



The Nature, Rationale, and Mechanisms of the Legal Model of Progress

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Abstract

The present study, employing an analytical–descriptive–critical approach, examines the nature, rationale, and mechanisms of the legal model of progress, aiming to provide a theoretical framework for organizing a legal system aligned with religious democracy. The findings indicate that the legal model of progress delineates a roadmap for an ideal legal system based on divine legitimacy, the realization of which varies according to the conditions of different societies. To this end, after clarifying the relevant concepts, the study discusses the nature of the legal model of progress and then analyzes three perspectives on the rationale of this model. The first perspective denies any role for the people in shaping the legal model; the second approach considers the people’s will as the absolute criterion for legitimacy; and the third, integrative perspective regards sovereignty primarily as belonging to God and secondarily to the people. According to the third perspective, the formulation of a legal roadmap for progress is legitimate only within the framework of Sharia. The study demonstrates that in homogeneous societies, the structure of an Islamic republic is more suitable, whereas in heterogeneous societies, a federal structure is preferable. The novelty of this research lies in presenting a conceptual model that integrates divine and popular sovereignty, which can serve as a theoretical foundation for designing a progress-oriented legal system.

Keywords: Progress, Model, Legal Model of Progress, Secularism, Islamic Caliphate, Religious Democracy.

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Introduction

One of the central concerns of human thought has been achieving sustainable progress and excellence. Concepts such as growth, development, and evolution have long been present in political and legal discourse, yet in the contemporary era—especially after World War II—the notion of “development” acquired a distinct position within the framework of modernist thought. During this period, Western thinkers, relying on the principles of secularism and liberalism, proposed theories for reconstructing developing societies, with the ultimate aim of culturally and politically aligning the world with the Western model of civilization. However, the incompatibility of these theories with monotheistic values and principles created widespread crises in Islamic societies, diverting the concept of progress from its true meaning and direction. In response, Islamic thought asserts that an alternative, indigenous, and comprehensive model of progress can be offered, grounded in a monotheistic worldview and human dignity. The Islamic model of progress is multidimensional and holistic, encompassing all spheres of human life, including politics, economy, culture, and law. Among these, law holds a foundational position, as it organizes and regulates social relations, establishes justice, order, and transparency in society, and provides the necessary framework for the realization of divine values. Accordingly, the discussion of the legal model of progress, as both the theoretical and practical arm of the broader Islamic model of progress, carries special necessity and significance. A review of previous studies reveals that, while numerous works have addressed the concept of “Islamic progress,” most lack a coherent explanation of the legal model of progress. Research such as that of Javadi-Amoli (1996), Allameh Mesbah Yazdi (1998), Parsania (2013), Adabadi-Nejad (2017), Shakerin (2020), Danesh-Pajuh (2021), and others has examined the epistemic foundations and justice-oriented objectives of Islamic law, yet no comprehensive framework has been offered for the legal model of progress as an independent branch. Most of these studies focus primarily on cultural, economic, or managerial dimensions, neglecting the legal mechanisms of progress. These gaps highlight the necessity for research capable of both clarifying the theoretical and religious legitimacy and designing a legal roadmap for progress within the broader Islamic system. Accordingly, the present study aims to elucidate the nature, rationale, and mechanisms of the legal model of progress, providing a theoretical and practical framework for designing a legal system compatible with religious democracy. Within this framework, the principal question is: What is the essence, foundations of legitimacy, and implementation mechanisms of the legal model of progress in an Islamic system? Addressing this question requires discussing the model’s nature, legitimacy, and operational roadmap through the lenses of what, why, and how:

the nature of the legal model corresponds to “what it is,” its legitimacy and justification, and addresses questions like “why,” and its operational roadmap and implementation mechanisms in various societies. The study hypothesizes that the legal model of progress represents a divine–popular roadmap for structuring the legal system, whose legitimacy derives from divine will and acceptance from the will of the people, realizable only within the framework of Islamic law. Under this perspective, sovereignty inherently belongs to God, and the role of the people in formulating the legal roadmap is meaningful within the scope of divine will. This view offers a balanced and rational interpretation of the legal model of progress in comparison to two competing approaches—secularist and caliphate-based Islamic models—grounded in the interaction between divine legitimacy and popular participation. The primary innovation of this research lies in designing the legal model of progress as a link between divine legitimacy and popular acceptance. This model, by critiquing the secularist approach (which separates religion from law and politics) and the caliphate-oriented approach (which neglects the role of the people), offers an integrated divine–popular framework of sovereignty. Another innovation is advancing the model from a theoretical to a structural and operational level. By providing theoretical foundations, components, and implementation mechanisms for homogeneous societies (via the Islamic Republic structure) and heterogeneous societies (via Islamic federalism), the model facilitates transformation in legislation, policymaking, and the legal system of Islamic society. From this perspective, the present study constitutes a step toward a progress-oriented legal system and a civilization-building framework within the horizon of the Islamic model of progress. Thus, after clarifying the relevant concepts, this paper first addresses the nature of the legal model of progress, then examines perspectives on its legitimacy and justification through three frameworks: the secularist model, the Islamic caliphate model, and the religious democracy model. In analyzing the topic, the secularist and caliphate models will be critiqued, and the religious democracy model will be substantiated. Finally, the mechanisms for implementing this model in two different approaches will be examined.

1. Conceptualization

1-1. Concept of Progress

According to the *Mo'in Persian Dictionary*, progress is defined as “advancement” or “elevation” (Mo'in, 1376: Vol. 1, p. 925). It should be noted, however, that the concept of progress (*Progress*) in Islam differs from the concept of development (*Development*) in the Western context. Western development can be understood as a gradual, evolutionary, endogenous, and

long-term process aimed primarily at continuous economic growth and reducing inequality, limited to the material and physical dimensions of society (Sanchez, 1389: p. 207). In contrast, progress in Islam represents a fundamental and transformative improvement in the quality and quantity of individual and social life based on Islamic thought, intended to meet essential human needs across all dimensions of life (Nazari, 1396: p. 31). Accordingly, progress is a conscious, purposeful, value-based, and principled movement; it is goal-oriented and aspirational, grounded in knowledge and awareness, systematic, planned, evolutionary, forward-looking, multidimensional, collective, multi-tiered, continuous, and sustained (Shakrin, 1399: Vol. 1, p. 47). Several definitions of progress have been proposed, the most prominent of which include: "Progress is a comprehensive transformation of the human spheres of life toward sublime objectives that provide the basis for human well-being and divine vicegerency" (Ahmadi, 1389: p. 24); "Progress is the process of human movement within the framework of divine traditions, assisted by reason and experience, toward a prosperous, just, spiritually elevated, and knowledgeable society, culminating in servitude to God" (Center for the Iranian-Islamic Model of Progress, 1397: p. 16); and "Progress is achieving a virtuous life" (Leader's Statements, 18/2/1384). In a selected definition, progress is described as "the process of moving from the existing condition toward a desired state." Considering the differences among societies regarding their current conditions and the fact that each society's desired state is defined according to its epistemological, philosophical, ethical, and ideological foundations, it follows that the desired states of different societies vary. This indicates that progress does not possess a universal definition applicable in all contexts; rather, cultural, political, social, temporal, and spatial factors influence it (Khalilian Ashkezri, 1394: p. 28). Therefore, first: this process entails continuous growth in the foundations, structures, and indicators of economic, social, cultural, and political development, enabling humans to attain well-being and perfection. Second, transformation and change are rationally accepted phenomena, and any rational person recognizes that movement and effort are essential for human life. Acceptance of the status quo and indifference to advancement indicates intellectual deficiency. From the perspective of Islamic law and the statements of religious authorities, continuous transformation and dynamism toward excellence are key characteristics of a Muslim and an Islamic society. As Imam Sadiq (a.s.) stated: "Whoever has two consecutive days alike is indeed deprived and at loss" (Hurr Ameli, 1409 AH: p. 94). Third, because human society is inseparable from individuals and is shaped by human thought and action, transformation, change, and progress are integral to social life; stagnation undermines the entire system. Fourth, progress does not follow a uniform

pattern across countries and societies; historical, geographical, natural, human, temporal, and spatial conditions influence the formation of development models. Fifth, progress differs from development: “development” is a Western-modern concept emphasizing material, economic, and technological growth based on global quantitative criteria, viewing humans as production and consumption instruments. In contrast, “progress” is value-based and endogenous, focusing not only on material growth but also on spiritual elevation, justice, human dignity, and cultural identity. From this perspective, the development model is externally oriented, quantitative, and economic, aiming at increased production, wealth, and material growth; the progress model, rooted in value-based and cultural principles, seeks human elevation, justice, and a balanced material and spiritual society.

1-2. Concept of Model

Linguistically, “model” has been used to mean theory, hypothesis, exemplar, paradigm, prototype, and equivalents (Dekhoda, 1337: p. 77). Technically, various definitions have been offered. A comprehensive understanding can summarize these definitions, referring other meanings back to the core sense. The primary meaning of a model is “exemplar” or “pattern.” *Uswah* (Arabic) refers to someone who is followed or emulated (Ibn Manzur, 1414 AH: p. 35), or a characteristic that qualifies a person for emulation. As the Qur’an states: “Indeed in the Messenger of Allah you have an excellent pattern for anyone whose hope is in Allah and the Last Day” (Al-Ahzab: 21). Some scholars have extended the model concept to anything worthy of emulation, not limited to individuals. For instance, a model can be “a sample or prototype that is imitated or reproduced” (Norman, 1363: p. 34), or “something formed and present in a social group to serve as a guide for social behavior” (Beiro, 1380: p. 261). Models are also used in representing external realities and their interrelationships; in such cases, a hypothesis functions as a conceptual model to explain multiple realities. In some usages, models emphasize the aspirational dimension, e.g., economists using the concept of the rational economic man, even if not all assumptions fully align with reality (Abedinejad, 1396: pp. 114–115). In some definitions, the desired subject of emulation approximates a “system,” such that the elements collectively form a unit imbued with value and necessity (Abedinejad, 1396: pp. 116–117). In summary, the core meaning of a model is “exemplar,” while the subject of emulation may be an individual, a plan or roadmap, a theory, a system, a school, an ideal, a prototype, or a model. In this study, the concept of a model is understood in two closely related senses: first, as a simplified representation of a theory, providing a practical and applicable image by eliminating intermediaries; and second, as an aspirational roadmap or

design of a social system, where the model of progress emerges from the desirability inherent in the system.

1-3. Progress Model

As noted, a model is an ideal design of a system, and progress derives from the desirability of the system. Desirability reflects the achievement of hierarchical objectives, contingent upon the system being grounded in sound epistemological foundations. In a monotheistic model, progress is realized when hierarchical objectives—long-term: eternal well-being, medium-term: social justice, short-term: divine sovereignty—are achieved. These objectives can be met only when the system and model are based on appropriate epistemological foundations. Consequently, epistemological foundations play a central role in the realization of a progress model; some Muslim scholars attribute the major failures of Western modern civilization and its progress model to theoretical, epistemological, and axiological deficiencies that shape all dimensions—economic, cultural, political, managerial, and social life. Therefore, creating a civilization based on divine guidance requires comprehensive epistemological foundations—encompassing epistemology, ontology, anthropology, and axiology—to underpin the progress model (Shakrin, 1399: p. 65). Accordingly, the first component of the progress model is its epistemological foundations, since the model pursues specific goals based on these principles. The second component is hierarchical objectives, which guide the behavior of social actors toward desired outcomes. The third component consists of regulatory principles and rules that organize and direct societal interactions. To facilitate smoother social interactions, these rules may be structured into coherent social frameworks—the fourth component. Social structures integrate laws, principles, and rules into unified systems to achieve desired objectives. Collectively, these components operationalize the progress model across economic, political, cultural, legal, and other domains, including the legal progress model. The nature of the legal progress model is discussed below.

2. The Nature of the Legal Progress Model

As discussed, a model represents an ideal system roadmap, and progress emerges from the desirability of its components, which, when coherent and fully realized, constitute the progress model. Progress models can be categorized into cultural, economic, legal, political, and other forms. The legal progress model is one such category. Its nature depends on the question: what constitutes a desirable legal system? What are its components, and how do they interrelate? To answer, we first define a desirable legal system.

2-1. Desirable Legal System

A legal system is the collection of legal institutions formed according to legal

principles and foundations, organized to achieve legal objectives in a coherent and integrated manner. One legal philosopher defines it as: “A set of legal rules with a common subject and purpose that regulate and manage a particular part of social relations constitutes a legal institution, such as marriage, divorce, inheritance, or alimony. A system arises from the aggregation of such institutions, sometimes loosely referred to as a legal system, e.g., the family law system” (Katouzian, 1377: Vol. 1, pp. 36–37).

The intellectual foundation of legal systems is provided by legal schools—sets of theoretical perspectives on the principles and objectives of law—which shape the system’s character. Hence, the difference between a legal system and a legal school becomes clear: a legal system is the concrete realization of ideals, objectives, and foundations in law, while legal schools provide the theoretical and belief-based foundation of these laws. Fixed elements of legal systems, particularly their intellectual and ideological foundations, significantly influence the nature of laws and regulations (Daneshpajouh, 1400: p. 246). A legal system has components, the most important being foundations, objectives, principles, and structure. The desirability of a system is evaluated by the desirability of its components. In Islamic legal thought, a desirable system is one whose legal rules derive legitimacy from the wise legislative will of God. However, this does not imply that every legal rule must be directly extracted from religious texts; rather, secondary and subsidiary foundations, themselves rooted in divine will, provide the basis for secondary legal rules (Daneshpajouh, 1400: p. 107). These principles include justice, dignity, freedom, legal security, legal supervision, political participation, meritocracy, and accountability. Beyond foundations, the purpose of law is essential for legitimacy: a rule not aligned with its purpose lacks legitimacy. Scholars have debated whether law pursues one or multiple objectives, including justice, social order, public interest, stability, security, and human well-being, sometimes oriented toward spiritual proximity to God (Katouzian, 1377: Vol. 1, pp. 424–505; Madani, 1370: pp. 57–60; Office of Cooperation between Seminary and University, 1368: Vol. 2, p. 172).

2-2. Legal Progress Model

Based on the above, the legal progress model essentially arises from a desirable legal system and comprises components such as desirable legal foundations, objectives, indicators, structure, and inherent elements. Thus, discussing the nature of the legal progress model is a discussion of these components. A comprehensive definition can be stated as follows: “The legal progress model is the design of an ideal legal system, aligned with the wise legislative will of God and desirable legal principles, structured to promote human perfection and proximity to God, while ensuring individual and social

order and justice within a coherent framework.” In this definition, key components of the legal progress model are incorporated, highlighting that its ultimate objective is human perfection and nearness to God. However, this objective is not unique to the legal model; all Islamic progress models—historical, ethical, legal, political, cultural, economic—share this overarching goal. Therefore, the legal model’s objectives are those specifically related to law, such as justice, order, welfare, and security, all oriented toward human development and ultimate divine proximity, collectively forming “orderly justice” or “justice-creating order” (Daneshpajouh, 1400: p. 149). This conception aligns with divine guidance as indicated in the Qur’an: “Thus We have made you a justly balanced nation, that you may be witnesses over mankind and the Messenger may be a witness over you” (Al-Baqarah: 143). In this verse, the Islamic legal model, due to its moderation and comprehensiveness, serves as a standard for all legal systems and a model for the welfare and development of other societies. This interpretation is further elaborated in the narrations of the Ahl al-Bayt: the Prophet serves as a standard for divine authorities, divine authorities for the Islamic community, and the Islamic community as a standard for all humanity (Hawwazi, 1415 AH: Vol. 1, p. 134). Therefore, the question of the nature of the legal progress model essentially inquires into the components and elements of a desirable legal system, whose realization ensures the fulfillment of the legal progress model.

3. The Rationale of the Legal Model of Progress

In the discussion on the nature of the legal model of progress, it was noted that this model is essentially a product of an ideal legal system. A legal system emerges from legal norms, and legal norms are manifested in the form of laws. In contemporary times, laws are enacted by the state to regulate social relations and are always accompanied by obligation and compulsion. “A question that has attracted the attention of many legal scholars concerns the origin of this obligation and the criterion of legitimacy. Why do members of society consider respect for the law universally binding and prioritize it over their own will and desire? Is it merely because the law is rooted in the will of the legislator and possesses formal and external enforcement, or simply because it aligns with realities that may exist within or outside humans? Or is it a combination of both that has made the law the most significant behavioral norm, consistently respected and followed? Is the law inherently good and valuable simply because it is law, or because it reflects realities that humans understand through reason, sense, experience, or other means? Is there a criterion for evaluating the law, based on which one can distinguish correct law from incorrect law, or is the law itself the standard for discerning right from wrong?” (Daneshpajouh, 2021: 96).

Addressing such questions ultimately leads to a fundamental inquiry: given the nature of the legal model of progress, which model provides people with the most appropriate role in legitimizing governance? This issue is interdisciplinary, as public law, legal philosophy, and political philosophy all seek to answer who the ruler is, why they hold the right to govern, what the source of this right is, and why people should obey them. In fact, the discussion on the rationale for the right of sovereignty and the justification for the standard of legitimacy and obligation embedded within it is essentially the discussion on the rationale of the legal model of progress (Javanarasteh, 2022: 147). Western scholars have addressed these questions from various perspectives (Kelly, 2019: 150, 294). Broadly, these theories can be classified into two central models: theocracy and liberal democracy. Sovereignty, in this context, is understood as “the supreme authority of command within society and the power to maintain independence and reject external subordination.” This supreme power either derives from a supernatural force delegated by the highest religious authority to officials and lower ranks according to religious law, or emerges from within the populace, ascending from the base to the top of the social hierarchy. Accordingly, in the first model, sovereignty has a top-down character, while in the second model it is bottom-up (Ghazi, 2014: 215). Historically, the ideas of thinkers such as John Locke, Montesquieu, and Adam Smith form the foundation of the liberal democracy model, with the French Revolution playing a crucial role in its actualization (Bashiriyeh, 1995: 310). The main principles underpinning liberal democracy are secularism, humanism, and positivism. This model, however, suffers from numerous shortcomings, including anthropocentrism instead of theocentrism, inequality and lack of justice, a crisis of spirituality, and the replacement of true freedom with mere liberation. The Christian Western theocratic model has its roots in the Middle Ages. Most medieval writers, following Saint Augustine, regarded the state as deriving from God, asserting that governance should be entrusted to clergy and religious representatives (Tolouei, 1993: entry “Theocracy”). Nevertheless, these writers also recognized monarchs and princes, claiming that they are appointed by God to govern on His behalf and in His name. According to them, kings are accountable only to God and cannot transfer their absolute authority, in whole or in part, to any person, group, or the entire nation. Since kings act as God’s representatives on earth, people are obliged to obey them unconditionally (Mohammadi, 2001: 142). Major criticisms of this model include: first, that Western Christian theocracy was primarily aimed at institutionalizing church dominance; second, that according to reliable sources, legitimate governance is that in which rulers implement divine values with the motivation to obey God; third, that there is no necessary contradiction between divine rule and people’s lack of choice; fourth,

that the ruler is also accountable to society (Elyasi, 2016: 23). When the role of the people in legitimizing governance is discussed in Islamic legal and political sources, the question arises whether, according to religious principles (considering that ultimate sovereignty over the world and humans belongs to God), human will and desire confer a religiously sanctioned legitimacy to human governance. From the perspective of positive law, it is asked whether the people's will in forming a government grants legality or righteousness to the ruling body. Islamic legal scholars and political philosophers have adopted varying approaches to this question, which can broadly be classified into three models.

3-1. Secularist Model

This view regards the people as the ultimate source of legitimacy, considering any government not based on the will of the people as illegitimate. Consequently, in designing a legal roadmap for progress, the role of the people is treated as an absolute criterion. Within the Islamic world, both Sunni and Shia thinkers have adopted different and sometimes conflicting positions regarding this view. One approach is advocated by thinkers who support secularism within Islamic thought. Prominent proponents include Ali Abdelrazek of Egypt, Adel Zaher of Lebanon, Muhammad Said Ashmawi, Mehdi Bazargan, and their followers. Abdelrazek advocated for an open society with religious values but separated religion from governance. His main critique concerned the prophetic mission, claiming that prophets only invited people to Islam, not to implement it. Therefore, he confined the role of prophets to spiritual guidance and argued that religion and the Prophet were not intended for legislating social matters. His second claim addressed Islamic caliphate, asserting that the Qur'an contains no concept of caliphate, that the Prophetic tradition did not emphasize it, and there is no consensus on it (Abdelrazek, 2000: 134). He questioned the source of legitimacy of the caliphate: from where does the caliph derive power, and why should people obey him? He rejected divine legitimacy, advocating instead social contract and popular sovereignty. Muhammad Said Ashmawi, influenced by Abdelrazek, asked why terms like "Shari'ah" appear only four times in the Qur'an, while "mercy" appears seventy-nine times, questioning the fundamental basis for a religious state. Mehdi Bazargan separated religion from politics, asserting that governance and state administration are human responsibilities, just like other worldly affairs, and not within the domain of religion (Bazargan, 1998: 44). Critically, this view is inconsistent with the general understanding of Muslims since the emergence of Islam. Islam comprehensively addresses all aspects of human life, including governance and politics. Two main evidences support this: a) the establishment of government by the Prophet Muhammad,

who, despite initial political restraint, founded the first Islamic state after migration; b) Islam's stance in all areas of politics and governance, including regulation of public funds, promotion of good and prevention of corruption, adjudication, legislation, and enforcement mechanisms beyond moral and spiritual guarantees. As Imam Khomeini asserts, "Islam is a political religion in all aspects. Whoever thinks religion is separate from politics neither understands religion nor politics" (Mousavi Khomeini, 2000: 6). Allameh Mesbah Yazdi also states, "Politics is the essence of Islam; there is no Islam without politics" (Mesbah Yazdi, 1999: 1:50). Furthermore, secularist thought originates from liberal democratic societies, where politics, governance, and progress are devoid of ideological and religious foundations. This is a source of crisis even within Western societies. Zbigniew Brzezinski warned that Western secularism promotes hedonism and consumerism as central to a "good life," cultivating a "cultural self-destruction" that could destabilize global power structures (Huntington & Critics, 2005: 166).

3-2. Islamic Caliphate Model

The second view denies any substantial role for the people. Today, Salafi Islamist movements such as Al-Qaeda, ISIS, and the Taliban adhere to this model, granting minimal authority to people and political-civil parties. Abu al-Hasan al-Mawardi, a prominent Sunni jurist, addressed the caliphate in his book *Al-Ahkam al-Sultaniyya*, defining it as the Prophet's succession in safeguarding religion and worldly affairs (Mawardi, 1986: 36). Bernard Lewis notes that the title *Khalifat Allah* implies divine privilege, with authority derived directly from God (Lewis, 1999: 95). For many contemporary Sunni Islamists, the caliphate represents the ideal political system. Ahmed Chalabi, a modern Egyptian thinker, affirms that the caliphate exemplifies the ideal political system from a Sunni perspective (Chalabi, 1967: 36). The Taliban, in Afghanistan, seek to revive the caliphate within an Islamic emirate structure, following the Deobandi tradition influenced by Shah Waliullah. According to these views, the caliph may attain leadership through *bay'ah*, *Ahl al-Hall wa'l-Aqd*, council, appointment, or conquest (Dehlavi, 1994: 137). Abdul Hakim Haqqani emphasizes the legitimacy of selecting leaders through *Ahl al-Hall wa'l-Aqd*, consisting of scholars and tribal elders, during the day of allegiance (Haqqani, 2022: 137–138). Thus, the Taliban's Islamic emirate mimics the caliphate system, considered the lost model by traditional Islamists. Critically, this approach has roots in medieval theocratic thought, where rulers were accountable solely to God and not to the people, in contrast to Islamic requirements that leaders be both divinely accountable and responsible to society. Although theocratic models and Islam both confer absolute authority—

papal or imamate—the Islamic model stipulates that the leader must possess high qualifications, such as infallibility, piety, justice, insight, and administrative skill, particularly during the absence of an infallible Imam (Elyasi, 2016: 34–35). The caliphate model as envisioned by Salafi Islamists leaves no role for citizens or political parties, transferring all powers to a single ruler chosen by elites. This neglects qualifications such as knowledge, competence, piety, and justice, relying solely on allegiance from elites. The Taliban’s interpretation of Islam reflects a superficial and rigid understanding, with political, national, and party concepts largely absent. Tribal customs dominate, often conflicting with broader freedoms and rights, leading to governance shortcomings including extralegal authority, exclusion of public participation, and denial of women’s basic rights. These deficiencies have caused the Taliban’s legal system to face crises of legitimacy and lack of international recognition.

3-3. The Model of Religious Democracy

Religious democracy, as a fundamental concept in Islamic political thought, seeks to create a balance between divine legitimacy and popular acceptance within the structure of governance. This model stands in contrast to two other competing frameworks: the “Caliphate-centered Islamic model” and the “secular democracy model.” It attempts, by integrating the foundations of divine governance with the role of the people in its realization, to establish a political-legal system that is both compatible with the principles of Sharia and grounded in collective awareness and consent. According to this perspective, the legitimacy of government originates from the will of God, but its practical realization and sustainability are impossible without popular acceptance, since social approval serves as the vessel for the manifestation of divine legitimacy (Mesbah-Yazdi, 2012: 61–76). Accordingly, the role of the people in shaping the legal roadmap for progress is meaningful and legitimate only within the framework of divine law. From a theoretical standpoint, religious democracy rests upon three main pillars: first, the unity of governance, which recognizes God as the ultimate source of power and law; second, human trusteeship, which grants humans the capacity to participate in the realization of divine will; and third, Sharia centrality, which defines the limits of decision-making and legislation according to divine values. In this framework, people do not contribute to the establishment of divine authority, but they play a fundamental role in its implementation and execution. This connection between divine will and popular will forms the theoretical basis of a model in which power is both a divine trust and accountable to the people (Asfi, 2006: 129–136). Religious democracy is characterized by elements that play a decisive role in designing a legal model of progress: 1) Divine legitimacy: all powers and governing

institutions must fundamentally align with God's will and the limits of Sharia. Lawmaking, adjudication, and societal administration derive legitimacy from their conformity to revealed principles. 2) Popular acceptance and participation: public will serves as the channel for realizing divine governance. People are involved not only in selecting institutions and officials but also in determining major policy directions, overseeing social affairs, and ensuring justice. 3) Justice and human dignity: justice constitutes both the goal and the criterion of governmental legitimacy in religious democracy. In this model, justice is not solely economic or legal but oriented toward achieving human dignity and balance between rights and duties in society. 4) Oversight and accountability: since power is a divine trust, any holder of authority is accountable to both God and the people. Legal mechanisms must ensure continuous oversight, responsiveness, and correctability of power (Mohammadi, 2020: 67). These elements thus provide the mechanisms to translate divine legitimacy into concrete legal order and clarify the relationship among "political jurisprudence," "collective will," and "legal progress." In terms of practical implications, religious democracy has several fundamental effects on designing a legal model of progress: first, generating dual legitimacy by linking religious faith with public consent; second, enhancing social and political capital through informed public participation in policymaking; third, ensuring government accountability to public conscience and divine values; and fourth, increasing the efficiency of the legal system by aligning Sharia standards with collective will in decision-making processes. Thus, religious democracy is a model that neither devolves into people-centered secularism nor lapses into religious authoritarianism, but rather seeks to harmonize divine legitimacy with popular governance in the pursuit of legal and civilizational progress within an Islamic society (Javan-Arasteh, 2020: 147–150). The fundamental question then arises: how does the will of the people—whether regarded as denied, as a source of legitimacy, a condition for realization, or an instrument of acceptance—manifest itself, and through which legal mechanisms? Addressing this question requires examining the methods for designing and implementing a legal model of progress based on the operational mechanisms of religious democracy, which will be discussed in the following section.

4. Implementation of the Legal Model of Progress

Given the nature and rationale of the legal model of progress, we observe that in practice, its implementation across different societies faces various challenges. One major challenge is cultural diversity. In societies where cultural differences serve as the primary determinant of loyalties and the sole route to political participation and desirable progress, and where social cleavages are

active, the legal model may not only fail to promote participation, progress, and justice but also foster structural discrimination, inequality, and conflicts, potentially leading to ethnic and sectarian disputes. Therefore, it appears that a legal model based on the common version of religious democracy is unsuitable for multicultural societies; rather, the mechanisms for legal progress must be tailored to each society to prevent injustice and discrimination and to establish the foundations for justice and development. The essential question then becomes: what are the mechanisms for applying the legal model of progress in different societies? This study seeks, by leveraging the model's flexibility and adaptability to diverse ideologies, frameworks, and human structures, and by utilizing both religious and secular sources, to provide an operational blueprint for a legal model of progress based on the principles and elements of religious democracy in both homogeneous and heterogeneous societies.

4-1. Implementation of the Legal Model of Progress in Homogeneous Societies

In homogeneous societies, an operational blueprint for the legal model of progress is most suitably embodied in the framework of the Islamic Republic. The core principle of establishing the Islamic Republic is the presence of the people and the collective affirmative vote of the nation in favor of the system. Voting occurs through elections, and among electoral systems, the majoritarian system is suitable for such societies. The most prominent method is the absolute majority (two-round system). In this system, a candidate must secure an absolute majority—at least half plus one of the votes—in the first round to be elected. If this majority is not achieved, a second round is held, in which the candidate with the relative majority is declared the winner (Javan-Arasteh, 2020: 155–162). Regarding the position and role of the people, their effective participation in legislation can take two forms: direct and indirect. In both cases, recourse to public opinion or referenda plays a central role and represents “one of the methods of national governance and the right of the people to determine their destiny” (Hashemi, 2008: Vol. 2, 264). This approach is enshrined in the Constitution of the Islamic Republic of Iran, which provides for two types of legislative rights for the people: indirect legislation (as per Article 58, concerning legislation by the Islamic Consultative Assembly) and direct legislation, recognized in two articles: 1) Article 59 concerning ordinary laws enacted directly by the people; 2) Article 177 concerning recourse to referenda for constitutional revision. Concerning civil affairs, the expansion of society, population growth, and the increasing complexity of national matters necessitate broader public engagement in social management beyond political participation. Implementing civil participation requires decentralization and the division of

governance into governmental and civil spheres. According to this policy, the people retain part of the governance over their political and social destiny while delegating major sovereign powers, such as legislation, judiciary, international relations, and security and military administration, to the government. The primary goal of state governance and public political and civil participation is the advancement of society and public welfare. A key manifestation of civil participation is the people's role in local administration (Javan-Arasteh, 2020: 180–181). Another role the people can play regarding progress and justice is oversight. According to this principle, on the one hand, all citizens must monitor government officials and their actions to ensure proper execution of duties; on the other hand, officials must oversee public conduct to guarantee adherence to societal regulations. Comprehensive public oversight necessitates government accountability. In the Islamic model, holding public office is considered a tool for serving the people and the Islamic community. This perspective requires responsibility and accountability to the people (Javan-Arasteh, 2020: 187–188).

4-2. Implementation of the Legal Model of Progress in Heterogeneous Societies

As noted, the operational blueprint of the legal model of progress, based on the Islamic Republic and majority voting, suits homogeneous and non-fragmented societies. However, this version is unsuitable for heterogeneous and fragmented societies, as it may lead to structural injustice and discrimination, fostering ethnic and sectarian conflicts. From a religious standpoint, the faith does not prescribe a specific political structure, providing only general criteria. Consequently, in variable matters, humans may plan to optimize their lives based on principles of will, choice, responsibility, and rationality while considering religious values and rulings. In cases where explicit religious rulings do not exist, consultation and collective reasoning may be employed, provided they do not contradict Sharia. Drawing upon historical experiences and other societies' practices, a framework can be designed to ensure justice and progress in multicultural and heterogeneous societies.

The legal model of religious democracy has elements that must be considered when designing the structure in heterogeneous societies. Accordingly, the mechanisms for applying the legal model of progress in such societies can be proposed in four structural roles:

1) Foundational structure: The most appropriate foundational structure in heterogeneous societies at risk of fragmentation is federalism. Based on the principles of “distributive justice” and “unity in diversity,” federalism facilitates fair distribution of power and benefits among ethnic and religious groups, thereby promoting sustainable peace and justice-oriented progress.

2) Legislative structure: Guided by the principles of divine law and social justice, the most suitable structure is a unicameral legislature with a proportional electoral system. Here, religious law predominates, and a small expert panel of legal and religious scholars supervises lawmaking, while public policies are developed considering cultural plurality. The unicameral system allows for greater expression of popular will compared to bicameral structures, and because divine law derives from God's will, it prioritizes public interest over human-made law.

3) Executive structure: Based on distributive justice and political pluralism, a semi-presidential, semi-parliamentary hybrid system is appropriate. In this system, the president is elected directly by the people, the prime minister by parliament, and key government positions are proportionally distributed among parliamentary factions to ensure that the two senior executive positions do not originate from the same ethnic group.

4) Judicial structure: In heterogeneous societies, the judicial system must accommodate cultural plurality and recognize judicial independence in personal status matters. The use of independent courts, strengthening human rights institutions, and employing Islamic human rights standards significantly aid in resolving legal disputes and preventing judicial injustice.

Conclusion

This study, employing an analytical-descriptive-critical triangular methodology and aiming to clarify the essence, rationale, and mechanisms of the "Legal Model of Progress" within the framework of religious democracy, concludes that this model is not merely an abstract theory, but a strategic roadmap for organizing the legal system to achieve justice, human dignity, and civilizational progress in Islamic society. Within this framework, the term "model" denotes the roadmap of an ideal system, and "progress" is understood as the outcome of the coordinated realization of the epistemic, ethical, and structural components of the legal system. Accordingly, the "Legal Model of Progress" represents an effort to design a desirable legal system whose rules and institutions are aligned with monotheistic principles, justice-centered values, and Sharia foundations, with the ultimate aim of establishing a just order and advancing human excellence toward divine proximity. In the "rationale" section, the analysis of the foundations of legitimacy demonstrated that identifying the source of authority and the role of the people in the legitimization process constitutes the basis of the legal model of progress. Comparative examination of perspectives indicates that among the three models—"secular," "caliphate-centered," and "religious democracy"—only the third can balance divine legitimacy and popular acceptance. In this view, ultimate sovereignty belongs

inherently to God and derivatively to the people, such that popular will is meaningful only within the framework of divine will, and social acceptance provides the foundation for the realization of divine legitimacy. Accordingly, religious democracy neither falls into secular relativism nor leads to religious authoritarianism but offers a flexible and rational structure for designing the legal model of progress. In the “mechanisms” section, the findings indicate that the effectiveness of the legal model of progress depends on its adaptation to the cultural, social, and political realities of societies. While its divine principles and value foundations remain constant, the executive mechanisms must be designed in accordance with the social fabric of each community. Therefore, in homogeneous societies, the structure of the Islamic Republic—based on political participation, public oversight, and accountability—appears to be the most suitable model. In contrast, in heterogeneous and multicultural societies, a justice-centered federal structure can provide the framework for equitable distribution of power, coexistence of diverse groups, and the realization of unity within diversity. In summary, the legal model of progress, grounded in religious democracy, offers both a theoretical and practical framework for legal system development in the Islamic world. By integrating divine legitimacy and popular participation, this model establishes a link between values, law, and public will, paving the way for the emergence of a legal system that is progress-oriented, justice-promoting, and civilizationally constructive within Islamic society.

References

The Holy Quran.

Nahj al-Balagha.

- Abedi Nejad, Amin Reza, 1396 SH, *The Nature and Requirements of Jurisprudence of Progress: An Introduction to the Philosophy of Social Progress-Oriented Legal Systems*, Qom: Imam Khomeini Educational and Research Institute.
- Ahmadi, Ali, 1389 SH, "The Nature of Progress from the Perspective of Islam," *Rahbord-e Bumi*, Tehran: Supreme National Defense University, Year 13, Issue 104.
- Asfi, Mohammad Mahdi, 1385 SH, *Theoretical Foundations of Islamic Governance*, Tehran: World Assembly for the Proximity of Islamic Schools of Thought.
- Ashouri, Dariush, 1345 SH, *Political Culture*, Tehran: Morvarid Publications.
- Barbié, Maurice, 1384 SH, *Religion and Politics in Modern Thought*, trans. Amir Rezaei, Tehran: Ghasideh Sara.
- Bashiriyeh, Hossein, 1374 SH, *Political Sociology*, Tehran: Nashr-e Ney.
- Bazargan, Mehdi, 1377 SH, *The Hereafter and God: The Purpose of Prophetic Mission*, Tehran: Rasa Cultural Services Institute.
- Berlin, Isaiah, 1368 SH, *Four Essays on Liberty*, trans. Mohammad Ali Mohahed, Tehran: Khwarazmi.
- Biro, Allen, 1380 SH, *Social Science Culture*, trans. Baqer Sarkhani, Tehran: Keyhan.
- Daneshpajouh, Mostafa, 1400 SH, *Principles of Islamic Law*, Qom: Institute of Research on Seminary and University.
- Dehkhoda, Ali Akbar, 1337 SH, *Dictionary*, under supervision of Mohammad Moein and Jafar Shahidi, Vol. 28, Tehran: University of Tehran Press.
- Dehlavi, Shah Waliullah, 1413 AH/1992 CE, *Hujjat Allah al-Balighah*, Beirut: Dar Ihya al-Ulum.
- Elyasi, Morteza, 1395 SH, "Critique and Review of Theocracy," *Public Law Thoughts*, Qom: Imam Khomeini Educational and Research Institute, Volume 5, Issue 2, pp. 23-37.
- Faal, Mohammad Taghi, 1377 SH, *Contemporary Religious Epistemology*, Vol. 1, Qom: Nashr-e Ma'arif.
- Ghazi, Abol-Fazl, 1393 SH, *Constitutional Law and Political Institutions*, Tehran: Nashr-e Mizan.
- Haqqani, Abdul Hakim, 2022 CE, *Al-Imarah al-Islamiyah wa al-Nuzum*, [place not specified]: Maktabah Dar al-Ulum al-Shar'iyah.
- Har'ami, Mohammad ibn Hasan, 1409 AH, *Wasa'il al-Shi'ah*, Vols. 12 & 15, Qom: Ahl al-Bayt Institute.
- Hashemi, Seyed Mohammad, 1395 SH, *Constitutional Law and Political Structures*, Tehran: Nashr-e Mizan.
- Hawwazi, Abdul Ali ibn Jum'ah, 1415 AH, *Tafsir Noor al-Thaqalayn*, Vol. 1, Qom: Esmā'iliyan.

- Huntington, Samuel, 1384 SH, *Clash of Civilizations: Huntington and His Critics*, trans. Mojtaba Amiri, Tehran: Ministry of Foreign Affairs.
- Ibn Manzur, Muhammad ibn Mukarram, 1414 AH, *Lisan al-Arab*, Vol. 14, Beirut: Dar Sadir.
- Javadi-Amoli, Abdullah, 1368 SH, *On Revelation and Leadership*, Qom: Al-Zahra.
- Javadi-Amoli, Abdullah, 1375 SH, *Examination and Critique of Secularism*, Qom: Israa.
- Javan-Arasteh, Hossein & Mohsen Malek-Afzali, 1399 SH, *Constitutional Law 3: People and Government (Human Rights, Citizenship, Democracy)*, Qom: Institute of Research on Seminary and University.
- Jones, W.T., 1358 SH, *Lords of Political Thought*, trans. Mohammad Javad Sheikh-al-Islami, Vol. 1, Tehran: Amir Kabir.
- Katouzian, Naser, 1377 SH, *Philosophy of Law*, Vol. 1, Tehran: Sherkat Sahami Enteshar.
- Kelly, John, 1398 SH, *A Concise History of Legal Theory in the West*, Tehran: Nashr-e Ney.
- Kharmshahi, Bahaa al-Din, *Culture and Religion (Selected Articles from Encyclopedia of Religion)*, ed. Mirchad Eliade, Tehran: Tarh-e No.
- Mawardi, Abu al-Hasan, 1406 AH, *Al-Ahkam al-Sultaniyah*, Qom: Maktab al-I'lam al-Islami.
- Mesbah Yazdi, Mohammad Taghi, 1377 SH, *Law and Politics in the Qur'an*, Qom: Imam Khomeini Educational and Research Institute.
- Mesbah Yazdi, Mohammad Taghi, 1378 SH, *Islamic Political Theory*, Vol. 1, Qom: Imam Khomeini Educational and Research Institute.
- Mesbah Yazdi, Mohammad Taghi, 1391 SH, *A Brief Look at the Guardianship of the Jurist*, Qom: Imam Khomeini Educational and Research Institute.
- Mohammadi, Manouchehr et al., 1398 SH, *Political Structure of Religious Democracy in Multicultural Societies*, Ma'refat-e Siyasi, Qom: Imam Khomeini Educational and Research Institute, Year 12, Issue 1.
- Mohammadi, Manouchehr, 1380 SH, *Religious Democracy in the Islamic Republic or Theodemocracy*, *Journal of Faculty of Law and Political Science*, Tehran: University of Tehran, Issue 54.
- Mousavi, Seyed Rasoul, 1382 SH, "Afghanistan and the Establishment of Political-Social System Mechanisms," in *Afghanistan: Challenges Ahead*, Tehran: Ministry of Foreign Affairs.
- Nazari, Abdullah, 1396 SH, *Freedom Index in the Islamic Model of Progress*, supervised by Mohammad Javad Norouzi, Qom: Imam Khomeini Educational and Research Institute.
- Norman, E., 1363 SH, *Principles of Psychology*, trans. Abbas Saatchi, Tehran: Amir Kabir.
- Parsania, Hamid, 1392 SH, *Social Worlds*, Qom: Ketab-e Farda.
- Sajjadi, Abdul Qayyum, 1380 SH, *Political Sociology of Afghanistan (Ethnicity, Religion, and Governance)*, Qom: Boostan Ketab.

- Sanchez, Julio, 1389 SH, *Patterns, Models, and Applied Development*, trans. Abdul Hamid Khaksar, Rahbord-e Bumi, Tehran: Supreme National Defense University, Year 1, Issue 1.
- Schlaginweit, Reinhard, 1382 SH, "State without a Nation," in *Afghanistan: Challenges Ahead*, edited by Seyed Rasoul Mousavi, Tehran: Ministry of Foreign Affairs.
- Shakerin, Hamid Reza et al., 1399 SH, *Foundations of the Islamic-Iranian Basic Model of Progress*, Vols. 1 & 2, Tehran: Publishing Organization of Institute for Culture and Islamic Thought.
- Shalabi, Ahmed, 1967 CE, *Al-Siyasa wal-Iqtisad fi al-Tafkir al-Islami*, Cairo: Maktabah al-Masriyah.
- Sisk, Timothy D., 1379 SH, *Power-Sharing and International Mediation in Ethnic Conflicts*, trans. Mojtaba Attarzadeh, Tehran: Strategic Studies Research Center.
- Tolou'i, Mohammad, 1372 SH, *Comprehensive Political Culture*, Tehran: Nashr-e Elm.