free expression², revealing the truth, and helping the country's progress³, keeping the social environment healthy from harm. Of course, it should be noted that free-thinking seats, while they can bring positive and valuable effects to the country, at the same time, they face harm and threats that need to be avoided. The space of free thinking should not become a space for destroying values, in other words, the way of free thinking, innovation and transformation should be left open, but it should be managed so as not to destroy the structure and foundation and disturb the foundations of national identity. This work requires proper management.

4. 3. *Formation of Religious and Political Hizb (Parties)*

Hizb (party) has been defined as established, regular and orderly groups that are created to fight for power and express the goals of various social forces and are themselves their means of action (Duverger 2012: 153). *Hizb* is an Islamic and Quranic word: God says about this: "Indeed, God's party is victorious" (Ma'idah: 62); "Indeed, the party of God is the blessed" (Mujadalah: 22). And in another verse, it refers to being a group and having an organization and says: "And there must be a group among you who invite people to goodness and enjoin what is good and forbid what is bad, and this group is truly saved" (Ali Imran: 104).

Ummah in the verse may be one of the most prominent examples of Islamic organizations, and it will be realized when people with correct thoughts and ideas and a comprehensive plan suitable for the conditions of time and place and in accordance with religion, reason and logic are aligned and gradually

1 "The only way to expand culture and produce science and thought in the country is to create an atmosphere of scientific criticism in the light of true free thinking in universities and seminaries" (Ibid.: His Holiness' statements in a meeting with the members of Ahl al-Qalam Association: January 28th 2003).

2 "The best way to create an environment for free expression is to speed up the establishment of free-thinking chairs in universities" (Ibid.: the meeting of the Supreme Leader with a group of professors and faculty members, elites, and presidents of universities and research centers: August 30th 2009).

3 "You should establish a political free-thinking chair, an epistemological free-thinking chair in this same Tehran University, in this same Sharif University, in this same Amir Kabir University. A few students should go, speak there, criticize each other's words, argue with each other. The truth will show itself there. The right does not appear when someone throws a criticism. In this way, the truth is not properly understood. Creating a chaotic mental atmosphere with rhetoric does not help the country's progress. You have the experience of your old father in this field. The one that helps the progress of the country is the real freedom of thoughts. It means to think freely, to speak freely, not to be afraid of controversy, not to look at the encouragement and incitement of this and that" (Ibid.: statements in a group meeting of the country's scientific elites: June 8th 2018).

grow. Parties, organizations, and communities, which actually originate from human sociability, bring together those who have common cultural, political, and economic opinions. The role of parties and communities, as mediators, is very productive in realizing the rights and interests of their members in different scenes of activity. This means that if individuals alone are not able to defend their interests against the loss of their natural and innate rights such as expression of opinions, without a doubt their collective movement has the power to obtain basic rights and freedoms including freedom of opinion and expression of opinion. Perhaps we can talk about peaceful gatherings and demonstrations under the title of party formation, because one of the effective measures in situational prevention is giving people the opportunity to express their opinions in a specific place and community. Gatherings and demonstrations are temporary gatherings of people who, in order to express their demands and protests or to defend their rights, by settling in specified places, exchange opinions and declare their position. Or, by appearing in public streets, they display their demands in front of people with the intention of attracting public opinion. Without an organization, this is not operational and actions must be taken under the parties, and perhaps on this basis, the legislator has referred to Article 27 of the Constitution in the law on the formation of parties. It seems that another effective measure, which is used both in the prevention of crime related to crimes in the field of freedom of opinion and the expression of opinion, and in the prevention of victimization in this area, is the creation and establishment of religious and political parties. As in social prevention, criticism and free thinking are defined and explained as a strategy in this field, group formations and organizations and factions of faithful, knowledgeable and righteous people and their solidarity and the preparing preliminaries and the providing necessary equipment in accordance with the conditions of time and place will be considered a situational prevention. According to the ruling of intellect, it is obligatory to prepare an obligatory introduction such as enjoying good and forbidding evil. If the officials and the people in the government are righteous, the pious, strong and interested parties will be an active force and accompany them. If they are incompetent, the parties will stand against their deviations and abuses and prohibit them from deviant and ideological actions. At the beginning of Islam, to a certain extent, Arabs' tribal organizations and solidarity were considered a form of factionalism. As we understand gathering and organizational working and not dividing from the will of Amir al-Mu'minin Ali, where he considers it as the criterion of victory and in reference to Muawiyah's forces he says: "I swear to God, I think the reason for this people's victory over you is the unity of their word over their falsehood and the division and division of your word on the truth" (Sayid Razi 2000: sermon 25). In fact, the cause and criterion of dominance and power is

community and solidarity. Therefore, if the people of the truth want to implement the truth in society, they must gather, otherwise victory and sovereignty will be void. In the Islamic government, the presence of non-Islamic parties with different approaches is not prohibited. It can be good and blessed for the Islamic system and what is dangerous is dark thinking. Of course, this depends on loyalty to the government. God says: “O people, we created you from male and female and made you into nations and tribes so that you may know each other...” (Hujurat: 13). Therefore, based on this noble verse, it is necessary to get to know and recognize nations, religions, and sects. One of the ways is the existence of parties.

4. 4. *Institution of Hisbah*

Another strategy in the situational prevention, in the field of crimes of freedom of opinion and expression is the *Hisbah* institution, which is one of the institutions included in Islam for the management of society; it seems to be most active in the situational prevention (Mirkhalili 2019: 297). *Hisbah* has been defined as objection to the work done by another (Jawhari 1989: I/110) and wage and reward. Ibn Athir, in *Nihayah*, about meaning of *Hisbah* says: “The effort to seek and acquire rewards through patience in the face of difficult tasks or by doing all kinds of good deeds and doing them in the way that is prescribed to get the reward for which it has been determined” (Ibn Athir, n. d.: I/382). Some people have called it an order to do good when good deeds have been forgotten and a prohibition of evil when bad deeds have spread in society (Qurashi, n. d.: VII/51). In explaining the function of this institution, one of the famous historians states: “*Hisbah* is a religious position like a judge, and the *Muhtasib* supervises the affairs of the evils and punishes them as much as necessary, and forces people to comply with public interests in the cities, such as preventing the passageway, preventing the porters and ship owners from carrying more than possible, destroying the loose walls, removing everything that may harm the passersby, from tampering and cheating in the measure and any kind of abuse, the waiters should cover the water container, the school teachers should avoid unauthorized punishment, monitoring the minting of coins so that they are not fake, and weigh the bread of the bakers so that it is not short etc.” (Al-Katani, n. d.: I/286). On its importance it has been said: “It is one of the most important and largest religious planning in order to include public and social benefits and important benefits. The caliphs themselves took charge of its affairs and, they did not entrust the duties of *Hisbah* to anyone” (Ibid.). Of course, there are narrations that the Prophet or Amir al-Mu’minin Ali entrusted this task to someone else. We refrain from expressing it in order to avoid lengthening the word. It seems that the most important function of

Hisbah was to control and monitor and prevent harmful actions and take care of the administrative and executive duties of the Islamic state and the smooth running of economic affairs in Islamic society, which has a kind of quasi-judicial authority (Hosseini 2013: 202). The duty of the *Muhtasib* is to propagate and spread the good and to remove the evils and bad deeds from the society, and the meaning of the good is everything that is acceptable from the point of view of the intellect or that is considered recommended by the Sharia and evil is also anything that is not acceptable by reason or Sharia. Looking at the narratives entered, it is clear that this administration has duties that can be considered as one of the strategies for the situational preventing, in crimes in the field of freedom of opinion and expression of opinion. For example, we can point out to the duties of *Muhtasib* in confronting heretics, preventing people from doubting and slandering, prohibiting the use of haram instruments or prohibiting illicit flirting in public, or preventing the harassment of the *dhimma*, or monitoring affairs of preachers or supervision of astrologers and letter writers, and witnesses and judges. The author of *Ma'alim al-Qurba* writes about the duty of a *Muhtasib*: "If some scholars and people associated with science express an opinion contrary to the text and by means of that they turn the unity of Muslims into division and disunity and reject the opinion of the scholars of their era, the *Mutasib* can refrain from expressing such an opinion and if he does not stop heresy and does not repent, the government can take any action it deems appropriate in order to preserve and protect the survival of the religion or he writes: 'If some commentators of the Holy Quran interpret the appearance of the Quran in such a way that it causes heresy, it is their duty to renounce these meanings'. Or 'If some hadith narrators alone narrate hadiths that have uneven themes and the Muslims refuse to accept them, the *Muhtasib* has the duty to prevent him from doing such a thing'. As it can be seen, all the mentioned cases in dealing with the heretic have the mode of repelling evil and not eliminating it, and therefore it belongs to the category of situational prevention. It is necessary to mention this point, as it was emphasized before, it is very difficult to distinguish right from wrong and false from right". Therefore, author of *Ma'alim al-Qurba* emphasizes that the *Muhtasib* must be able to distinguish right from wrong and not be ignorant of affairs. Another duty of the *Muhtasib*, which is related to the freedom of expression, is to supervise judges and witnesses, so that if the *Muhtasib* sees that the judge is angry with someone and curses him or harbors a grudge, he should stop him, advise him, and warn him of God, because talking delusions and arrogance is not suitable for anyone, especially a judge.

The National Institute of Human Rights in the Islamic Republic after the revolution and with the establishment of the Islamic Republic of Iran and with the title of the Human Rights Headquarters, emphasizing the sovereignty of

the nation and respect for the basic rights and freedoms of the people, and seeking to institutionalize the way people treat themselves and each other and also with the government in such a way that human dignity is always respected. And due to the international sensitivities towards human rights in Iran, one of its duties is to design, direct, follow up and monitor all matters related to human rights at the domestic and international level with the cooperation and coordination of the relevant institutions and the creation of coordination between all domestic institutions. It can be said that the National Institution of Human Rights Headquarters is one of the dozens of institutions and organizations that the duties of the *Hisbah* administration are divided between them. This institution is responsible for one of the duties of the *Muhtasib* regarding government officials and agents and monitoring the observance of people's rights, including freedom of opinion and expression of their opinions, as author of *Ma'alim al-Qurba* stated that one of the duties of the *Muhtasib* is monitoring the rulers and officials (Qurashi, n. d.: 216).

5. Conclusion

Islam has provided special measures for the situational prevention in order to protect the freedom of opinion and its expression and although situational prevention is one of the common and classic forms of crime prevention and has existed in human societies for a long time and includes measures that emphasize the root causes of crime with the aim of influencing the environment and making environmental conditions healthy, it can be seen and noticed in Islamic texts and based on Islamic teachings and it has been interpreted as repelling evil and blocking the means. One of the pillars of the situational prevention in Islamic government is the government's duties towards the society. One of the pillars of state prevention in Islamic government is the government's duties towards the society and creating the necessary environment for the protection of legitimate freedoms, including the freedom of opinion and expression of opinion. Islamic measures, such as banning the publication and wasting of false books, the forming religious and political parties, establishing scientific centers and theorizing chairs, the revival of the institution of *Hisbah* and emphasizing it more than before, has been set forth in order to reduce possible delinquency in this area. The mentioned cases should be considered by the Islamic government before taking coercive and criminal actions, and in order to protect the freedom of opinion and expression, these measures should be used and implemented in the society. It is obvious that talking about preventive measures does not mean removing coercive and criminal measures and there can be no doubt in the implementation of punishment, as a last resort, to those who ignore preventive measures and follow their deviant path.

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