

The Development of the Right to Freedom of Assembly with an Emphasis on the Islamic Principle of Enjoining Good and Forbidding Wrong

1. Mohammad Mehdi Ghajar^{id*}: MA, Department of International Law, Faculty of Islamic Studies and Law, Imam Sadeq University, Tehran, Iran

*Correspondence: m.mahdi.qajar@gmail.com

Abstract

The right to freedom of assembly is one of the fundamental human rights recognized in international legal systems, notably enshrined in Article 21 of the *International Covenant on Civil and Political Rights* (1966), and plays a vital role in promoting participatory democracy, accountability, and oversight of ruling authorities. The United Nations Human Rights Committee, in its official interpretation, emphasizes that peaceful assemblies provide an opportunity for the expression of political, social, and cultural demands and ideals and serve as an effective mechanism for the peaceful resolution of social conflicts (United Nations Human Rights Committee, 2020). Nevertheless, in many Islamic societies, the realization of this right requires reinterpretation through the lens of religious and cultural values. This article, employing a descriptive-analytical method, seeks to demonstrate how the institution of *enjoining good and forbidding wrong* (*amr bi al-ma'ruf wa nahy 'an al-munkar*) can offer a localized and religious foundation for supporting and expanding the right to political assemblies. Findings indicate that in Islamic thought, protest gatherings are not only a right but also a moral and religious duty for the people to oversee governance and realize social justice. Accordingly, an Islamic government is not merely prohibited from obstructing such gatherings; it is obligated to ensure their safety, provide a legal framework, and respond to legitimate demands. Moreover, the jurisprudential stages of this religious obligation offer an internal model for organizing protests, emphasizing respect, rationality, and gradualism in advocacy, which can enhance the legitimacy and effectiveness of assemblies. The article also distinguishes between political and non-political assemblies, emphasizing that only reform-oriented gatherings fall within this jurisprudential framework, while other types of assemblies should be analyzed under the broader principles of freedom of expression. Finally, from an international legal perspective, the article demonstrates that such an approach aligns with the principle of cultural diversity—a principle designed not to restrict, but to enrich and localize human rights (UNESCO, 2001). On this basis, utilizing indigenous institutions such as *enjoining good and forbidding wrong* can offer a legitimate and stable platform for developing this right within Islamic societies without conflicting with universal principles.

Keywords: *freedom of assembly, Islamic principle of enjoining good and forbidding wrong, human rights, cultural diversity, Islamic human rights, Article 21 of the International Covenant on Civil and Political Rights.*

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1. Introduction

The need for social interaction and empathy is among the most fundamental human needs—one that cannot be realized without access to social freedoms. God has endowed humanity with freedom as a divine trust, enabling every individual to respond to this innate need by exercising free will, at any time and in any place (Alizadeh & Salehi, 2017). From this perspective, freedom of assembly, as one of the most important manifestations of civil liberty, occupies a significant position both in international human rights instruments and in the constitutions of many countries. A deeper understanding of this right also hinges on examining the term "freedom" within its compound structure—a term that signifies liberation from constraints and the ability to express initiative, creativity, and active presence in the public sphere (Alizadeh & Salehi, 2017).

In the international legal system, freedom of assembly is considered the collective expression of the fundamental right to freedom of expression—a personal right with social consequences that allows individuals to gather in public spaces and express their views peacefully (Human Rights Committee, 2020). Accordingly, assemblies and demonstrations can be seen as tangible embodiments of free expression in a more collective and influential format. However, in Islamic discourse, particularly based on the doctrine of *enjoining good and forbidding wrong* (*amr bi al-ma'rūf wa nahy 'an al-munkar*), freedom of assembly is not merely viewed as a "right" but also defined as a "social obligation." Within this framework, citizens are duty-bound to remain sensitive and proactive regarding societal conditions, including governmental conduct, and such social vigilance manifests in formats like public assemblies.

In this context, not only is there no contradiction between the religious institution of *enjoining good and forbidding wrong* and the right to freedom of assembly, but a structural and functional connection exists. This religious duty, as a tool serving the people, can perform a corrective and supervisory role over power—paralleling the function political assemblies have in modern systems. Therefore, any assembly convened with the aim of demanding justice, political accountability, and curbing power deviation can be considered under the broader framework of *enjoining good and forbidding wrong*. The fundamental distinction between this approach and the liberal tradition lies in the fact that in the Islamic system, assembly is not just an individual right but a social responsibility for which even the ruler must be held accountable. Imam Ali (peace be upon him), in Sermon 34 of *Nahj al-Balaghah*, emphasizes the mutual rights of the people and the ruler and formulates this through concepts such as "advising in private and public," "responding to summons," and "obeying orders"—all of which signify active and responsible public participation in political and social life (*Nahj al-Balaghah*, Sermon 34).

This article aims to revisit the relationship between the right to freedom of assembly and the duty of *enjoining good and forbidding wrong* within the framework of human rights concepts and Islamic teachings. At first glance, these two constructs may appear to belong to distinct epistemological worlds; however, upon closer examination, it becomes evident that both relate to conscious social action, civil participation, and efforts to reform public affairs.

In the first part of this article, an effort is made to conceptually and comparatively explore the link between the right to freedom of assembly and the notion of collective reform from the perspectives of both Islamic and international human rights traditions. The discussion then turns to the legal standing of this right within the international legal framework, particularly in light of Article 21 of the *International Covenant on Civil and Political Rights* and relevant interpretations by human rights bodies, as well as its status in the domestic law of the Islamic Republic of Iran.

The second part of the article focuses on the institution of *enjoining good and forbidding wrong*. It begins with an analysis of the social philosophy and jurisprudential foundations of this institution in Islamic thought, revisiting its manifestations in the works of contemporary thinkers such as Imam Khomeini. The discussion then considers the potential of this institution to strengthen political participation, promote public demands, and ensure government accountability. Finally, the article explores the legal and practical considerations for supporting assemblies—particularly in areas such as security assurance, regulatory frameworks, and the design of effective safeguards. This study adopts a descriptive-analytical method, relying on library research, international legal documents, Islamic scriptural sources, and jurisprudential and legal analyses.

2. Conceptual and Legitimacy Foundations of the Right to Political Assembly

In the legal analysis of any human right, it is essential to first clarify the conceptual, ethical, and legitimizing foundations before addressing technical or normative aspects. The right to freedom of assembly is no exception. Questions regarding the

nature of this right, the basis of its validity, and its relationship with religious and moral principles form a necessary prelude to a deeper understanding of its place within both Islamic jurisprudence and contemporary international law. Without this foundation, purely structural and formal analyses of the right risk superficiality and detachment from its cultural and philosophical contexts.

Moreover, the central issue of this article—the relationship between the right to freedom of assembly and the duty of *enjoining good and forbidding wrong*—requires a conceptual clarification to determine whether these two institutions stand in conflict, parallel, or synergy. To this end, the first section examines the conceptual connection between freedom of assembly and social reform from the dual perspectives of Islamic thought and international human rights. The second section then investigates the legal position of this right in both international and domestic legal systems, thereby providing a clear theoretical foundation for the jurisprudential and institutional discussion in the following part.

2.1. *Freedom of Assembly as Collective Expression of Public Good in Islamic Thought and Human Rights*

Freedom of assembly is more than merely a political right to occupy public space—it is the manifestation of a moral responsibility and a collective concern for reform and justice. Within two major traditions of thought—one rooted in Islamic teachings and the other in international human rights discourse—this right is recognized not as an individual privilege but as an act in service of the public good and the revitalization of a society’s foundational values. In this view, assembly is not merely a cry of protest; it is an invitation to conscious participation in the destiny of the community. This section seeks to illustrate how the right to assembly, when considered alongside concepts such as justice, truth-telling, and *enjoining good*, can establish a connection between individual morality, collective responsibility, and legal structures.

In the Islamic tradition, collective action for societal reform is not only permitted but at times considered a religious and moral obligation. The most prominent example of this approach is embodied in the uprising of Imam Husayn (peace be upon him), who declared: “Indeed, I have risen to seek reform in the nation of my grandfather. I wish to enjoin good and forbid evil.” This statement is not merely a slogan but a theoretical foundation for understanding the role of assembly, protest, and public presence in the realization of religious justice and resistance against the corruption of power. The Ashura movement stands as a lasting model of action grounded in *enjoining good*, confronting tyranny and corruption, and demonstrating that the collective assembly of believers can serve as a catalyst for awakening public conscience and reviving the path of reform. Such an interpretation positions freedom of assembly not in contradiction with religious teachings but as a divine duty.

The concept of the public good in Islamic thought is deeply rooted in Qur’anic teachings and the traditions of the Prophet and his household. From the Qur’anic perspective, believers are responsible not only for personal faith but also for the fate of their community: “*You are the best nation brought forth for mankind: you enjoin what is right and forbid what is wrong*” (Qur’an 3:110). In this framework, *enjoining good* is not merely an individual reminder but a collective duty aimed at reforming social relationships and achieving justice. Therefore, public assembly for the pursuit of good, opposition to injustice, and resistance against corruption is viewed as a sacred act and a constructive form of participation in the pursuit of equity. This perspective provides a theoretical foundation for the recognition of assemblies within the Islamic value system—where assembly is not a sign of chaos but the embodiment of faithful reason and social responsibility.

In the framework of international human rights law, freedom of assembly is not merely a tool for political protest; it plays a foundational role in forming public conscience, enabling the free exchange of ideas, and realizing the common good. The United Nations Human Rights Committee, in its General Comment No. 37, stresses that peaceful assemblies can be a venue for expressing collective identity, fostering social solidarity, and demanding accountability from those in power ([Human Rights Committee, 2020](#)). As a point of comparison, one may consider certain Western legal systems in which freedom of assembly has played a critical role in advancing reform movements—such as those combating racial discrimination or advocating for women’s rights (Inazu, 2010, p. 565). Within this paradigm, public gatherings aimed at pursuing the common good are not necessarily aligned with the interests of those in power but may represent legitimate and responsible acts of protest (Inazu, 2010).

Additionally, public law scholarship emphasizes that just laws must consider not only individual interests but also the collective welfare of society (Karpiuk, 2024, p. 8). From this viewpoint, freedom of assembly is not a source of disorder but a foundation for awareness, reform, and social justice.

A comparative analysis reveals that the discourse of human rights and the Islamic principle of *enjoining good* share notable structural and functional similarities in relation to the concept of assembly. Both institutions pertain to conscious participation in the public sphere, critique of power, and the defense of shared values. In Western legal sources, the right to assembly is often framed as a mechanism for contesting dominant norms and demanding justice on behalf of dissenting minorities. It is emphasized that the purpose of this right is to support collective, non-violent, and self-aware actions in the face of political expediency or majority pressure (Inazu, 2010). It has also been argued that gatherings advocating for public values—whether in protest, ritual, or social form—constitute not merely acts of expression but forms of protest, social engagement, and identity assertion (Inazu, 2010). Within constitutional law as well, the link between freedom of assembly and the civic duty to pursue the public good has received considerable attention (Cornell, 2015). Furthermore, in discussions on the relationship between security and liberty, it has been emphasized that even where temporary restrictions are applied, the essence of freedom must be preserved, and the principle of active citizen participation in public life must remain intact (Karpiuk, 2024).

Nevertheless, the duty of *enjoining good and forbidding wrong* is not merely a right or entitlement; it is a social and divine obligation rooted in the monotheistic value system. Unlike the international human rights framework, which is often founded on minimizing state intervention and securing negative liberties, this duty prescribes faithful public participation not only as desirable but as mandatory. Accordingly, *enjoining good* possesses more progressive capacities compared to secular and minimalist Western models—whether in terms of social transformation, building grassroots oversight institutions, or defining the active responsibility of every member of society regarding its ethical and political state. A more detailed analysis of these capacities will be pursued in the following sections.

What has been briefly outlined here demonstrates that in both the Islamic and human rights traditions, freedom of assembly holds a status beyond that of a mere political tool. From an Islamic perspective, this right is grounded in a divine and duty-based framework that emphasizes social reform, oversight of power, and active participation in the realization of the public good. In contrast, while international legal systems adopt a more minimalist and individualistic stance, they too recognize assembly as a civic and protest-based action that ensures governmental accountability. However, the differences in foundations and visions render *enjoining good* a deeper and more fundamental capacity, necessitating a more comprehensive jurisprudential, legal, and institutional investigation. In the second part, we will explore the place of this duty within the Islamic jurisprudential system to better examine its relationship with the right to political assembly—but first, we will turn to the legal and theoretical foundations of the right to assembly within the international human rights framework to understand its minimum standards.

2.2. Theoretical and Legal Foundations of the Right to Freedom of Assembly

The right to freedom of assembly is one of the fundamental human rights enshrined in international instruments, recognized as a collective manifestation of freedom of expression and civil participation. Article 21 of the *International Covenant on Civil and Political Rights* explicitly recognizes this right, stipulating that its exercise may only be restricted when necessary to protect national security, public order, public health, morals, or the rights and freedoms of others. In its official interpretation, the United Nations Human Rights Committee emphasizes that freedom of assembly is a vital element of participatory democracy, playing a key role in promoting transparency, accountability, and ensuring public engagement. In this framework, assembly is not merely a tool of protest but an opportunity for civil dialogue and structured advocacy in the public sphere of an open society (Human Rights Committee, 2020).

This interpretation is also supported by the findings and perspectives of various Iranian scholars. Some Iranian jurists conceptualize assemblies as a collective form of freedom of expression, whereby citizens can articulate their views in an organized and impactful manner. Additionally, legal literature in Iran asserts that freedom in the context of “freedom of assembly” is not limited to the removal of prohibitions but entails the creation of space for social creativity and the responsible, free expression of ideas in the public domain (Alizadeh & Salehi, 2017).

Accordingly, in the international human rights system, this right is regarded not merely as an individual entitlement but as one of the foundational pillars of democratic life. The Human Rights Committee emphasizes in its interpretation of Article 21 that this right must be understood in connection with other fundamental rights such as freedom of expression, freedom of

association, and the right to participate in public affairs. According to the Committee, peaceful assemblies—whether in support of or opposition to government policies—must be recognized in all cases, with particular importance placed on their role in protecting dissenting, minority, or opposition voices (Human Rights Committee, 2020).

In principle, assemblies are presumed lawful, and any restrictions must be justified, necessary, and proportionate, subject to narrow interpretation (para. 36). Furthermore, this right can be exercised in both stationary and moving formats, in public or private spaces, with prior notification or spontaneously, and even in digital environments (Human Rights Committee, 2020). This broad conceptual scope demonstrates that freedom of assembly is not solely an instrument of protest but a means of enacting civic participation, public oversight, and indirect involvement in shaping collective destiny. Thus, under the international framework, the default is to permit assembly, and it is the responsibility of states to justify any limitations—not the other way around.

In the *Constitution of the Islamic Republic of Iran*, the right to public assembly is explicitly affirmed as a recognized right of citizens under Article 27, which states: “Public gatherings and marches, provided they are without arms and not detrimental to the foundations of Islam, are permitted.” Although concise, this provision has given rise to ambiguities in practice, resulting in various interpretations and legal uncertainties. The phrase “not detrimental to the foundations of Islam” lacks a precise legal definition, leaving it vulnerable to subjective interpretation (Shokrallahi & Safarzadeh, 2016). Moreover, statutory laws do not clearly guarantee effective protection of this right, and in practice, decisions regarding the permissibility of assemblies are often left to the discretion of security and administrative authorities. Nonetheless, some Iranian legal scholars advocate for a broad interpretation of this principle, viewing it as an extension of the fundamental rights set forth in the Constitution and international human rights instruments (Shokrollahi et al., 2016).

A fundamental issue in the recognition of assembly rights concerns its relationship with state oversight. In the international human rights system, the presumption is that individuals do not require official authorization to exercise this right. Merely providing prior notification—mainly for logistical coordination and public safety—is deemed sufficient. The Human Rights Committee emphasizes that the freedom of assembly is a pre-existing right that should not be contingent on prior governmental approval; rather, states are obligated to facilitate its realization (Human Rights Committee, 2020). Accordingly, in many countries, such as Germany and Finland, even spontaneous assemblies are considered lawful unless specific, substantiated reasons justify restrictions.

In Iran, although Article 27 of the Constitution does not explicitly require permits, administrative practices and security concerns have effectively created a permit-based regime. However, this condition could be reinterpreted within the framework of Islamic political jurisprudence, particularly based on the doctrine of *enjoining good and forbidding wrong*. In this context, collective public action for the supervision of power and the reform of governmental behavior is not merely a right but a religious duty—one that cannot be realized without enabling open and public participation. Consequently, holding peaceful assemblies for the purpose of fulfilling this duty is not only permissible but, under certain conditions, may become an obligation for an Islamic state to facilitate. In other words, whereas the human rights perspective views freedom of assembly as one of the instruments of political participation, in Islamic thought, this right attains a higher status—as a mechanism for realizing justice, reviving public oversight, and deepening governmental accountability to the community.

On the other hand, while certain assemblies may pose specific challenges to public order, the principle of freedom of assembly requires that states respond to misconduct by individual offenders rather than revoking the right from the entire citizenry. As some legal scholars have emphasized, if a group seeks to disrupt an assembly, law enforcement must address their unlawful behavior rather than deny others their God-given right to assemble.

From a jurisprudential standpoint, public order holds an important place, but this role must not be construed in a manner that undermines public participation in social and political reform. In Islamic discourse, the institution of *enjoining good and forbidding wrong* itself functions as a mechanism for maintaining social balance and countering disorder in ethical, economic, or political spheres. Therefore, the concept of “public order” should not serve as a pretext for suppressing legitimate social activism but must be redefined in relation to the reformative duty of the people, enabling public participation to benefit from the capacities of this religious institution.

3. The Capacities of the Institution of *Enjoining Good and Forbidding Wrong* in Promoting and Realizing the Right to Freedom of Assembly

Having clarified the conceptual and legitimizing foundations of the right to freedom of assembly, it is now time to evaluate this right in practice and within institutional structures. The central question here is how the right can be promoted, supported, and institutionalized using indigenous and Islamic resources—particularly the institution of *enjoining good and forbidding wrong*. This inquiry moves the discussion from theoretical analysis into the realms of jurisprudence, legal policymaking, and the design of effective enforcement mechanisms.

In this regard, the initial step involves analyzing the jurisprudential and social foundations of the institution of *enjoining good and forbidding wrong* to clarify its capacities for societal guidance, faithful oversight, and integration with collective action. The discussion then turns to how this institution can serve as a framework for enhancing political participation and imposing accountability on governance structures. Finally, the section examines the legal and procedural considerations for realizing the right to assembly—including the provision of security, appropriate regulation, and the design of effective legal guarantees. This part aims to demonstrate that not only is there no contradiction between *enjoining good* and freedom of assembly, but this religious obligation can offer a developmental and indigenous foundation for the practical realization of this fundamental human right.

3.1. *The Position and Capacity of Enjoining Good and Forbidding Wrong in the Islamic Legal System*

In Islamic thought, *enjoining good and forbidding wrong* (*amr bi al-ma'rūf wa nahy 'an al-munkar*) is not merely a personal or ethical duty—it is a social institution deeply rooted in the monotheistic worldview and the Islamic conception of collective human destiny. As Martyr Motahari explains, the rationale behind this institution is that people are like passengers on the same vehicle: either they all reach their destination safely, or they all come to a halt (Motahari, 1996, p. 18). Accordingly, *enjoining good* cannot be regarded as an individualistic act separate from social life. It is fundamentally based on the mutual responsibility individuals bear toward one another's social fate. In this framework, not only individual acts but also the social consequences of actions and inactions become matters of duty. Hence, the institution of *enjoining good and forbidding wrong* is viewed as a public responsibility in the Islamic system—one that is not monopolized by the state but entrusted to the people.

This understanding is not solely grounded in philosophical or sociological interpretation but also finds support in Qur'anic exegesis. In Surah Al-Jathiyah (45:28), it is stated: “*You will see every nation kneeling down. Every nation will be called to its record. [And it will be said:] Today you will be recompensed for what you used to do.*” Interpreters such as Ayatollah Makarem Shirazi see this verse as evidence of a collective book of deeds for each nation, emphasizing that social responsibility is not merely an ethical recommendation but a divine principle (Makarem Shirazi, 2007). Social actions like *enjoining good* are thus considered concrete expressions of this collective responsibility.

This perspective is particularly evident in Islamic jurisprudence. Even when certain behaviors are tolerated in private or under specific circumstances, if the same behavior occurs in public and produces social consequences, it becomes subject to prohibition. For instance, jurisprudential rulings state that if a traveler breaks their fast during Ramadan, it is generally not obligatory to confront them. However, if the act is public and risks undermining the sanctity of Islamic law or encouraging others to disregard religious norms, then forbidding it becomes mandatory (Khomeini, 2000). This illustrates that in Islamic legal reasoning, social impact, not just individual sin, is a determinant of legal duty. Thus, the institution of *enjoining good*, especially in its public and collective form, is a mechanism for maintaining religious social boundaries and restoring the community's collective will in the face of deviation or passivity. This insight directly connects with the article's main thesis: political assemblies, as a form of public *enjoining good*, are not merely individual protests but manifestations of communal, faithful commitment to shared responsibility for societal direction.

In Islamic thought, the believer's religious responsibility extends beyond personal piety. A Muslim is accountable not only for themselves but for the moral trajectory of their society. Social oversight of public behavior is not secondary but an essential part of active faith and divine obligation. Ayatollah Mesbah Yazdi underscores this point, arguing that the common belief that individuals are only responsible for their own religiosity and not others is incompatible with Islamic logic. In the Islamic view, all are responsible for the moral health of society, and this responsibility is institutionalized through *enjoining good and forbidding wrong* (Motahhari, 1986).

In this vein, Islamic jurisprudence holds that even if a person does not themselves fulfill a duty, they are still obligated to encourage others to do so (Khomeini, 2000). This ruling, though seemingly paradoxical, carries an important message:

neglecting *enjoining good* is not merely a failure to perform a personal recommendation but a disregard for a collective duty. Such neglect makes society vulnerable to apathy and the erosion of communal responsibility.

A particularly notable expression of the social and structural capacity of *enjoining good* appears in Imam Khomeini's jurisprudence. In *Tahrir al-Wasilah*, he explicitly states that if the realization of this duty requires a group gathering, and if a smaller group cannot establish virtue or eliminate vice, then organizing an assembly becomes obligatory (Khomeini, 2000). Though it appears to be a technical legal ruling, this mandate holds profound social and political implications. An "assembly to promote good or counter evil" is precisely the kind of public action that challenges power dynamics and seeks changes in policy or governance. In this light, such an assembly is not just physical presence but a participatory political act embodying demands, protest, or calls for reform.

The jurisprudential logic further supports this by asserting that if a religious obligation depends on a prerequisite, that prerequisite also becomes obligatory. Thus, if establishing virtue requires organizing an assembly, and such an assembly necessitates outreach, mobilization, and recruitment, then those preparatory actions are also religious obligations. Within this paradigm, the religious actor is not only called to participate but is also responsible for activating others' participation. This aspect distinguishes *enjoining good* from most liberal or secular models, where such communal mobilization is typically voluntary or individualistic.

Assemblies convened in response to moral or religious demands for fulfilling a public duty are therefore not only legitimate but, under certain conditions, obligatory. This obligation applies not just to the outcome but to the entire process of forming an assembly—including the invitation to participate. Such analysis transforms *enjoining good* from an individual devotional practice into an organized tool for collective action, public oversight, and social advocacy within a politico-religious structure. This explains why Imam Khomeini, in a critical tone, objected to a reductionist religiosity limited to private rituals, warning, "Some care more about articulating 'wa la al-dalleen' correctly than they do about social issues" (Khomeini, 1978).

In line with this, contemporary thinkers have also sought to reinterpret the political potential of *enjoining good and forbidding wrong* and reposition it within the structure of an Islamic society. One notable analysis proposes that the political behavior of the people in a Qur'anic ideal society rests on two pillars: *enjoining good* and *forbidding wrong* (Jalili, 2022). In this view, political participation is not a matter of personal preference but an expression of divine duty. This framework bases the legitimacy of political assemblies not merely on legal or customary grounds but on a collective religious obligation. Neglecting it would signify indifference to communal well-being and a retreat from social responsibility.

Ayatollah Javadi Amoli likewise identifies public oversight as a religious obligation, emphasizing that this duty is not assigned to a particular group but rests upon all members of society (Javadi Amoli, 2000). Within this framework, political participation—whether through public discourse, peaceful assembly, or other civic actions—is not an optional endeavor but a general obligation. Neglecting this duty exposes the entire social structure to moral stagnation, tyranny, and deviation. This level of collective responsibility forms a fundamental distinction in the Islamic approach to freedom of assembly, which will be further explored in the remainder of the article.

The importance of this analysis increases when one considers that if, in the Islamic worldview, political engagement through assembly is a religious obligation, the Islamic state is not permitted to restrict it. Rather, it is religiously obligated to facilitate, support, and provide the conditions for its realization. In this paradigm, *enjoining good and forbidding wrong* becomes a divine and legitimate tool for collective action, enabling the entire community to engage in proactive demands for justice. This very capacity can form the religious and popular foundation for the development of the right to freedom of assembly—especially in its protest form—creating a framework for organized, legitimate, and goal-oriented public engagement.

One of the key features of this institution is its flexibility in determining the subject matter. Unlike some jurisprudential institutions that require textual evidence, *enjoining good and forbidding wrong* extends beyond the scriptural realm. Shi'a jurists, including Imam Khomeini, have declared that if practical reason or public consensus deems something undesirable or necessary, enjoining or forbidding it becomes obligatory, even without explicit textual support (Khomeini, 2000). This means that if public opinion determines a particular official's behavior, institution, or policy to be improper, citizens are not only permitted but religiously obligated to react and demand accountability.

This feature makes *enjoining good* a powerful mechanism for public oversight and the defense of the common good. Citizens, independent of official institutions or particular legal rulings, can use their moral and social judgment to identify

instances of deviation or corruption and engage in spontaneous or organized assemblies to advocate for reform. Especially in situations where official institutions are passive, opportunistic, or ineffective in addressing misconduct, this expansive conceptual framework provides a legitimate, people-driven basis for social and protest movements.

Thus, *enjoining good and forbidding wrong* offers a distinct model for legitimizing and advancing the right to political assembly in Islamic society. It departs from the liberal, individual-centric approach and instead relies on religious rationality, collective duty, and shared social responsibility—paving the way for meaningful, responsible, and organized public participation.

When the implementation of *enjoining good and forbidding wrong* requires active presence in the public sphere and access to political and social influence, the Islamic state cannot remain indifferent to providing such conditions. According to jurisprudential logic, if the fulfillment of a religious obligation depends on a prerequisite, then under specific circumstances, that prerequisite becomes obligatory. This principle does not apply uniformly across all areas of jurisprudence but varies depending on the nature of the primary duty and the feasibility of fulfilling its prerequisites.

For example, ablution (wudu) is not obligatory in itself, but because it is a prerequisite for prayer (which is obligatory), it becomes necessary. In contrast, financial ability is a condition for the obligation of Hajj, but since acquiring wealth is not always feasible, becoming financially able is not mandatory. However, in the case of *enjoining good*, Imam Khomeini affirms that if fulfilling this obligation requires power, then acquiring such power also becomes obligatory (Khomeini, 2000). In other words, if public implementation of this duty requires resources, support, or effective presence, striving to obtain these tools becomes part of the obligation itself.

Therefore, state support for this process is not a political choice—it is a religious duty. The Islamic state must provide the necessary infrastructure for fulfilling this divine obligation, including the ability to assemble, ensuring security, and guaranteeing citizens' effective participation in social reform. Thus, the state's role is not limited to granting permits or oversight; it includes empowering citizens to fulfill their religious responsibilities.

This interpretation aligns with the explicit statements of the Supreme Leader of the Islamic Republic. Ayatollah Khamenei has stated that officials, legislators, and executives must pave the way for the implementation of *enjoining good and forbidding wrong*, as it is a divine obligation (October 21, 1992). This perspective elevates the relationship between this religious institution and the right to assembly from a purely legal connection to a structural and faith-based one, in which the state is an integral part, not merely an external observer.

This obligation of state support goes beyond refraining from obstruction. The Islamic government is required to actively perform its protective and enabling role concerning this duty. Even if potential threats stem from non-governmental or oppositional forces, the state cannot use such risks as grounds to avoid guaranteeing citizens' security in the exercise of their religious obligations. Failure to do so constitutes harm to those fulfilling their duty, contradicting the Islamic government's mission to empower the faithful. Hence, securing religious and reform-oriented assemblies is not an administrative privilege but a divine responsibility of governance—one that must be fulfilled without fear of threats or anticipated consequences.

Furthermore, the operational structure of *enjoining good and forbidding wrong* in Islamic jurisprudence is tiered, beginning with the mildest form and escalating only if ineffective. The initial stage involves calm and respectful verbal advice, provided that it does not violate the dignity of the addressed party (Khomeini, 2000). This principle has legal as well as ethical implications: even when confronting public vice by officials, participants in assemblies may not resort to insult or humiliation under the pretext of reform. Therefore, legislators must establish rules against abuse to safeguard both individual dignity and the legitimacy of the assembly.

If early stages prove ineffective and wrongdoing continues, Islamic jurisprudence permits—and in cases of probable effect, mandates—escalation. This may involve assertive speech, warnings of consequences, or direct demands (Khomeini, 2000). In political action, this includes calling for accountability, legal action, or resignation of officials. As long as these efforts remain lawful and ethical, they are legitimate forms of the duty—not violations of religious principles.

At the highest level, if all previous steps fail, Islamic law allows coercive and authoritative means to fulfill the obligation (Khomeini, 2000). In such cases, the public must have institutional backing and clear legal guarantees to compel officials to cease wrongdoing or implement reform. Without these, the duty—which is of utmost importance—would be reduced to a non-

binding recommendation. That would render the public's reformist capacity ineffective and contradict the legitimacy of divine and political mandates.

This three-tiered structure can serve as an indigenous framework for regulating the right to assembly within an Islamic context—beginning with respectful protest, followed by assertive demands, and culminating in lawful enforcement. Such a model not only reinforces the religious legitimacy of assemblies but also opens the door to designing effective legal mechanisms to fulfill the people's demands.

3.2. *Expanding Political Freedom of Assembly Through the Approach of Enjoining Good and Forbidding Wrong*

In the Islamic system, political participation by the people is not merely a legal possibility or voluntary choice; it is a manifestation of fulfilling a divine obligation. The institution of *enjoining good and forbidding wrong* plays a foundational role in the structure of political participation, especially in the relationship between the people and the government. The fulfillment of this obligation at the macro-social level is impossible without collective backing—a support system that, in practice, takes shape and continues through public actions such as assemblies. Therefore, the implementation of *enjoining good* toward rulers is not only permissible but, in many cases, obligatory, as widespread public apathy toward abuses of power amounts to suspending public oversight and silencing the political conscience of society.

Within this framework, *enjoining good and forbidding wrong* can be viewed as a religious mechanism for moderating power—one that enables citizens, based on a divine obligation, to demand accountability from officials, correct maladministrative practices, and restrain institutional deviation. This function not only aligns with the philosophical foundations of freedom of assembly in human rights but grants it deeper and more rooted legitimacy. Assemblies aimed at fighting corruption, demanding transparency, and reforming executive practices are clear manifestations of *enjoining good and forbidding wrong* in the Islamic worldview. From this perspective, political engagement rooted in religion is not merely legitimate—it carries cultural depth and religious imperative.

This approach is also reflected in the words of Imam Ali (peace be upon him). In Sermon 34 of *Nahj al-Balagha*, he does not limit his rights over the people to obedience; he extends them to include consultation, public and private advice, and sincere assistance in pursuing justice. These prescriptions clearly point to the active participation of the people in guiding the government—not passive compliance. Thus, wherever freedom of assembly is framed as a space for such participation, a conceptual and operational link is forged between religious and legal categories—one that provides both a theoretical and practical foundation for the development of this right in the Islamic system.

The Islamic perspective on freedom of assembly is not merely a cultural alternative to the liberal model; it contains a developmental capacity that can enhance and deepen the legal foundations of political participation. In liberal systems, freedom of assembly is recognized as an individual right that the state must respect, but this obligation typically stops at non-interference. States in such systems are not held responsible for the effectiveness or outcomes of protest. In Islamic thought, however, protest gatherings carry a normative weight: when an assembly constitutes *enjoining good*, the Islamic state is not merely prohibited from suppressing it—it is religiously obligated to respond and act to reform. This distinction elevates the Islamic model from a framework of mere “rights” to one of reciprocal “obligations.”

According to the jurisprudential hierarchy in Islamic law, if the soft-spoken stages of *enjoining good* prove ineffective, the obligated party must proceed to more forceful measures—such as warnings, serious threats, or the exertion of lawful pressure—provided that the action is likely to be effective and free of significant harm (Tahrir al-Wasilah, 2000, Vol. 1, pp. 543–545). From this ruling, it is evident that *enjoining good* operates through a gradual and purpose-driven logic that elevates political participation from passive protest to effective, demanding, and potentially binding action. Tools such as demanding accountability, calling for resignations, or threatening legal action against officials are not only permissible but, in certain situations, obligatory. What makes this capacity especially prominent in the Islamic system is the religious obligation to pursue reform, while in Western systems, even where such tools are legally permissible, there is no requirement for actual effectiveness or state accountability. The liberal approach generally stops at negative freedom (non-interference), while in Islam, political participation is part of a divine duty that must yield tangible and effective results.

Elsewhere, Imam Khomeini ruled that if the obligated individual faces a credible risk of harm—bodily, financial, or reputational—as judged by rational public standards, then the obligation is lifted (ibid., p. 536). This clearly establishes that

security is a prerequisite for fulfilling this duty, meaning the Islamic state has responsibilities beyond neutrality. State inaction in ensuring safety not only obstructs the people's religious duties but constitutes harm to the obligated party. This further differentiates the Islamic approach from many Western systems, where the state bears no responsibility for the moral or religious security of protestors and limits its role to establishing minimal legal frameworks. In Islamic legal logic, however, ensuring safety for religious obligations is itself part of that obligation.

Imam Khomeini also explicitly ruled that if fulfilling *enjoining good* depends on collective presence, then organizing an assembly becomes obligatory. Even if an individual cannot independently form a group, they are still obligated to try—and only proven incapacity lifts the duty (Khomeini, 2000). This not only reinforces the legitimacy of assembly but makes public invitation, mobilization, and organization part of the religious duty. As such, the Islamic state is religiously obligated to provide platforms such as media access, avenues for public invitation, effective licensing systems, and support for assembly formation. This interpretation stands in stark contrast to systems where assembly is treated solely as an individual right, with no supportive obligations placed on the government.

Another key ruling is Imam Khomeini's declaration that if *enjoining good and forbidding wrong* requires empowerment—especially in governmental matters—then gaining such power becomes obligatory (ibid.). Therefore, the Islamic state must provide the conditions necessary for citizens to acquire such power, including public education, access to information, protection of freedom of expression, the right to organize, and legal support for social activists. This framework does not hinder the rule of law—it realizes a core duty of the religious order. In contrast, many liberal models lack any structural necessity for empowering citizens against the state.

At the final level, Imam Khomeini ruled that if all prior stages fail, and change is still not achieved, then using legitimate authority to compel the implementation of good or abandonment of wrong becomes obligatory—again, provided there is likely effectiveness and no ensuing harm (Khomeini, 2000). This implies the need to design legal and executive institutions through which the people can hold officials accountable, monitor their actions, and demand structural reforms when necessary. This institutional accountability is not merely a political or media exercise—it is part of the people's religious obligation. The difference with liberal systems is that even large-scale protest may not result in mandatory government responses, whereas in the Islamic system, failure to answer such religious duty constitutes a legal defect.

Unlike liberal approaches, in which the obligation to respond to power remains symbolic or ethical, Islamic jurisprudence treats *enjoining good* toward rulers as a divine mandate. Neglecting it leads to the breakdown of public oversight and the continuation of structural deviations. Here, collective action is not just expression of discontent—it is a binding demand for reform. Therefore, the creation of legal mechanisms for dismissing or constraining errant officials is not political interference—it is a step within the jurisprudential framework of this religious obligation.

At the international level, the principle of cultural diversity is often used to justify the moderation or exception of certain global human rights standards—especially where non-Western values and practices diverge from mainstream liberal models. However, in the Islamic jurisprudential framework—and especially through the lens of *enjoining good and forbidding wrong*—this principle can serve not to dilute human rights obligations, but to enhance their quality and depth. In this sense, cultural diversity becomes not an excuse for limitation, but a foundation for a conceptually richer reconstruction of human rights.

Thus, *enjoining good and forbidding wrong* should not be seen as a barrier to freedom of assembly but as a legitimate, internalized, and ethically grounded mechanism for its development. This model not only emphasizes active citizen participation but provides it with religious, obligatory, and indigenous support—offering, in line with global human rights values, a framework that may in some ways surpass purely rights-based liberal approaches in effectiveness and internal motivation.

Such redefinition can enrich the discourse on human rights by demonstrating that localization does not necessarily imply retreat from standards. In some cases, it can open new avenues for more effective and people-centered realization of rights through independent intellectual resources and deeply rooted cultural values.

3.3. Practical Considerations and Legal Safeguards

Although the religious obligation of *enjoining good and forbidding wrong* provides a robust foundation for the legitimacy of political assemblies from the perspective of Islamic jurisprudence, this legitimacy is defined within a framework that,

contrary to popular belief, does not grant unchecked or unlimited validation to all forms of action. The constraints imposed on the execution of this obligation, including the right to assemble, are not signs of doubt regarding its legitimacy, but rather expressions of jurisprudential rationality aimed at balancing duty, effectiveness, ethics, and social security.

One of the most significant of these constraints is the principle of *tazāhum* (juridical conflict). If the performance of *enjoining good* entails committing a prohibited act or neglecting another obligation, the obligated individual must assess and choose the action with the greater religious significance (Khomeini, 2000). This ruling is a sophisticated mechanism to prevent internal contradictions within the Sharia. However, such considerations are only valid in cases of actual conflict and cannot be preemptively used to ban assemblies. Indeed, the core logic of this obligation emphasizes legitimacy and the necessity of participation, with prioritization only becoming relevant in the presence of real conflict.

Moreover, Islamic jurisprudence acknowledges that determining the hierarchy of such conflicts requires a level of expertise beyond the general public. Imam Khomeini emphasizes that although evaluating interests is a prerequisite for valid obligation, this does not mean that every individual must become a jurist. Instead, it is the responsibility of the scholarly class (*fuqahā*) to provide clear and systematic guidelines for their followers (Khomeini, 2000). As a result, even religious constraints are organized within a transparent framework that spares the public from uncertainty in practice.

Another example of strategic restriction is the staged execution of the obligation, explicitly detailed in the jurisprudence of Imam Khomeini. One must begin with the mildest possible tone, escalating to stronger measures only if such an approach proves ineffective (Khomeini, 2000). This structure not only curbs excess in political and religious action but also lays the groundwork for legal regulation of permissible and impermissible behaviors during assemblies. For instance, insults, slander, or humiliation—even when performed under the guise of *forbidding wrong*—are considered contrary to the obligation. Legislators can use this principle to define the boundary between legitimate protest and unacceptable conduct, without undermining the fundamental right to assemble.

At a more advanced stage, jurisprudence permits intensified language, warnings, and even threats of consequences if the likelihood of impact with softer approaches diminishes—so long as religious and legal boundaries are maintained (Khomeini, 2000). This stage is not a license for violence but a blueprint for a calculated progression to a more assertive phase of civic demand. This logic contrasts with certain practices in other countries where any protest may prompt harsh and coercive responses. Here, the structured and jurisprudentially constrained nature of escalation turns social action—even in dissent—into an ethical and duty-bound process rather than an anarchic one.

Another critical point within these legal constraints is the ruling that the obligation is lifted in the presence of substantial risk to life, property, or reputation (Khomeini, 2000). Even here, the operative logic is protection of the obligated individual, not suspension of the religious duty. While the duty may be waived for the individual, the state's responsibility is intensified—it must create conditions in which the person is not forced to abandon the obligation. Especially when threats arise not from the state itself but from third parties, the state's failure to act still renders it accountable for security.

From this perspective, it becomes evident that Islamic jurisprudence not only legitimizes political assemblies but also provides structured measures and methodological limitations to ensure their ethicality, orderliness, effectiveness, and safety. These limitations, although seemingly restrictive, in practice enable a more impactful and less costly realization of the right to assemble in an Islamic society. They prevent public mobilizations from degenerating into disorder or immorality and simultaneously empower an Islamic government to legally and religiously defend the legitimacy of the assembly with greater authority.

4. Conclusion

A comparative analysis of human rights principles and the Islamic institution of *enjoining good and forbidding wrong* demonstrates that, contrary to reductionist claims, no inherent contradiction exists between the political freedom of assembly and the Islamic jurisprudential tradition. On the contrary, internal religious capacities can contribute to the expansion, deepening, and localization of this right. In the Islamic view, freedom of assembly is not merely an individual right to express opinions; it is a manifestation of a collective duty to promote social reform and supervise power. Thus, when an assembly aims to resist injustice, corruption, or governmental deviation, it is not only permissible but obligatory.

A distinguishing feature of this approach is that public participation in political action does not merely rest on the state's non-interference. Based on explicit rulings such as those of Imam Khomeini, the Islamic government is religiously obligated to facilitate, actively support, and even prepare the necessary conditions for this participation. These include enabling assembly, dissemination, and organization, securing public safety, providing media access, and offering legal protection for protestors—all of which are not political privileges but religious obligations of the rulers.

In contrast to minimalist Western approaches, where government accountability remains largely in the moral or media realm, Islamic jurisprudence provides a tiered and mandatory structure that extends to the level of removing officials and legally compelling reform. Therefore, the duty of *enjoining good* serves not only as a justification for assembly but also as a jurisprudential and political foundation for its effective implementation. The stark difference from the liberal model lies in its developmental potential—a model that elevates political participation from inconsequential protest to meaningful reform.

Furthermore, Islamic jurisprudence prescribes not only the principles and stages for responsible collective action but also intelligent constraints such as the principle of *tazāhum*, prohibitions on insult and defamation, and adherence to the appropriate stages of admonition. These are not merely restrictive but serve as guiding tools to reduce the societal and religious costs of assemblies. Thus, both the structure of facilitation and support and the framework of regulation and limitation are designed to ensure that people's rights are upheld within a rational, ethical, and religious system.

It is also worth noting the compatibility of this approach with international norms, particularly the principle of "cultural diversity." Unlike approaches that use this principle to justify curtailing rights, this article has shown that within the framework of Islamic jurisprudence, cultural diversity can serve as a basis for rights expansion. The institution of *enjoining good and forbidding wrong*, with its inner commitment, ethical foundation, and binding structure, offers a culturally grounded and deep-rooted model for political participation—a model that does not stand in opposition to the global human rights framework but seeks constructive engagement with it.

In the end, this article concludes that revisiting religious institutions with the goal of enhancing civil and political rights is not only possible but necessary. The Islamic jurisprudential tradition, if properly understood and updated, can transform from an obstacle to freedom into a platform for strengthening it—and this may be one of the most significant steps toward intelligent and civilizational localization of human rights in Islamic societies.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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