



*In the Name of Allah,  
the Compassionate, the Merciful*







**Legitimacy of Power**  
**from Imam Khomeini's Point of View**  
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The Institute for Compilation and Publication of  
Imam Khomeini's Works  
(International Affairs Department)

## **Legitimacy of Power from Imam Khomeini's Point of View**

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کتاب "مشروعیت قدرت از دیدگاه امام خمینی" به زبان انگلیسی

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## **Introduction**

The legitimacy of political power has always been the concern of rulers as well as that of political philosophers. This significance of legitimacy arises in the first place from the importance of power itself, as power in its true nature is the possibility to employ various factors in order to realize an individual will; for this to be acceptable to the society, it is imperative that the approval of all individuals of the nation be gained in different ways, and that national affairs be controlled, which is the same as gaining legitimacy. That is why it is said that no aspect of power can be complete without reference to legitimacy.

Therefore, from ancient past, along with power itself, legitimacy of power has been of interest to political thinkers and philosophers as, from their point of view, the basis of politics and power is who should govern and why the people should obey their rulers. And legitimacy has been exactly the key concept to understanding this implication, because it is the basis and the foundation of the supremacy of power and simultaneously refers to the two issues mentioned above, i.e., "the right to rule for the rulers" and "the acknowledgment and acceptance of this right by subordinates."

For the rulers and those who possess power, the importance of legitimacy has been due to the fact that it is a valuable and rare resource which they infinitely need, because with that, in order to increase sources and to force sectors to obey them, the rulers do not need other resources. The currency and barter for legitimacy are the loyalty and support of the society. If the regime and the government and even only the rulers are legitimate in the eyes of the people, policy makers can easily and with little expense increase the resources of the regime or make citizens obey. Therefore, even authoritarian rulers feel the need to gain legitimacy, if they happen to lack it. This is because, as Xenophon

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said, even the power of the authoritarian cannot be based on force only; they too need to justify their power. Therefore, for the rulers as well, the key concept of this justifying step is legitimacy. And it is legitimacy which can turn ferocious power into accepted power.

Therefore, legitimacy of power has always been of interest to rulers and political thinkers. They too have realized that for the stability of their favorite political systems they need the support of the ruled masses; they have tried to make themselves safe from objections, protests and difficulties and to get voluntary support from their people by gaining legitimacy. In other words, legitimacy of power is of importance in all political systems, whether democratic or despotic. All systems strive to develop this belief among their subjects that the existing political system is the right one for their society, and more suitable than any other political system which may be established. The importance of this issue for Islamic rulers and thinkers as well does not lie outside this framework. From the point of view of Muslim thinkers, an Islamic government is "a government of justice and equality, freedom and independence and security and welfare, and not a government of force and oppression or injustice and inequality." Therefore, according to the interpretation of Imam Khomeini, in Islamic governance no one has the right to be despotic. Every one should bow to the vote of the people. God the Almighty and the great Prophet (*s*) have not given Islamic rulers the right to impose anything on the people. If this is so, then Islamic governance, more than any other, feels obliged to exercise legitimate power. That is why Islamic thinkers believe that governance and power in the Islamic system must be established according to religious principles and must have legitimacy and rightfulness in the eyes of the subordinates.

In determining the importance of this issue and its different aspects, Islamic scholars and thinkers, while discussing the principle of the necessity of legitimacy of power and governance and its conditions and characteristics, have always studied the

origin of legitimacy for power and governance. The present book will start with a schematic review of this intellectual effort.

To review the Imam's viewpoint, as the founder of a government based on religious and democratic legitimacy, it is of great importance to look at the legitimacy of political power in Islam, as his intellectual and practical efforts in this relation are indications of the fact that Islamic governance, as the Imam says, is not like any of the existing forms of governance; rather, it is something quite distinct from them all. This is governance according to religion and according to what the people want; in a nutshell, it is "the governance of the divine rule over the people", and not the governance of individual opinion.

The basic assumption in the present book is that the Imam assigns a combination of two bases for the legitimacy of Islamic power and governance: the divine and the democratic legitimacy and rightfulness.

In order to clarify this assumption, after discussing theoretical and historical debates on legitimacy, the book will examine its origin and its concept from the Imam's point of view. After expressing the concept of legitimacy from the Imam's point of view, the book will review each of the origins proposed for the justification of legitimacy from the Imam's point of view. Then, to clear the status of the divine legitimacy of power from his point of view, the legitimacy and rightfulness of the governance of the Prophet (s) and the Infallible Imams (a), governance in the period of the Occultation, and then the divine and democratic origin of the rule of the guardianship of the jurist and the reasons for each will be discussed.

The next chapter first discusses interpretations of the Imam's theory on the divine or democratic legitimacy of governance; after examining the validity of these interpretations, it will deal with the combined nature of the origin of legitimacy from the Imam's point of view as an independent interpretation. Since in theoretical debates the book separates the concept of legitimacy from that of

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efficiency, and as the attempt is to consider as independent the tools of efficiency and acceptability from the origin of legitimacy of power, the book will discuss the tools of the efficiency of power and governance from the Imam's point of view in a separate chapter. What has been accomplished in this relation is just a small effort which, because of the humbleness of the author, suffers several misunderstandings and defects, and it is hoped that these will meet with the reformatory look of generous readers and friends.

Imam Khomeini's Centennial Commemoration Headquarters would like to express gratitude to Mahdi Mehrizi, the head of the cultural committee of the HQ and Muhammad Ali Sultani, the manager of the project of "Compiling the Social Thoughts of Imam Khomeini.

## CHAPTER ONE

### Generalities on legitimacy

#### The concept of legitimacy

##### Lexical meaning

The term '**legitimacy**' comes from the classic Latin *legitimus*, meaning legality. In the English language, this term is the equivalent of **rightfulness**, **justifiability**, **legality** and **authenticity**, and belongs to the same family as **legislator** and **legislation**.<sup>1</sup> In Arabic and Farsi, this term mostly denotes "what accords with religion and what religion considers permissible."<sup>2</sup> This is while "being according to religion" is only one meaning of the word legitimacy. In the present research, the term legitimacy has not been used as meaning religious, but as rightful and legal.

##### Terminological meaning

In political and sociological sciences "legitimacy and rightfulness are the conscious and voluntary acceptance and subordination on the part of the people towards a government or ruling power". Therefore, legitimacy, or rightfulness, is the hidden power that exists in a society or country which urges the people to subordination without using force. Therefore, it can be said that legitimacy, or rightfulness, in the political and social sense of the word, is that "oneness and unity of the way that the leaders and rulers of a society gain power according to the theories or beliefs of all or the majority of the people of the society, in a particular

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<sup>1</sup> Webster's Dictionary offers the following definitions for legitimacy and legitimate: according to law; lawful.

<sup>2</sup> Amid Farsi Dictionary.

place and at a particular time, the result of which belief is people's accepting the right to be dictated to by the rulers and citizens' duty to obey."<sup>1</sup> According to this technical meaning of the term legitimacy, meaning the rational justification for the ruler to wield power on the one hand and the subordination of the people on the other hand, to take rightfulness as its equivalent is much more suitable than other literal meanings of the word. However, as in conventional political language rightfulness and legality are more frequently intended, hereafter in the present research the word legitimacy will be used in its technical sense.

In order to further clarify the terminological meaning of legitimacy, the book will examine its relation to the different meanings that can be understood from the word.

#### **A. Legitimacy and legality**

As can be understood from the lexical meaning of the word legitimacy, one of its definitions is legality. That is why some people take legitimacy to be the same as legality.<sup>2</sup> However, it should be born in mind that legitimacy is not the same as legality, because legitimacy of power does not only arise from the law; rather, the legitimacy of the ruling power is sometimes dependent on tradition and convention (which are by nature kinds of unwritten laws) and sometimes on divine and heavenly affairs. According to Leeds, basically, the legitimacy of the ruling power in each society "is determined according to the attitudes and the conventions of a nation." And when the people of a society "willingly accept the rulers, the laws and the constitution of that

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<sup>1</sup> Abul Muhammad, Abdulhamid. "Principles of Politics" (*Mabani-ye Ilm-e Siyasat*); Tehran, Tus Publications, 1991, pp. 244, 245.

<sup>2</sup> Kolimer, Fredo. *Governance*; Persian translation by Abbas Aqai, p. 172.



society, the government will be acknowledged as legitimate.”<sup>1</sup> Therefore, legality is not the same as the legitimacy of power.

### **B. Legitimacy and acceptability**

It is possible to consider legitimacy the same as acceptability, and to imagine that a legitimate government is one which enjoys the acceptance and approval of the people. A little attention, however, makes us notice that it is possible to maintain a difference between the two. Legality is “a stable situation which refers to a quality in a government (or any other kind of agreement), whereas popular acceptability is related to the concept of legitimation, which is a process by which governments attempt to develop and expand their social standing and also to gain popular approval.”<sup>2</sup>

In fact, legitimacy is a concept related to political philosophy in which the main questions are who has the right to rule and what kind of governance is rightful. Therefore, the question is the rightfulness of the ruler and the type of governance. On the other hand, acceptability and legitimating are sociological issues in which the main question is the definition of efficiency, permanence, acceptability and the people's approval. Under what conditions and by what factors does a particular ruler in a religious or non-religious society find acceptability and popularity? Therefore, when discussing acceptability and legitimating we are not interested in whether the ruler and the government are rightful or not; our only point of interest is popular acceptability, the social standing of the ruler, and the factors of increasing approval and acceptability.

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<sup>1</sup> C. A. Leeds. “An Introduction to Politics” (*Muqaddami-i bar Ilm-e Siyasat*); translated into Persian by Dr. Mansur Rahmani and Hadi Khazai, Tehran, Ata Publications, 1998, pp. 28-29.

<sup>2</sup> Hajjariyan, Said. “A Look at the Issue of Legitimacy” (*Negahi be Masale-ye Mashru'iyat*); *Rahbar*, No. 3 (Spring 1993), p. 80.

Therefore, it is possible to say that legitimacy and rightfulness are related to what automatically and naturally exists, and acceptability and legitimation to what needs to be proved.<sup>1</sup>

### **C. Legitimacy and efficiency**

Another meaning whose border should be made clear with legitimacy, as meaning rightfulness, is the concept of efficiency, as some consider legitimacy the same as efficiency and believe that a legitimate government is a government that does its duties in the best way. However, we know that the efficiency of a government is related to its secondary legitimacy, meaning that efficiency can add to the acceptability of a government but cannot be considered the same as its rightfulness.

In fact efficiency is the objective nature of a government and legitimacy its value topic. In the long run, however, the presence or absence of one of these two can lead to the development or loss of the other. According to Lyspet, if a regime finds itself in Box A, it has a high degree of legitimacy and efficiency. If it moves from A to B in time of crisis, this indicates losing efficiency but maintaining legitimacy. So, when the time of crisis is past, it moves to its original place, Box A. In contrast, if a regime finds itself in Box C, with a high degree of efficiency but a low degree of legitimacy, an efficiency crisis will move it from C to D and at that time the regime will probably fall.

Of course, according to O'Donnel, if the performance of an illegitimate regime (a benevolent dictator) culminates in the

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<sup>1</sup> Musaviyan, Abulfadl. "A Study of the Origin of the Legitimacy of the Islamic Government" (*Barrasi-ye Mansha-e Mashruyyat-e Hukumat-e Islami*); Collection of articles presented at the Convention of Imam Khomeini and the Thought of the Islamic Government (Political Philosophy 1) (*Majmue Maqalat-e Kongre-ye Imam Khomeini wa Andisheh-ye Hukumat-e Islami*), pp. 389-390.

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development of general welfare and the establishment of security, it is possible for that regime to gain legitimacy and to move itself from C to A.<sup>1</sup>

From what was said it can be concluded that legitimacy is the foundation and the basis of the ruling power which, on the one hand, gives the right of leadership to the government and, on the other hand, informs the ruled masses of such a right.<sup>2</sup> This rightfulness arises not only from legality but also from the particular attitudes of each nation. At the same time, it should not be considered the same as the acceptability and efficiency of the ruling power, because the rightfulness of the ruling power is prior to its finding acceptability and being efficient. And thus legitimacy and acceptability each enjoys particular resources and tools.

	Efficiency	
	+	-
+	A	B
-	C	D

### Transition in the concept of legitimacy<sup>3</sup>

As was said, the term legitimacy has been derived from *legitimus*, a classic Latin word. In Ancient Rome this word meant legality and conformance to law. Cicero used it to express the legality of power and used the phrase “*legitimus in perimur legitima potestas*” for the powers or the legal rulers of a country.

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<sup>1</sup> Mati, Dogan. “Various Attitudes to the Issue of Legitimacy: Selection of Security – Political Articles” (*Gozideh-ye Maqalat-e Siyasi-Amniyyati*); Tehran, Research Center for Strategic Studies, 1999, vol.2; pp. 282-284.

<sup>2</sup> Dolf, Strenberg. “Legitimacy”, Selection of Security – Political Articles (*Gozideh-ye Maqalat-e Siyasi-Amniyyati*); vol. 1, p. 299.

<sup>3</sup> This chapter has been adapted from Strenberg's article and Dr. Alim's book.

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Later, the word *legitimaes* was used for the first time in the texts of the Middle Ages to refer to traditional methods, articles of the Constitution and their correspondence with traditions. Gradually, the element of approval was added to it and approval came to be considered the basis of legitimate leadership. Therefore, Marsilius of Padua (1324) denied the right of the church to rule and considered as effective the rule of any other civil power based on the constitution of the human society and the approval of the people. In his opinion, the basis of legitimacy is neither divine institution nor heredity, but rather legal elections.

Locke, who is acknowledged as the compiler of the modern theory of legitimacy, started his analysis of the nature of a government by attacking the divine rights of the kings. Refuting the bases of the theory of the "divine rights of the king," he strived to propose a completely different theory of governance based on which a reign is triumphant only when established according to human convention and sworn to do good service to its creators. In his opinion, an agreement which builds the society is drawn up in order to protect the rights of the parties of that agreement. But what is important in relation to legitimacy is that the government or in fact political institutions should be based on the agreement and the approval of the people.

Modern scientific theories on legitimacy were first posed by Max Weber, who was the first person to explain legitimacy as a general concept. In his opinion, legitimacy is based on beliefs and asks the people for subordination. He believes that power is effective only when it is legitimate; this means that power has the right to use obligation, but this is not its main element. Power should enjoy legitimacy. Otherwise, it will face difficulties and will be ineffective.

According to Dr. Alim, even if legitimacy were used in the Middle Ages to express acceptance or approval of or objection to the assumption of governance, today revolutions or coup d'états cannot be called illegitimate. This is because today legitimacy is

not synonymous with moral beliefs or benign behavior; it is rather a basis to justify the measures of the powerful, and that is why Robert Dale says that the leaders of political systems try to make sure, whenever governmental tools are used in conflicts, that everyone accepts the decisions made, not only because they fear violence, punishment or force but also because they believe that accepting the decisions is morally correct. This means that today a government is legitimate when its people truly believe that the structure, activities, measures, decisions, policies, officials and the leaders are rightful, honest or morally good to issue binding laws.

Therefore, according to Robert Dale, the military leaders of coup d'états also try to demonstrate their ability to justify the morality of their actions.<sup>1</sup>

#### **Appurtenance of legitimacy**

In the present discussion, the ruling power has been considered as the appurtenance of legitimacy. Therefore, a study of the relationship between legitimacy and power will be useful.

In defining power it is said that "power is a psychological relationship due to which the will of one party is realized by the other party and in which potentials and talents are used to perpetuate that relationship."<sup>2</sup> Therefore, power has the two dimensions of psychology and the tools and means of powerfulness. Legitimacy is related to both these dimensions, in the way that if it is possible to explain and justify the psychological relationship from the point of view of convention or the law, then the power relationship will be legitimate, and the person to

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<sup>1</sup> See: a) Strenberg. *Legitimacy*; pp. 305-312.

b) Alim, Abdulrahman. "The Foundations of Politics" (*Bunyahda-ye Ilm-e Siyasat*); Tehran, Ney Publications; 1994, pp. 105, 106.

<sup>2</sup> Rajayi, Farhang; "What Is Politics? How Is It Defined?" (*Farhang Chist wa Cheguneh Tarif Mishavad?*); (part two: About Power), the Foreign Policy Magazine; Fourth year; No. 2; 1990; p. 4.

exercise that power will be in possession of legitimate power. In other words, if the power relationship is approved and justified by the society's value system, it will be legitimate. In the same way, facilities and tools and abilities used should also enjoy a degree of acceptability and legitimacy.

Therefore, it is possible to say that a relationship which enjoys legitimacy and acceptability, both legally and conventionally, both from the point of view of psychology and of facilities and abilities, is the relationship of the legitimate power, and the person exercising this power enjoys "authority" or "command".<sup>1</sup>

Therefore, it is possible to thus illustrate the relationship between power and legitimacy and the result of the combination of these two:

Power + legitimacy = authority

#### **The origin of legitimacy**

The exercise of power, except in certain trivial cases, includes the element of subordination, and a reciprocal relationship is an innate part of the power relationship. In certain cases, it is possible for a person to have the ability to impose an obligation on someone else without the consent of the second party; generally, however, to exercise social power is something more than a way of imposing the will and comprises acceptance as well. If power and its exercise comprise acceptance, where does this acceptance come from? In other words, why does there exist the relationship of hierarchy or command and subordination among people of the same kind who are equal in creation and who are equal in nature and innateness? Why do people voluntarily obey their rulers? As was quoted from Leeds, the answer to this question will become clear according to the attitudes and the conventions of each nation. This means that in each society people, for various reasons, will obey the ruling power and consider their subordination necessary,

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<sup>1</sup> Ibid, pp. 8-9, also: C. A. Leeds, p. 96.

and the rulers will consider their exercise of power justified. That is why there are several origins for the legitimacy of the ruling power. In fact, the origins of legitimacy express the reasons for the legitimacy of a power. Before discussing these origins, it is necessary to say that differences have been maintained between two kinds of legitimacy, that is, legitimacy before and after the establishment of government, and therefore the origins of these two should be studied separately. In the present discussion our attention is more towards legitimacy and its origin before the establishment of government, which justifies the rightfulness of the exercise of power by the rulers and the necessity for subordination on the part of the people.

Generally, it is possible to say that there have been two origins for the exercise of power, the human and the superhuman. Because, as was mentioned in the discussion on the evolution of the concept of legitimacy in the history of western thought, the most basic form of power relationship insisted on a superhuman origin. Gradually, power was interpreted as an earthly and mundane affair and therefore found human legitimacy.

### **1- The superhuman origin of the legitimacy of power**

What is meant by the superhuman origin of legitimacy is the justification of power by factors that are beyond the will of man. Based on this notion, rulers consider the right to exercise power a natural or divine endowment put in their being. And people find themselves bound to obey them for this same reason. Based on such a justification of the legitimacy of power, rulers are considered individuals who can do things beyond the human ability because God has granted them charisma. Maybe, according to Dr. Rajayi, the oldest theory about the divine origin of power is the way the power of the kings was justified among the Aryans in ancient Iran. In one of the inscriptions of Darius I it is written:

“...Ahura Mazda, who is the creator of the heavens and the earth, has granted his representative power, and has granted him

charisma, and a supernatural ability to do things superior to humans both psychically and physically.”<sup>1</sup>

It is based on such justifications of power that Max Weber considers one of the origins of the legitimacy of power as the extraordinary abilities of the ruler and calls the resulting legitimacy “charismatic legitimacy”. What he means by “charismatic” is the particular characteristic of an individual who has unusual powers, and it is imagined that the said characteristic with exceptional supernatural and superhuman power has been granted to him. These characteristics are such that not every ordinary individual has access to them; rather, it is believed that they are of divine origin and that it is based on them that the said person is considered the ruler.<sup>2</sup>

As a result, subordinates believe that the unusual characteristics and the charisma of the ruler have been divinely granted, and so divine favor is one of the sources of legitimacy.

## **2- The human origin of the legitimacy of power**

The human origin of legitimacy is the elements and factors which the will of man, the history of human life or tradition have created. This origin of legitimacy includes tradition and law, or rationality.<sup>3</sup>

### **A- Tradition**

Traditions, which are in fact unwritten rules originating from conventions, norms and common values and which, through unlimited repetition, turn into spontaneous forms of action and gradually gain sacred validity, have always been factors to justify

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<sup>1</sup> Rajayi, Farhang, Ibid, p. 9.

<sup>2</sup> Weber, Max. “Economics and the Society” (*Iqtosad wa Jamiah*); Persian translation by Abbas Manuchehri et al, Tehran, Mowla Publications; 1995, pp. 400-402.

<sup>3</sup> Rajayi, Farhang; ibid; p. 11.



the legitimacy of power. Therefore, according to Max Weber, in certain societies the legitimacy of power arises from these ancient traditions and the need to obey the leaders who exercise their power accordingly.<sup>1</sup>

Such a justification of power maintains that people obey their rulers because they exercise their power according to their heritage and traditions which have been there throughout the history of the society and now enjoy a high degree of respect and sacredness.

### **B- Law and rationality**

What is meant by the rational or legal origin of power, as expressed by Max Weber, is "belief in the legality of orders and legality of titles (of authority) of those who exercise ascendancy."<sup>2</sup> This means that faith and belief in the rules and regulations of the civic society become the rational origin to justify the power of the rulers and subordination to them. Therefore, people acknowledge their government as legitimate because the right to exercise power has been rationally given to them based on the law and its contracts.

### **C- Dominance and force**

In addition to the factors mentioned, another element which some have considered the origin of legitimacy is the exercise of dominance and force on the part of the ruling power. Accordingly, if we accept that the origin of legitimacy lies in subordination, then force, dominance and obligation, which are elements of subordination, are among the origins of legitimacy. However, as accepting this idea is not easy, many political philosophers have

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<sup>1</sup> Weber, Max. *Economy and the Society*; pp. 400-402; quoting Reymon Aaron. "Stages of Thought in Sociology" (*Marahil-e Andishe dar Jamiah-Shenasi*), translated into Persian by Baqer Parham, Tehran, Islamic Revolution Teachings Publications, 1983, p. 601.

<sup>2</sup> Reymon Aaron, *Ibid.*

tried to justify and soften the way of developing legitimacy with force and dominance.

Therefore, some followers of the social school of Darwinism say that the just law which governs and controls all the creatures of the world is the law of the survival of the fittest.<sup>1</sup> Therefore, those who for whatever reason dominate others possess a kind of innate authority which distinguishes them from others, and this ends in their rightfulness as well. According to this point of view, the primary cause is the same as the survival cause, meaning that primary legitimacy arises from dominance and force and the perpetuation of governance, and secondary legitimacy is guaranteed by the systematic exercise of force and dominance.

Also, to justify this issue, certain philosophers say that although force does not create primary legitimacy in itself, the later effects of force, after the establishment of government, do create legitimacy.<sup>2</sup> While it is not possible to deny the role of force and obligation in political relationships and the imposition of the governance of the minority on the masses, it should be noted that, according to Max Weber, although in many cases the government imposes itself on the people by force, its perpetuation is not possible by force only and requires the image of legitimacy on the part of the subjects.<sup>3</sup> That is why he mentions only three origins (tradition, rationality and charisma) for the legitimacy of power.

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<sup>1</sup> Possibly this poem of Abul-Ala al-Misri points to the same issue: According to the principles of evolution, the weak are downtrodden and cannot survive. Whoever is weak will be dominated by the great.

<sup>2</sup> Hajjariyan, Said. "A Look at the Issue of Legitimacy" (*Negahi be Masali-ye Mashru'iyat*); *Ibid*, pp. 82-83; also, Abulmuhammad, Abdulhamid. "Principles of Politics" (*Mabani-ye Siyasat*); *Ibid*. pp. 74-76.

<sup>3</sup> Yusufiyeh, Wali. "The Political Man" (*Insan-e Siyasi*); Tehran, Atai Publications, no date, p. 90.

### **Types of government according to their origin of legitimacy**

Based on what has been said it is possible to say that in every society the ruling power, in order to legitimize its authority, bases subordination on one or a combination of a number of the origins of legitimacy. Based on whatever is the origin of legitimacy for the ruling power, a particular form of power relationship is created. If we put aside the combinations, we can thus categorize governments according to the origin of their legitimacy.

#### **1. Governments based on divine (Numinous) legitimacy**

The oldest belief related to the origin of power is the belief in the divine rights of the ruler. According to this idea, rulers get their power to rule from God.

In ancient times, legitimacy of rulers was justified according to such principles, as in the "Kind-God" reign in ancient Egypt, where each pharaoh was God himself, Horus the son of Osiris.<sup>1</sup> With the advent of Christianity, this theory changed shape; rulers were considered the representatives of God and introduced themselves as chosen by God or as representing God.<sup>2</sup>

We will here leave the discussion of the divine legitimacy of power, as the next chapter will discuss this kind of legitimacy in detail.

#### **2. Governments based on traditional legitimacy**

This kind of government is based on the widespread belief in ancient traditions and the legitimacy of those who, according to these traditions, are the officers of authority. The problems with

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<sup>1</sup> Strenberg, *Ibid*, p. 301.

<sup>2</sup> Amili, Heshmatullah. "The Science of Politics" (*Ilm-e Siyosat*); Tehran, ibn-e Sina Publications, no date, vol. 1, pp. 236-237.

ruling based on traditional legitimacy, as Max Weber says, include patriarchy, gerocracy, and patrimonial and feudal governments.<sup>1</sup>

In the supreme case of this kind of government, the patrimonial government, governance is the personal and exclusive sanctuary of the ruler. With the growth of administrative execution in a completely personal and exclusive way, and especially with the growth of military forces controlled by the ruler, the traditional government turns into patrimonism, and when the absolute dominance of the ruler reaches its peak, it is also possible to call it sultanism.<sup>2</sup>

### **3. Governments based on charismatic legitimacy**

In this type of governance, the legitimacy of the exercise of power on the part of the rulers arises from the personal magnetism of the ruler and the trust and faith of the people in the ruler because of his superhuman characteristics.

Therefore, charismatic governments are based on the unusual and exceptional subordination to one person because of sacredness, heroism, exemplariness, and other personal attractions in him or the ruling system he has established.<sup>3</sup>

Certain writers have introduced Prophets, heroes, rulers known as Caesar, and in some cases leaders of parties, as examples of charismatic personalities.<sup>4</sup>

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<sup>1</sup> Yusufiyeh, Wali. *The Political Man (Insan-e Siyasi)*; Ibid, p. 92; and Strenberg, Ibid, p. 310.

<sup>2</sup> Yusufiyeh, Wali. Ibid, p. 100.

<sup>3</sup> Reymon Aron, Ibid, p. 601.

<sup>4</sup> Lewis Cowser, Bernard Rosenberg. *Fundamental Sociological Theories*; translation by Frahang Irshad, Tehran, Ney Publications, 2000, p. 150-151; and Strenberg, Ibid, p. 310.

**4. Governments based on rational – legalistic legitimacy:**

In these types of governments, subordination to the ruling power is based on the impersonal compliance of official, functional and generally determined duties. An official duty – like the right to exercise authority based on the law – is established by rational norms or is settled through the ratification of declarations and regulations, in a way that the legitimacy of authority turns into the legality of the government.<sup>1</sup> According to Max Weber, the supreme example of governments based on rationalist – legal legitimacy is epitomized in modern government, of which modern bureaucracy is a consequence, although it can also be seen in economical institutions of modern societies, political parties and social, cultural and political associations.<sup>2</sup>

If in traditional and honorable forms of legitimacy people look upon the rulers as father, sage, proprietor, superior and the shadow of God, in legal and rational legitimacy, rulers are regarded as servants and clerks. That is why today, in modern regimes, the rightfulness of the government arises from legislation and the citizens acknowledge the legitimacy of a government only when they can accept it as a means to their common wish.

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<sup>1</sup> Lewis Cowser, Bernard Rosenberg, Ibid, pp. 153-154.

<sup>2</sup> Yusufiyeh, Wali. “The Political Man” (*Insan-e Siyasi*); Ibid, p. 112.



## CHAPTER TWO

### Legitimacy from Islamic viewpoints

#### **The concept of legitimacy in Islamic culture**

As it was mentioned in the previous chapter, legitimacy in Islamic culture is equivalent to whatever religion considers as permissible and admissible.<sup>1</sup>

Therefore, legitimacy means correspondence with religion, and what is admissible and permissible according to religious law. According to this meaning, it is possible to say that in the political sense also legitimacy means whether the political system is according to religious law (what God and the religion command)<sup>2</sup> or not. In other words, when discussing legitimacy, we face this question of whether the power ruling the Islamic society has been established by legitimate methods and whether it is acceptable to religious law or not. If it is so, then obeying and complying will be not only permissible but also obligatory for the people who believe in that religious law. Therefore, it is correct to assume that being according to religious law is only one of the meanings of legitimacy; this term has other meanings such as rightfulness and legality. But it is also right to consider it as the equivalent for being according to religious law, as rightfulness and legality also finds meaning and application in the Islamic culture if they are according to religious law. Therefore, to say that it means being according to religion is not that far from the truth, as what we mean by a legitimate government is a government based on accepted religious traditions, and one which has found legality in

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<sup>1</sup>Whatever religion considers legitimate.

<sup>2</sup> Ibn-e Manzur. *Lisan al-Arab*; Adab al-Hawzah publications, vol. 8.

the eye of the religious laws of Islam. Such a government has the right to rule over the people, and to obey it is considered proper and correct. However, this does not mean that we want to take being according to religion as exactly parallel to legitimacy and ignore the difference between the two. Rather, the intention is to point out that the legitimacy and the rightfulness of power are more than anything else related to beliefs, and therefore find a particular meaning and base in each culture. This term, in Islamic culture, in addition to legality and lawfulness, means being according to the religious law. Therefore, it can be said that from the point of view of Islamic culture, a government has legitimacy when it is based on religious laws and rules and the legislation of Muslims, and when Muslims consider it as righteous and follow and obey it.

**The origin of legitimacy according to Islamic viewpoints**

It is said that discussions on the origin of the legitimacy of a government among Muslims started immediately after the demise of the Prophet (s) in Thaqifah. Although all the Muslims who had gathered in Thaqifah emphasized the necessity for a government and naturally an Islamic ruler, they were not agreed on the methods of its establishment. Therefore, discussion on the origin of legitimacy in Islam found a close relationship with the ways in which the Islamic ruler is chosen. So while a number of the followers of the Prophet considered the determination of the Islamic ruler among the expediency of the people which was left to the public vote, the followers of the Household (a) emphasized that this state was to be appointed. In their opinion, the appointment of Imam Ali (a) by the Prophet in accordance with God's command was there in the traditions and rationality also confirmed it.<sup>1</sup> Therefore, two outlooks were formed from the beginning of Islam

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<sup>1</sup> Inayat, Hamid. *“Political Ideas in Contemporary Islam”*; translated into Persian by Bahauddin Khorramshahi, Kharazmi Publications, 1993, pp. 20-21.



among Muslims regarding the origin of the legitimacy of Islamic governments and rulers. We will briefly discuss these two attitudes.

#### **A. Legitimacy from the point of view of the Ahl Sunnat**

Regarding the legitimacy of power the Ahl Sunnat, believing that governance is among the expediency of the common people, took the view that the Prophet had practically left the issue of his succession undecided and to the opinion of the people so that they could decide on the most righteous person to be their leader.

Accordingly, accepting the way Abubakr was chosen as the first Caliph in Thaqifah as one of the ways of choosing a caliph led to the first theory about the origin of the legitimacy of governance among the Ahl Sunnat.

The theory is based on the assumption that those swearing allegiance to Abubakr had the status of the experts and the elders in the affairs of the Muslims, and that their choosing him was one of the ways of choosing a caliph.<sup>1</sup> The number required for reaching consensus, some believe, is the same as the number of those accompanying Abuakr in Thaqifah, meaning at least five people. Others believe that the right number is that of the council formed by Umar, six. This is while there are people like Ghazzali who believe that only one person, if he possesses authority, is adequate to conclude caliphate.<sup>2</sup>

This was not the only prevalent theory on the ways of concluding caliphate. Jurists and scholars proposed other theories as well.

The theory of succession, the basis of which was the appointment of the second caliph by the first one, is among these theories. Based on this theory, the caliph, as the ruler of the Islamic

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<sup>1</sup> Qadiri, Hatam. "Political Ideas in Islam and Iran" (*Andisheha-ye Siyasi dar Islam wa Iran*); Tehran, Samt Publications, 1999, p. 14.

<sup>2</sup> Ghazzali; *Fadail al-Batiniyyah*; p. 117.

society, has the jurisdiction to appoint the next person for the leadership of the society.<sup>1</sup>

Another theory of the Ahl Sunnat regarding the way succession should be determined or the origin of legitimacy for the ruling power is the vote of the council, which historically dates back to the election of six of the companions and the leaders of the beginning of Islam by Omar – the second caliph – for the election of the next caliph. In fact, the principles for the legitimacy of the opinion of the council lie in the theory of succession. The idea that the caliph, as the ruler of the Islamic society, can choose his successor became the foundation for the theory of council and even the theory of ascendancy. The right and jurisdiction of the caliph in choosing his successor indicate the perpetuation of the political power in the society. Now if the caliph of the time did not want to choose his successor implicitly or explicitly, he could, by organizing an assembly, arrange for the transfer of power and the election of a particular person. As the members of the council or the assembly are chosen by the ruling caliph, inevitably the perpetuation of the right to succession and the theory explaining it will be guaranteed. Of course the council theory did not find a favorable status with the Ahl Sunnat and could not compete with other theories related to succession, and mostly found application in critical conditions when ascendancy did not give it much chance to prosper.<sup>2</sup>

Another theory which took shape among the Ahl Sunnat on the legitimacy of the caliph is the theory of ascendancy, which historically goes back to the Umayyad period and in particular to Muawiyah himself. After the advent of the institution of monarchy and emirates independent of the caliphate in this period, well-known Sunni scholars and jurists decided that the theory of ascendancy justifies the activities of the emirs and the possessors

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<sup>1</sup> Qadiri, Hatam. Ibid, p. 177.

<sup>2</sup> Qadiri, Hatam. Ibid, p. 24-25.

of power. Therefore, Khunji, in his book *Suluk al-Muluk*, after raising the tripartite theories and when discussing the theory of ascendancy, mentions monarchy along with Imamate and writes, "The fourth way of concluding Imamate and rule is ascendancy and power." In explaining ascendancy he writes, "Scholars are of the belief that when the Imam dies and another person takes on Imamate, without swearing allegiance and without anyone making him the caliph, and without forcing the people by his army and his power, his Imamate is concluded."<sup>1</sup> Also, it has been quoted from Imam Shafii, who also believed that **"each member of Quraysh who assumed caliphate with his sword and who people obeyed, he is the caliph."**<sup>2</sup>

The theory of heredity can also be considered among the Sunni theories on the origin of legitimacy for the Islamic ruler. Historically, this theory appeared among political theories of Muslims after the appointment of Yazid as the heir to Muawiyah. In fact, this theory was born from the theory of succession, as there is not a great difference between saying that a caliph can choose his own successor and saying that the assumed successor is his son, brother or close relative, as the case may be.<sup>3</sup>

#### **B. Legitimacy from the Shiites's point of view**

The Shiites, by accepting the principle of Imamate, based on the rule of favor and traditions, put the concept of legitimacy within a particular framework. In their view, a legitimate ruler is the one that has been appointed according to the divine text and the origin of his legitimacy is confirmed by God the Almighty. In their view, it is only God who is the owner of the whole world; nobody

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<sup>1</sup> Khonji Isfahani, Fadlullah Ruzbehan. *Suluk al-Mulluk*, Tehran, Kharazmi Publications, 1983, p. 82.

<sup>2</sup> Abu Zohreh, Muhammad. *Tarikh al-Madhahib al-Islamiyyah fi al-Siyasah wa al-Aqaid*; vol. 1, p. 84.

<sup>3</sup> Qadiri, Hatam. *Ibid*, p. 27.

but Him has the right to make decisions, unless it is with the divine permission of He who is the real owner. Ruling man and the world is His (right) only, and none other than Him, and no one without His permission, has the right to rule. Based on this, the government of an Islamic society should be by the permission of God the Almighty. That is why the Shiites believe that the legitimacy of the rule of an Imam can only be received from God,<sup>1</sup> and that his appointment is not the responsibility of the people but only the responsibility of God and the Prophet. It is said that the Shiite Imam, whether his rule is realized or not, has legitimacy and acceptability, and not having been accepted by the people has no effect on his legitimacy. The issue of popular acceptability only becomes applicable in relation to the actuality of the governance of the Imam.<sup>2</sup>

The Shiite reasoning for such an interpretation of the origin of legitimacy for the rule of an Imam has been that they believe that what is of primary importance for the society is that first the members of the society look at the world and the human beings with a realistic eye and recognize and perform their human duties (as is truly correct), even if these are against what they want. Secondly, a truly religious government will establish and maintain the real Islamic order in the society in a way that people not worship anyone but God and may enjoy complete freedom and individual and social justice. And these should be carried out by someone who has divine chastity and immunity; otherwise, it is possible that those who take office and gain authority may not be free from error of thought or betrayal in what they do, and gradually the just and liberating Islamic rule may turn into an autocratic reign and a Caesar's domain, and pure religious

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<sup>1</sup> Shaykh Mufid, *al-Ghibah*; p. 57.

<sup>2</sup> Salihi Najaf-Abadi. "Guardianship of the Jurist, the Governance of the Righteous" (*Wilayat-e Faqih, Hukumat-e Salihan*); Rasa Cultural Services Institute, 1984, pp. 64-67.

## Legitimacy of Power from Imam Khomeini's Point of View

knowledge, such as the knowledge of other religions, may suffer distortion and change at the hands of selfish and capricious scholars. According to the great Prophet (s), the only person who was correct in all his deeds and words and whose way completely corresponded to the holy book and the tradition of the Prophet was Imam Ali (a).<sup>1</sup>

Therefore, the Shiites reason, according to the rule of favor, the same rational considerations that warrant the sending of Prophets and messengers, necessitate the appointment of worthy rulers in the absence of the Prophet to take on the responsibility of ruling their followers. On this assumption, the appointment of a successor for the Prophet cannot be left to the judgment and choice of the people, as the issue of leadership is too important to be left to an exchange of opinion on the part of ordinary people, who might choose unworthy individuals for succession and thus go against the purpose of divine revelation. Only God has the knowledge of scholastic qualifications, infallibility and chastity in people and can, therefore, by introducing these people through his messengers and Prophets, guarantee the victory of the revelation.<sup>2</sup> However, this argument of the Shiite was justifiable as long as the Infallible Imam (a) was present. With the Occultation of the 12<sup>th</sup> Imam (a), Shiites faced a new question: "Who has the governance and the Imamate of the Islamic society in the Occultation of the Imam"? To answer this question, Shiite scholars started discussions and proposed theories on legitimacy in the course of history, and we will briefly deal with these theories and their historical course.

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<sup>1</sup> Tabatabai, Sayyid Muhammad-Hasan. "Shiism in Islam" (*Shiah dar Islam*); Qum, Islamic Studies Center, p. 9.

<sup>2</sup> Ibid, pp. 110-111; and Halabi, Abi al-Salah; *Taqrib al-Maarif*; Instructors Society Publications, 1984, p. 116.

**Views of Shiite scholars on the legitimacy of power in the period of absence**

To answer the question of who enjoys legitimacy of governance in the period of Occultation, most Shiite scholars who lived close to the period of Occultation, while emphasizing the necessity for governance, did not consider just any individual deserving of governance as, in their view, governance should always come from a divine origin. That is why Shaykh Mufid (336-413 AH) only considered one of the Imams of the Household of the Prophet, appointed by God, or those appointed by the Imams, as rulers of Islam. He believed that the office of supervising the duties related to the Infallible Imam (a) in the period of Occultation had been delegated to Shiite scholars.<sup>1</sup>

Abi al-Salah Halabi (374-447 AH) also believed that governance and rule in the Islamic society belonged only to the sultan of Islam, the Infallible Imam (a), or **those who have the necessary qualifications and the worthiness to act as the representative of the Infallible Imam (a)**. He asserted that any kind of governance ultimately had to enjoy the supervision and the permission of the Infallible Imam (a) because if it did not, the issue would contradict the favor of God.<sup>2</sup>

A look at the works of the other scholars of this era, such as Sayyid Murtada, Shaykh Tusi, and Allamah Hilli and The Shahid Awwal (The First) shows that they all believed only in the legitimacy of the rule of the Infallible Imam (a) and, in the period of Occultation, only considered just scholars as representatives appointed by the Infallible Imam (a) as permitted to interfere in certain affairs related to the Imam. Consequently, they did not assign legitimacy to the rulers of the time, although they suggested strategies to the Shiites and the scholars to live in the domain of

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<sup>1</sup> Mufid, Muhammad ibn al-Numan. *al-Muqannaah*; p. 810.

<sup>2</sup> Halabi, Abi al-Salah. *Al-Kafi fi Fiqh*; Isfahan; The School of Amir al-Muminin Publications; pp. 5-15.

their reign. Therefore, certain writers name the theory of the era as the theory of “*Intizar* and *Taqiyyah*” and assert that these scholars believed in the absence of permission for any kind of custody for the non-Infallible, and therefore asserted that they should wait for the reappearance of the 12<sup>th</sup> Imam, avoid political activities and keep in concealment. As a result, they avoided taking any measure for the establishment of an Islamic government.<sup>1</sup>

With the reign of the Safavid kings as the Shiite kings of Iran, and thus with the turning of the Shiites from a dominated minority to the dominant majority, Shiite scholars faced a new question of whether it was possible to consider the reign of a fallible but Shiite ruler and advocate of the faith as legitimate or not? To answer this question several major theories sprang among Shiite scholars. Some of them, still considering any fallible ruler as usurping and illegitimate, considered any cooperation with or acceptance of responsibility from them as unlawful. Some of them, allowing a distinction between a just ruler and an unjust one, considered cooperation with a just ruler permissible and the acceptance of rule and governance, gifts and awards and the responsibility of Friday Prayer Leader as permissible.

It is possible to say that in a certain way in this period there was a tacit parallel division between Safavid kings and scholars. Jurisprudents considered themselves as appointed by the Absent Imam to take responsibility for certain social and political affairs such as jurisdiction, *fatwa*, encouraging the right and forbidding the wrong, holding communal and Friday prayers, judgment and punishment, financial affairs, custody of orphans, etc. Outside the boundary of such religious affairs, they acknowledged the reign of the Safavid kings.

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<sup>1</sup> Al-Katib, Ahmad. *Tatawwur al-Fikr al-Siyasi al-Shii min al-Shura ila Wilayat al-Faqih*; London, 1997, pp. 271-272.

Korki (b. 940 AH) is among such scholars and, while cooperating with the Safavid kings, emphasizes the responsibility of Shiite jurists and scholars. He writes:

“The trustworthy and absolutely eligible jurists are appointed by the Imam and therefore his decrees are effective and his assistance is necessary for making judgment and among the people.”<sup>1</sup>

He also believes that jurists are permitted to accept responsibility for the forbidding the wrong and the supervision of the Friday prayers.<sup>2</sup>

The Shahid Thani (911-955 AH) considered the absolutely eligible jurists as the only justifiable case as a ruler in the period of Occultation and acknowledged his rule according to general appointment by the Imams. He believed that their commands in the period of Occultation were effective and their assistance necessary for making judgment and settling punishments among the people.<sup>3</sup> Unlike Korki, The Shahid Thani did not acknowledge the Safavid dynasty and refused to cooperate with them.

Ardabili (b. 993 AH) considered it legitimate to take responsibility for every office in the period of Occultation as the representative of the Infallible Imam (a), and believed that such representation was of the general appointment, meaning that the Infallible Imam (a) had stipulated certain characteristics, and whoever had these characteristics could take control of all or part of the affairs of the society in binding governance.<sup>4</sup> Unlike Korki, he refused to cooperate with and acknowledge the Safavid rulers and emphasized the divine legitimacy of government.

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<sup>1</sup> Korki, Muhaqqiq. *Risalah Salat al-Jum'ah, Rasail*; vol. 1, p. 158; and *Jami al-Maqasid*, vol. 2, p. 375.

<sup>2</sup> *Ibid*, pp. 379, 488.

<sup>3</sup> Shahid Thani. *Rawd al-Janan*; lithography, p. 290.

<sup>4</sup> Muhaqqiq Ardabili. *Majma al-Faidah wal-Burhan*; vol. 12, p. 28.



## Legitimacy of Power from Imam Khomeini's Point of View

Sabziwari (1017-1090 AH), while having accepted the office of leading the Friday and communal prayers, and that of Shaykh al-Islam of the Muslims at the request of The Shah Abbas II, only considered as legitimate those jurists appointed by the Imam in the general sense.<sup>1</sup>

Emphasis on the same issue can be found in the works of Fayd Kashani, Majlisi and other jurists of this era. It is possible to say that the jurists of the Safavid era believed in the divine legitimacy of governance and consequently, in their opinion, the rule of the kings was just a borrowed thing. They believed that being responsible for and ruling over the people in the period of Occultation as the representative of the 12<sup>th</sup> Imam had been given to Shiite jurists. They also believed that jurisprudential reasons and arguments indicate that in every affair of the Islamic society the jurist is the representative of the Infallible Imam (a), except for certain affairs in which the presence of the Infallible Imam (a) himself is a fundamental condition, such as primary jihad.<sup>2</sup> Although at this time there was a great change in the opinion of Shiite scholars on governance, and although the general representation of jurists in our words turned into the political dialogue of the day, conditions were still to the benefit of the ruling kings; as a result, Shiite scholars were unable to start a political movement for the establishment of a Shiite government. After the fall of the Safavids and the immigration of scholars to the holy lands and the flourishing of the ideology of studying the traditions, there was an interim in the political thinking of the Shiites. Yet, with the advent of the Qajar dynasty and the need for the kings to gain religious legitimacy and popular acceptability through Shiite jurists, once more the grounds were prepared for a revival of power

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<sup>1</sup> Lakzayi, Najaf. "An Introduction to the Political Thought of Muhaqqiq Sabziwari" (*Daramadi bar Andishe-ye Siyasi-ye Muhaqqiq Sabziwari*); the Islamic Governance Magazine; second year, No. 3, p. 146.

<sup>2</sup> For example, see Ardabili, *Majma al-Faidah wal-Burhan*; vol. 12; p. 10.

for Shiite scholars and their religious thought. As a result, issues such as the origin of legitimacy of governance, the authorities and duties of jurists in the period of Occultation and the position of the king found a pivotal place in the political thought of Shiite scholars.<sup>1</sup> Like prior eras, at this time the foundation and the basis of the legitimacy of power, according to Shiite scholars, was the divine will; as a result, they considered the Qajar kings as temporary officers of power. It was only because of the predominant conditions of the time, including the Russian attacks and the need to defend the country and fight corruption and disintegration that they approved of the Qajar kings. This, however, did not mean legitimizing their rule; rather, like jurists of previous times, they believed that only jurists were the representatives for the Imam of the age.

That is why Kashef al-Ghita (1228 AH), who was a scholar contemporary with Fath-Ali Shah, specified that the only rightful representatives of the 12<sup>th</sup> Imam in the period of Occultation were the jurists, and that any king, emir or governor who had not been approved and appointed by the jurists had no legitimacy. His rule might find legitimacy only by permission from the jurists. Therefore, at the time of the war between Iran and Russia, as a jurist and the representative of the Imam of the Age, on the permissibility of Fath-Ali Shah he wrote, "As I am a clergyman and possess authority and representation from the Imam of the Age, I give permission to Fath-Ali, king and son of a king, to secure whatever is necessary for war, using religious funds and taxation and the income of lands and properties taken by war and the properties of those who live within and without the borders if

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<sup>1</sup> Kadivar, Jamileh. "Changes of Shiite Political Dialogue in Iran" (*Tahawwul dar Gofteman-e Siyasi dar Iran*); TarH-e Now Publications, 1999, p. 177-178.

necessary, and then spend it for war, and it is the duty of every Muslim to obey the king in this affair.<sup>1</sup>

Mirza Qummi (1183 AH), believing that the ruler must have permission from the Infallibles, did not believe in any independent legitimacy for the kings of the time and believed that "in time of crisis and when it is not possible to access the Infallible", when it becomes necessary "to obey the just clergyman," obeying Shiite kings is permissible with the permission of the representative of the Infallible Imam (a) when defending the land of Islam is impossible without them. He believed that the legitimacy of their rule depended only on the permission of the representative clergyman.<sup>2</sup>

The issue of giving permission to the king, in the opinion of this group of Shiite scholars, was a compromise between the existing conditions and the ideals of Shiite jurists. Based on this opinion, clergymen and jurists, who are considered the general representatives of the Imam (a) and hold general guardianship, can give permission to the king of the time, which will in turn legitimize his rule; thus the king of the time is no longer illegitimate in presence and activities. Also, as in general jurisdiction, executing punishment and proclaiming religious affairs and other issues remained the exclusive right of the jurist. In fact the concept of the permissible rule was acknowledging the rule of the guardianship of the jurist as generally appointed and his giving permission to the king.<sup>3</sup>

This generality of the domain of the guardianship of the jurist can be found explicitly in the ideas of Ahmad Naraqī (1245AH

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<sup>1</sup> Kashif al-Ghita; *Kashf al-Ghita*; lithography; offset by Isfahani, Mahdawi Publications, p. 394.

<sup>2</sup> Mirza Qummi. *Naqd Malfufah Mirza Abd al-Wahhab*; manuscript; p. 69; and also quoting from Fuad Ibrahim, *al-Faqih wa al-Dawlah*, Beirut, Dar al-Konooz al-Adabiyah; 1998, p. 202.

<sup>3</sup> Kadivar, *Ibid*, pp. 235, 237, 238.

Lunar). He openly emphasizes the illegitimacy of the governments of the time and considers the rule of worthy and just jurists the only legitimate rule in the period of Occultation. He believes that all state rights and authorities of the Prophet and the Infallible Imams (a) in the period of Occultation were given over to the absolutely eligible jurist, and that he has the right to supervise and interfere as representative in all the affairs related to the reform of the religion, the world, people and their social order which rationally and conventionally seem to be irrevocable.<sup>1</sup> That is why it is said that Naraqi is the first Shiite jurist to raise the issue of the rule of the guardianship of the jurist.<sup>2</sup>

After Naraqi, Muhammad Hasan Najafi (1266 AH), the author of *Jawahir*, emphasized the issue of the divine legitimacy of governance in the period of Occultation. He considered the rule of the jurist the same as “ulu al amr”, considered mandatory by God.<sup>3</sup>

Although Shaykh Murtada Ansari (1281AH Lunar) did not consider Naraqi and Najafi's reason about the rule of the guardianship of the jurist as adequate, he did not consider tyrannical kings as possessing political legitimacy and therefore considered cooperation with and accepting governorship from them as subject to rising for the expediency of people and unwillingness to accept such leadership.<sup>4</sup>

With the advent of constitutionalism in Iran, familiarity of Iranians with the west and its civilization and culture, and the introduction of new concepts such as law, equality, justice,

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<sup>1</sup> Naraqi, Ahmad. *Awayid al-Ayyam*; Qum, *Manshurat Maktabat Basirati*, 1408, p. 187-188.

<sup>2</sup> Fuad, Ibrahim. *Ibid*, p. 204.

<sup>3</sup> Najafi, Muhammad-Hasan. *Jawahir al-Kalam fi Sharh Shaair al-Islam*; Beirut, Dar al-Muwarrikh al-Arabi, 1992, vol. 14, p. 19-21.

<sup>4</sup> Shaykh Ansari. *Al-Makasib*; Qum, Dahaqani Publications, 1995, vol. 2, pp. 30-34.

freedom, nation, parliament and tens of others, there were changes in the thoughts of Shiite scholars as well, which left direct effects on their opinions on the origin of the legitimacy of government. In the new atmosphere that had been created, the major concern of the intellectual society was whether the right to rule belonged to only one person or to all people.

In such conditions, and with the absence of the Infallible Imam (a), the jurists and scholars of the Constitutional era found it impossible to have a just rule and therefore tried to answer the question of what is the basis of legitimacy of government.

To answer this question, two kinds of political dialogue went on among them on the origin of the legitimacy of government, the Constitutional dialogue and the religious dialogue.<sup>1</sup>

Those seeking religious legitimacy, like previous jurists, maintained a divine origin for governance and interpreted the legitimacy of governments according to this criterion. They maintained that in the absence of the Infallible Imam (a) the only legitimate government was a religious one, and that any other kind was illegitimate and tyrannical.<sup>2</sup> As a result, these scholars objected to and protested against the Constitution, freedom and law as stipulated by constitutionalists and announced, "You want law, freedom, and the Constitution. For 1323 years now the God of the universe has given us law through Muhammad (s); we do not need the law of Mustashar ad-dawlah, Taqizadieh and Baqir the grocer. For 6000 years the God of the universe has given us kings that should be obeyed and has made it obligatory for the Muslims to

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<sup>1</sup> Kadivar, Muhsin. "Theories of Government in Shiite Jurisprudence" (*Nazariyeha-ye Dawlat dar Fiqh-e Shiah*); pp. 117-118.

<sup>2</sup> Ibid.

obey the orders of the king in all books. Be reasonable; one Iran, and thirty zillion kings...?'<sup>1</sup>

In contrast, constitutionalist scholars, while believing in the divine origin of governance, maintained another pillar for legitimizing the government, and that was the popular dimension of governance. These scholars, like those believing in religious legitimacy and previous jurists, considered any kind of reign in the period of Occultation the reign of force and tyranny and believed that in the period of Occultation, according to the principles of Imamate, such affairs and the politics of people are by nature among the affairs of the general representatives of the 12<sup>th</sup> Imam.<sup>2</sup> However, because it was impossible to have such a government, out of necessity they approved a constitutional government constrained by limitations and conditions which tried to decrease the tyranny and the force prevalent in despotic reigns.

These Shiite jurists, taking into consideration the base of the pyramid – the people – and talking about their rights, attempted to make it their major business to establish the divine order and the rights of the people<sup>3</sup> and, while emphasizing the representation of the appointed jurists, to acknowledge the right of the people to rule the society. As a result, the three authorities (Khorasani, Mazandarani and Husayn Tehrani) rose to support the Constitution and the rights of the people and considered defending the parliament as enforcing the religion and maintaining the glory of the Islamic government; they considered hindering such measures

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<sup>1</sup> Kermani, Nazim al-Islam. "The history of the Awakening of the Iranians" (*Tarikh-e Bidari-ye Iraniyan*); edited by Saidi Sirjani; Amir Kabir Publications, 1987, vol. 5, p. 343.

<sup>2</sup> Allamah Naini. *Tanbih al-Ummah wa Tanzih al-Millah*; IntIshar Publications, 8<sup>th</sup> edition, 1982, pp. 78-79.

<sup>3</sup> Kadivar, Muhsin. "Theories of Government in Shiite Jurisprudence" (*Nazariyeha-ye Dawlat dar Fiqh-e Shiah*); pp. 117-118.

as attempts against an Islamic government and opposition to the rule of the Imams.<sup>1</sup>

These scholars believed, as Allamah Naini said, that “establishing a government, training armed forces, and setting taxes and other affairs are all for maintaining order in the country and educating and taking care of the people and not for the satisfaction of the lusts and desires of man-eating wolves or for willfully turning people into slavery. No doubt arbitrary rule, in any religion and for any rational being, whether it is taken by force or by right, should be for safeguarding and maintaining order and carrying out other duties and not for dominating the people and ruling according to personal wishes. In fact the purpose of governance is supervising endowments and maintaining their order and giving the right of every proprietor to him and not for willful possession on the part of the ruler. That is why the Imams and Islamic scholars call the ruler and king ‘the custodian’ or ‘the guardian’ and the people ‘the wards.’<sup>2</sup> On this basis, monarchy in its essence means governance by protecting the system and performing the role of a shepherd. The only true governance is by divine appointment and Who is the genuine possessor and the unique ruler and the bestower of the provisional rules the explanation of which appears in the Imam’s discussions.” On this assumption, from the point of view of constitutionalist scholars, a constitutional government was not above usurpation, as its rule and representation were in the hands of the Infallibles. At the same time, obeying a constitutional government was better than obeying

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<sup>1</sup> Abadiyan, Husayn. “Theoretical Principles of Religious and Constitutional Government” (*Mabani-ye Nazari-ye Hukumat-e Mashruteh wa Mashruah*); Tehran, Ney Publications, 1996, pp. 29-30.

<sup>2</sup> Ali Akbar Tabrizi, Muhammad Husayn. *Kashf al-Murad men al-Mashruftih wa al-Istibdad*, Constitutionalism (*Rasail al-Mashrutiyat*); thanks to the efforts of Ghulam-Husayn Zargari Nejad, Tehran; Kavir Publications, 1995, pp. 134-135.

a despotic one, as this kind of government “comprises guardianship of duties related to the order and defense of the land and not to possession; and this is a trust among human beings in using the resources of the country for people and not for personal desires. In this regard, the rule of the king on the said affairs is limited and his possession, whether by force or by right, is conditioned by not going beyond those limits. Every individual has shares equal to that of the ruler in resources, and the officers of the government are all trustees of the people and not their proprietor and superior. Like other individuals, they are bound to safeguard their trusts; otherwise, they will be subject to punishment. All of the people of the country, in proportion to their participation and contribution, have the right to question and protest and are not slaves of the ruler and other offices of the government.”<sup>1</sup>

Based on what constitutionalist scholars have said, it is possible to say that one of the important outcomes of the Constitutionalist movement in Iran with regards to Shiite political thought was that scholars, while believing in the divine legitimacy of the government, assigned the people a special place in governance and legislation through council.<sup>2</sup> In other words, after the Constitutionalist movement, a new basis in the legitimacy of political power came into existence in Shiite political thought which can be named “divine-popular legitimacy.”<sup>3</sup>

With the fall of Constitutionalism and the dissatisfaction of Shiite scholars with the prevailing situation and policies after Constitutionalism, this theory was somehow discarded, and jurists and scholars reverted to the issues of the great jurists of previous eras, and did not seriously discuss an Islamic government till the advent of Imam Khomeini.

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<sup>1</sup> Allamah Naini, *Tanbih al-Ummah wa Tanzih al-Millah*; Ibid, pp. 11-12.

<sup>2</sup> Alkatib, Ahmad. Ibid, p. 414.

<sup>3</sup> Kadivar, Muhsin. “Theories of Government in Shiite Jurisprudence” (*Nazariyeha-ye Dawlat dar Fiqh-e Shiah*); p. 126.



### **Conclusion**

Schematically, it is possible to say that in this part of the history of political thought among Shiite scholars; there were two approaches regarding the origin of the legitimacy of power. One emphasized the divine origin of government and the other, with the advent of the Constitutional movement, tried to combine the divine and the popular legitimacy of government.

#### **A. The divine origin of government**

As can be understood from the views of the scholars before constitutionalism and those who believed in religious legitimacy, they all believed, and still do, that the innate source of legitimacy is God the Almighty, because **“He is the origin of all powers.”**<sup>1</sup> Therefore, rule and governance are not permissible for anyone but God, and this divine representation in social affairs and in the political management of the society has been directly delegated to the Prophet (s). After him, the Infallible Imams (a) were appointed for the political representation of the nation; and just jurists were appointed by the Infallible Imams (a) to rule the society in the period of Occultation. Jurists are the *caliphs* of God on earth, the representatives of the Prophet and the Infallible Imams (a), and the guardians of Muslim affairs. Popular vote, wish and approval have no role in the legitimacy of their governance; the only role that can be assigned to them is that of efficiency.

That is why Korki believed that the most important duties the people had towards their ruler were assisting, helping and cooperating, obeying orders and making no problems.<sup>2</sup>

Thani believed that the most important duty of the people was to help the ruler, accepting his commands and verdicts and obeying his orders.<sup>1</sup>

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<sup>1</sup> The Quran, Baqarah 2: 165; al-Kahf; Baqarah 2:30.

<sup>2</sup> Muhaqqiq Korki. *Jame al-Maqasid*; vol. 2, p. 375.

Ardabili<sup>2</sup> and Sabziwari<sup>3</sup> emphasized the need for cooperation with and accepting the verdicts of the ruler and assisting him and taking cases to him. Majlisi believed that the most important duty was to pray for the rulers and acknowledge their rights.<sup>4</sup>

Mirza Qumi, while drawing a line between the ruler and the people, writes: "The Creator of the world created humankind as males and females without difference, and then put the crown of sovereignty on the heads of some of them, appointed them as His successors on earth, made them master and the others subjects. **We put them on such a glorious throne.** He put the rope of abjection and humiliation round the neck of their subjects and made them **slaves of others with no power and will of their own.**"<sup>5</sup>

At the same time, he criticizes the Sunnis because they have given over to people the great status of governance, which is a status equal to Prophethood.

In *Awayid al-Ayyam*, Allamah Ahmad Naraqī makes a very clear distinction between the Prophet, his successors the Infallible Imams (a) and those who have been given a share of this rule on the one hand and the rest of the people, who are their subjects and wards on the other hand and writes, "**And the other people are their subjects and wards**".<sup>6</sup>

These scholars believe that just jurists have been appointed by the Holy Lawmaker to rule. Popular vote and opinion are related to the efficiency of the government. This theory has had advocates

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<sup>1</sup> Shahid Thani. *Rawd al-Janan*; lithography, p. 290, lines 15-30.

<sup>2</sup> Muhaqqiq Ardabili; *Majma al-Faidih wa al-Burhan*; vol. 7, p. 549; and vol. 4, pp. 206, 359 and *Al-Hashiyah ala al-Ilahiyyat, Sharh al-Jadid*; pp. 188, 288.

<sup>3</sup> Muhaqqiq Sabziwari. *Kifayat al-Ahkam*; Qum, Istgah Press, 1881.

<sup>4</sup> Allamah Majlisi; *Uyun al-Hayat*; pp. 500-501.

<sup>5</sup> Mirza Qummi. *Irshad Nameh*; pp. 376, 377.

<sup>6</sup> Naraqī, Ahmad. *Awayid al-Ayyam*; p. 185.

after Constitutionalism,<sup>1</sup> so much so that certain people believe Imam Khomeini to be an advocate of this theory, into which we will look in the next chapter.

### **B. The divine-popular origin of government**

Based on this interpretation of the legitimacy of political power, there is no incongruity between the origin of power being divine or popular, because as man has shared possession in this world, and as the real possessor is God the Almighty, when it comes to power and governance, the origin of legitimacy for people is other than they, and their power and will are in the same direction as the divine will and power. As a result, it is possible to say that the true proprietor of power and governance has created man to determine his own destiny with the right to self-determination. Therefore, assigning governance to people is assigning it according to its arbitrary origin, and assigning it to God, religion and supreme just jurists is assigning it according to the origin that has the right to bestow power and authority.<sup>2</sup>

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<sup>1</sup> As an example see: *Anwar al-Fiqahah, Kitab al-Bay*; p. 515. "Just jurists have been generally appointed by the Lawmaker. Also, see *Governance and Constitutionalism, Book of Critiques*, no.7, (summer 96), pp. 45, 47. "The criterion for the legitimacy of government is the divine order and right." "If God appoints someone for the execution of divine orders, he has the right to rule and his governance will face no problems; the governance of the Prophet (*s*) and the Infallible Imams (*a*) was by special divine appointment and the the guardianship of the jurist in the period of Occultation has been appointed by general appointment of the Infallible Imam, who is in turn appointed by God."

<sup>2</sup> Arab, Husayn. "The Origin of the Legitimacy Of Islamic Governance"; Imam Khomeini and Islamic government; Political Philosophy (1) (*'Mansha-e Mashru'iyat-e Hukumat-e Islami'* Imam Khomeini wa Hukumat-e Islami, *Falsafe-ye Islami*) (1); Qum; The Institute for Compilation and Publication of Imam Khomeini's Works, 1999, pp. 243-244.

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Such an interpretation of the origin of the legitimacy of power, as was mentioned before, originates in constitutionalism. Perhaps Ayatullah Naini was the first person who tried in this period to bring together the divine and the popular origin of power. Therefore, to answer the argument that attempting to run the politics of the people is among financial and governmental affairs and thus part of the rule and so the duty of general representatives and just *mujtahids* and not that of the ordinary people, whose interference in such affairs — as in appointing officers — is usurping the office he says, "...Naturally, this is undoubtedly among the financial and political affairs and not among the duties of commoners. However, taking into consideration that Islamic rule is fundamentally based on council, the people, both because of this and because of the taxes they pay, has the right to supervise. Ruling, when it means forbidding the wrong, is an obligatory duty, in any way possible, and depends on the choice of the people. In addition, when it comes to political affairs, taking into consideration that the duty is usurped and that it is not possible to distinguish right and wrong, in two other cases this applies as well. First, it is necessary for the clergy to take office, in which his permission is enough for its legitimacy; second, if it is not possible for some or all of the general representatives to do their duty, others should carry it out. Then it will be the turn of just believers. And if they are unable too, then anyone and even corrupt Muslims have this duty, and this is agreed upon by all Shiite jurists."<sup>1</sup>

It can be concluded that Naini assigns an essential role for people beside general representation in the management of political affairs. It also seems that Imam Khomeini believes that the legitimacy of a government is based on two divine and popular principles. This means that along with the divine legitimacy of the government, he assigns an essential role to people in legitimizing

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<sup>1</sup> Allamah Naini. *Tanbih al-Ummah wa Tanzih al-Millah*; Ibid; pp. 78-79.

the government and its perpetuation. In the next chapter we will discuss the validity of this issue.

This theory also appears in the works of contemporary Shiite scholars, some of which will be mentioned briefly.

### **1. Ayatullah Shahid Sadr**

He writes, "The fact that God put man on earth as His caliph means that whatever is proven for God, including the right to rule and to run the society, has been transferred to man. Therefore, the foundation of governance in the Quran is the principle of caliphate, from which we can understand that God granted man the right to rule and take on office within society and exploit nature. This way, the divine legitimacy of a popular government is concluded." Also, referring to the Quranic verse "**And consult them about affairs**" he writes: "This verse indicates the authority of the people in determining their affairs through council. As long as there is no reason to the contrary, affairs should be referred to the council and consensus in controversial cases."<sup>1</sup>

### **2. Muhammad Husayn Tabatabai**

He considers it the right of the people of the Islamic society to rule during the period of Occultation and writes, "Undoubtedly, Islamic governance after the Prophet and the Infallible Imams (a) has been given to the people. It can be understood from the Quran that people have the right to choose their own ruler according to the method and the tradition of the Prophet and not according to the ways of monarchs and empires. The criterion in an Islamic government is safeguarding the social decrees of Islam and, in

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<sup>1</sup> Sadr; *al-Islam Yaqud al-Hayat*; Ministry of Islamic Culture and Guidance, 1403 AH, pp. 171, 162, 13.

other cases, such as in social events, the council takes charge of affairs.”<sup>1</sup>

### 3. Muntaziri

In many parts of his book *Guardianship of the Jurist* Muntaziri emphasizes the divine – popular origin of the Islamic government in the period of Occultation. For example, in Chapter 4 of Part 5 he cites 26 reasons for the correctness of concluding leadership according to the choice of the people. He concludes, “In the period of Occultation, the choice of the people is the criterion of determining the government”.<sup>2</sup>

### 4. Allamah Muhammad Taqi Jafari

He believes that in Islam “The choice of the conditions of life and their quality, in all areas of life, as long as they are not explicitly prohibited, is left to the people” and that “Islam accepts this authority in choice and considers council and community as the basis (**The hand of God is with the people**); therefore, Islam accepts the rule of people on people in a sublime sense.”<sup>3</sup>

### 5. Ayatullah Subhani

He considers “the origin of power in establishing a government” “the people of the Islamic society” and believes that “people are bound to establish an Islamic government and to choose an Islamic ruler according to religious rules (if the ruler is not appointed by God), so the ruler can take on the leadership of

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<sup>1</sup> Tabatabai, Muhammad-Husayn. *Tafsir al-Mizan*; Islamic Center Publications, vol. 4, p. 124.

<sup>2</sup> Muntaziri, Husayn- Ali. *Dirasat fi Wilayat al-Faqih*; vol. 1, pp. 493-511.

<sup>3</sup> Allamah Jafari, Muhammad Taqi. “The Philosophy of the Political Principles of Islam” (*Hikmat-e Usul-e Siyasi-ye Islam*); Tehran; Nahj al-Balaghah Istitution, 1994, p. 314.

the people and the administration of the Islamic society and adjust the divine rules to the requirements of the time and social affairs.”<sup>1</sup>

In another place he emphasizes this issue and writes, “Any government that takes office should be selected and chosen or at least accepted by the people if it is to be compatible with the law that by law no single person should dominate the life and the property of individuals. Therefore, the origin for the establishment of government is the people and their will. This means that in an Islamic government the ruler and the government are not the origin of power but the nation and its will. In the governmental system of Islam the authority of the ruler is legitimate as long as he moves in the path of God and the expediency of people and does not abuse the trust of the nation.”<sup>2</sup>

#### **6. Muhammad Mahdi Shamsuddin**

Drawing a distinction between the period of the presence of the Infallible Imam (a) and that of his Occultation he writes, “After the great Occultation, I believe in the principle of the rule of people on people.”<sup>3</sup> Therefore, in his opinion, in the period of the Occultation of the Infallible Imam (a), people have control of their political issues within the framework of and based on Islamic traditions. Man, during his lifetime, is his own ruler and responsible for his society. As the Islamic nation is in control of its fate and destiny, it chooses its political system, which is always based on council.<sup>4</sup>

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<sup>1</sup> Subhani, Jafar. “The Principles of the Islamic Government” (*Mabani-ye Hukumat-e Islami*); Qum; Tawhid Publications; 1991; p. 179.

<sup>2</sup> Subhani, Jafar. “Theories of the Islamic Governance” (*Nazariyyah-ye Hukumat-e Islami*); Qum, Tawhid Publications, 1991, p. 187.

<sup>3</sup> Shamsuddin, Muhammad-Mahdi. “The System of Management and Governance in Islam” (*Nizam-e Hukumat wa Mudiriyat dar Islam*); translated by Ayatullah-Zadeh Shirazi, Tehran University Publications, p. 216.

<sup>4</sup> *Al-Nur* magazine, 402<sup>nd</sup> issue, p. 9.

### **7. Muhammad Jawad Mughanniyeh**

In his opinion, an Islamic ruler is elected by the people. So long as public expediency lies in such a method, and as long as adapting this method of electing the head of the Islamic government does not lead to vice and ungodly behavior, he does not acknowledge any way other than referring to the public vote. In his opinion, Islam considers this freedom of people in electing their own ruler as auspicious.<sup>1</sup>

### **8. Shahid Murtada Mutahhari**

He considers the theory of selecting a just jurist by the people to the office of governance as a theory corresponding to Shiite jurisprudence and writes, "Passing general laws is divine, but the appointment of the ruler for passing particular laws and for ruling according to the expediency of people and leadership is the responsibility and the right of people."<sup>2</sup> It should be mentioned that he doesn't express his standpoint in this statement but introduces this theory as being among those that correspond to Shiite jurisprudence. Therefore in another part, on the popular origin of the legitimacy of rule and governance he writes, "The religious right of the Imam (Khomeini) comes from the dependence of people on Islam as an ideology and school. People confirm that he is a qualified official who can discern the capabilities of individuals in performing Islamic duties. In fact, the religious right of a religious government is the ideological approval of the people.

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<sup>1</sup> Mughanniyah, Muhammad-Jawad. "Khomeini and the Islamic Government" (*al-Khomeini wa al-Dawlat al-Islamiyyah*); Beirut, Dar al-Ilm Lil-Mullain, 1979, p. 67.

<sup>2</sup> Mutahhari, Murtada. "About the Islamic Republic" (*Piramun-e Jomhuri-ye Islami*); Tehran, Sadra Publications, 1995, p. 154.



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And the secondary right is the same right of the national rule of the people, who must elect the individual approved by the leader.”<sup>1</sup>

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<sup>1</sup> Ibid, Qum, Islamic Publications, pp. 67-68.



### **CHAPTER THREE**

## **Legitimacy of power and government from Imam Khomeini's viewpoint**

### **The concept of the legitimacy of power and government from Imam Khomeini's point of view**

Imam Khomeini believes that exercising power on and ruling over man and the different aspects of his life belong, in the first place, exclusively to God the Almighty, as He is the creator and the proprietor of all that belongs to man, and whatever He decides regarding them is a decision regarding His own possessions. Therefore, if the right to exercise power is ratified for other than God, the Blessed, the Exalted, it should be with divine permission and contract.

However, this does not mean that from his point of view the approval and wishes of the people are considered unnecessary in an Islamic government in the Imam's opinion; on the contrary, an Islamic government, in addition to conforming to religious laws and rules, should also cultivate the approval of the people.

As discussed in the beginning of chapter 1, legitimacy simultaneously questions two things about power and governance. First, who has the right to rule? Second, why do people follow and obey their rulers? These two questions must be answered for any system of government.

That is why Imam Khomeini, in answering the question of who has the right to rule in the Islamic society, asserts that only those who have gained power based on religious laws have the right to rule. And to answer the question of why people should obey them, he asserts that this depends on their will and determination. Islamic

governance is not imposed on people simply because it is Islamic and conforms to religious laws. As a result, it is possible to say that from the Imam's point of view legitimacy of power, in addition to its conformity with religious laws, should as well conform to the desires of the people.

### **The origin of legitimacy of power from the Imam's point of view**

As was said before, political theoreticians have categorized the origin of the legitimacy of power as human (i.e. tradition, law, force and dominance) and non-human (i.e. charismatic characteristics and divine appointment). In order to clarify what the Imam thinks on the origin of the legitimacy of power in an Islamic government, we will first discuss the human and then the non-human (i.e. divine) origin of the legitimacy of power from his point of view.

#### **A. Tradition**

As Max Weber points out, traditions, which are in fact unwritten laws combined of conventions and norms and shared values and turned into spontaneous behavior through repetition, are in certain societies considered a factor for justifying the legitimacy of power. Governments based on heredity, Shaykhdom, patriarchy, racism and aristocracy are examples of such traditional legitimacy.

Islamic doctrines look upon tradition as neutral; therefore, sometimes certain righteous traditions are considered correct and acceptable in the society. However, in traditional legitimacy it is said that authority, according to existing traditions, is transferred to the oldest son or the oldest member of the family or the members of higher class families. Such a person then rules in his own name and obeying him becomes unquestionable. Such an approach in justifying the legitimacy of power cannot be compatible with the religious thoughts of the Imam.

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He rejects any hereditary and aristocratic government in Islam and in this regard refers to the age long war that Prophets and saints waged against aristocrats and the wealthy and powerful.<sup>1</sup>

As a result he also considers monarchies as rationally invalid and says, "Power should be in the hands of the people. This [is] a rational issue. Any rational individual accepts the fact that each person's fate should be in his or her own hands.... There are those who are fundamentally separate from people, and those who say people are not important, 'I will do as I wish'. How is it possible for people to relegate their fate to such an individual, who does what he wants, and who does not consider the people?"<sup>2</sup>

That is why the Imam considers such legitimizing methods against the will of God and against Islam and says, "Monarchy is what Islam considers invalid. It was abolished in the beginning of Islam in Iran, the Byzantine, Egypt and Yemen. The Prophet (s), in his auspicious letters to Byzantine emperor (Heracles) and the King of Iran invited these monarchs to give up their monarchy and empire. He asked them to stop forcing God's subjects to worship and absolutely obey them and wanted them to let people worship the One God, Who is the true King. Monarchy is the same evil and invalid way of governance to prevent which Imam Husayn rose and was martyred. It is not accepted in Islam; Islam does not allow monarchy."<sup>3</sup>

On the whole, the Imam considers these historically conventional and traditional methods something with no relation to Islam and against the law, rationality and against human rights. He believes that it is not rational for one class or one community to elect someone as monarch and then for his son, without being selected by the people and despite their opposition, to be king.<sup>4</sup>

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 4, p. 19.

<sup>2</sup> *Ibid.* vol. 4, p. 494.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist*, pp. 7-8.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 4, p. 492.

Rather, the Imam believes that “the primary right of any individual, any community or any society is to exercise choice when there is anything related to the fate of its country.... Therefore, monarchy is wrong.... People should elect someone to run their affairs, and whenever they do not want him anymore, they should tell him to go! Otherwise, when someone becomes king, he will be king forever. Such a person can do any wrong he wishes, as he does not fear deposition. There is no deposition for him, and he will remain to the end. There should be someone to whom it is said for example that you can be the president of this country for 5 years, 10 years or 8 years, and can run the affairs of the country; people themselves choose someone freely, and such a person, regardless of how bad he may be, at least thinks to himself, because he knows he will not be the president after 5 years, and he will be punished. If he has been unjust to people, they will punish him severely. He may have power now, but after 5 years he will be an ordinary person, like other people, and so automatically he won't do wrong. Monarchy is wrong in principle, something imposed on people.”<sup>1</sup>

**B. The law (rationality)**

As mentioned before, legal or rational legitimacy exists where belief in the rational laws and regulations of the man becomes the basis for justifying the power of the ruler and for obeying him. In this justification of or approach to legitimacy an individual finds the right to rule only when he comes to power through legal methods. And as long as he exercises power within the framework of the law, people are also bound to obey him within this legal framework.

All governments, even those governments that were not based on legal methods in the preliminary stages of taking shape, try to base their legitimacy on legal methods in the long run. But which

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<sup>1</sup> Ibid, pp. 492-494.

are really gains legal and logical legitimacy and then remains faithful needs survey and examination.

That is why Imam Khomeini, criticizing those governments that falsely attribute their legitimacy to the popular will and the rational law in the name of democracy and republic says, "In republic governments and constitutional monarchies, the majority of those who introduce themselves as representatives of the majority of the people ratify what they want in the name of the law and then impose that on the people."<sup>1</sup> This is while legal legitimacy forces "the selected representatives of the people to turn the wish of the people into political decisions and diplomacies and then serve the people with corruption-free politics."<sup>2</sup> In the Imam's opinion this is what is done in the real sense in Islam because:

"The collection of Islamic laws, which are gathered in the Quran and in the traditions, are acknowledged and obeyed by the Muslims; this acceptance and agreement makes governance easy and a property of the people."<sup>3</sup>

On this basis, the Imam believes that an Islamic government is "the rule of the law". He believes that "the government of Islam is the government of the law"<sup>4</sup> and believes that "in Islam the law rules"<sup>5</sup> and that basically "governance in Islam means observing the law. Only the law rules the society. The limited authority given to the Prophet (s) and the rulers is from God."<sup>6</sup>

Of course attention should be paid to the fact that in the religious thought of the Imam law is the foundation of legitimacy in exercising power and of obeying it which does not impose the will of only one group of people on all; rather, it should be a law

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<sup>1</sup> Imam Khomeini, *The Governance of the Jurist*, p. 34.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 4, p. 359.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist*, p. 34.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Sahifeh-ye Imam*, vol. 10, p. 310.

<sup>6</sup> Imam Khomeini, *The Governance of the Jurist*, p. 34.

which pays attention to the expediency of Islam and all Muslims, a law of justice and equity.<sup>1</sup>

The Imam believes that such a law has come from God the Blessed, the Almighty, has been made binding for everyone in the words of the Quran and the Prophet (s), and has gained full control over people and over the Islamic government. All people, from the Prophet to his caliphs and every other individual, are eternally subordinates of that law.<sup>2</sup>

Therefore, the Imam believes, an Islamic government is a system derived from the divine law in which every measure related to the running of the society and its related affairs should be based on this divine law in order to meet the needs of the people. This general principle is applicable even to following rulers and officers of the government.<sup>3</sup>

### C. Force and dominance

A number of theoreticians consider force and dominance as another source for legitimization and have tried, by accepting the principle of “**Might is right**”, to introduce force and dominance as the tools of rightfulness and legitimacy.

Naturally, from the Imam's point of view, this approach cannot be the origin of the legitimacy of power in the political system of Islam, because the Imam believes that “No matter how forceful a ruler is, no matter how much power and kingship he possesses, intellect does not consider his rule as rightful, does not accept it without a reason, and considers his reign and rule as oppressive and irrational.”<sup>4</sup> Even assuming that a government manages to establish legitimacy with force and dominance, the Imam believes

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 4, p. 407.

<sup>2</sup> Imam Khomeini, *The Governance of the Jurist*, p. 34.

<sup>3</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 21.

<sup>4</sup> Imam Khomeini, *Kashf al-Asrar*, p. 231.



that such legitimacy will not last because "it is impossible to oppress a people indefinitely."<sup>1</sup>

Therefore, the Imam rejects any dictatorial method of governance from the Islam's point of view and believes that principally dictatorship (to impose something on people with force, something against their vote and against the way they want to go) does not exist, has never existed and will never exist in Islam.<sup>2</sup> The proof of this is that the rule of the Prophet (s), Imam Ali and other caliphs was never like that. Therefore, from the Imam's point of view, the rule of the jurist cannot be based on such a method. That is why he says:

"A jurist does not want to force people. If a jurist decides to use force, he will rule no more. This is Islam. In Islam the law is the ruler. Even the Holy Prophet observed the law, the divine law. He could not break that law.... If the Prophet had been a dictator... then it would be possible for the jurist to be a dictator as well. If Imam Ali (a) had been a dictator, jurists could also be dictators."<sup>3</sup>

#### **D. Charismatic characteristics**

As was said before, a number of political theoreticians introduce charismatic characteristics as a legitimizing source and believe that the existence of such personality traits also legitimizes the exercise of power by the charismatic personality and urges the people to obey him.

In this relation, certain scholars have even tried to justify the legitimacy of religious leaders (the Prophet (s) and the Imams (a)) accordingly. But it should be noted that despite all similarities that may exist between these two kinds of leadership (religious leadership and charismatic leadership), there are two substantial differences between them, including the fact that the legitimacy of

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 1, p. 297.

<sup>2</sup> *Ibid*, vol. 9, p. 529.

<sup>3</sup> *Ibid*, vol. 10, pp. 310-311.

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charismatic leaders is based on affection while the legitimacy of religious leaders is based on religious laws and intellect. Also, in charismatic legitimacy, the origin of legitimacy is the leader himself and his personal characteristics, while in the case of religious leaders; the origin of their legitimacy is the divine rules and laws and the will and wish of the people.<sup>1</sup>

It is based on this essential difference that the Imam believes that the legitimacy of religious leaders (the Prophet (s), the Infallible Imams (a) and the jurists) is derived not from their charisma but from divine laws and the will of the Muslims. Therefore, according to the Imam, unlike charismatic legitimacy, first of all the legitimacy of the leaders of an Islamic government only arises from the divine law and the will of the people, and other than the divine law and the will of the people nothing is the criterion for the legitimacy and rightfulness of their power.<sup>2</sup> Secondly, none of the Islamic leaders can do as they like with the lives and properties of the people and make decisions as they want, kill whomever they want, reward whomever they want, give riches to whomever they want, and give the lands and properties of people to this person and that. Even the Prophet and the Imams and caliphs did not have such authority.<sup>3</sup>

They all abide by the law and none of them can break the divine law. God the Blessed, the Almighty says to His Prophet, "If you go against what I say, I will punish you and cut off your rule."<sup>4</sup> So the role of caliphs and their successors is clear.

Based on what has been said so far, it can be concluded that from the point of view of Islam the only criterion for the

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<sup>1</sup> Marandi, Muhammad Rida. "The Principles of the Legitimacy of the Political System in Islam" (*Mabani-ye Mashruiyat-e Nizam-e Siyasi dar Islam*); Tehran; Ata Publications, 1997, p. 172.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 7, p. 107; vol. 11, p. 34; and vol. 14, p. 165.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist*, pp. 32-33.

<sup>4</sup> *Surah al-Ahqaf*, 46: 44-46.

legitimacy of power is conformity with the divine will and observance of the expediency of the Muslims; personality traits in leaders are not a criteria for legitimization.

**E. The divine-popular origin of the legitimacy of power from the Imam's point of view**

After explaining the views of the Imam concerning human sources and origins of legitimacy, we now move to elaborate on his viewpoint on the divine-popular origin of power in Islam.

Before dealing with the views of the Imam, it is necessary for us to know that in the opinion of all Shiite scholars the absolute rule of the universe and of man belongs to God the Blessed, the Almighty. Supremacy is His innately. And so the innate source of the legitimacy and rightfulness of governance in their view is only in the hand of God the Almighty. Based on this, no individual has the right to rule over another, unless he has been granted such a right by God.

Imam Khomeini, like other Shiite scholars, considers innate governance as belonging to God the Almighty, and believes that God is the innate owner of ordinance governance and rule, and that this reign governance and rule has not been granted by God to any individual.<sup>1</sup> Therefore, "the only rule which the intellect considers as rightful and accepts with an open embrace and an open countenance is the rule of God, Who is rightful in everything. All the universe and the particles of existence are His right, whatever decision He makes, it is a decision concerning His own property and whatever He takes, He takes of His own. No one can deny this."<sup>2</sup> According to the decree of the intellect, only He can rule the people "Who owns all that people have; whatever decision he

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<sup>1</sup> Imam Khomeini, *Makasib-e Muharramah*; The Institute for Compilation and Publication of Imam Khomeini's Works, 1995, vol. 2, p. 160.

<sup>2</sup> Imam Khomeini, *Kashf al-Asrar*, p. 281.

makes, it is regarding His own property.” And according to the decree of the intellect, this could only be God the Almighty, because it is only He “Who owns all creatures and Who is the creator of heavens and earth; so any order that He owns, He has given that order in His own land, and any decision that He makes concerns what He has given.”<sup>1</sup> Therefore, He alone has the right to rule the people.

That is why the Imam believes that the primary principle is that “No one except God has the right to rule others and the right to pass laws.”<sup>2</sup> And if “this is to be approved for other than God, it should be by the appointment of God the Almighty.” This means, from the Imam's point of view, that “governance and guardianship” for other than God “is rationally relative and contracted. It is contracted in the sense that it needs God's appointment. It is relative in the sense that it needs to be assessed against some criterion in order to gain validity. It is rational in the sense that it is an issue to which the rational do not object and which they accept as a principle.”<sup>3</sup>

And as the “relative power and governance” has not always had a single form among the Muslims, we will separately discuss the origin of the legitimacy of each from the point of views of the Imam.

### **1. The origin of the legitimacy of the government of the prophet**

As we said, the Imam believes that none other than God has the right to rule others, and that in accordance with the decree of the intellect God Himself should establish government for the people and pass laws, as the lives of people would not be run without government and law; the Imam believes that God has

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<sup>1</sup> Ibid, p. 230.

<sup>2</sup> Ibid, p. 233.

<sup>3</sup> Imam Khomeini, *Makasib-e Muharrammah*, vol. 2, pp. 159-160.

passed laws which are in fact the laws of Islam,<sup>1</sup> and that He has appointed His Prophet and Messenger as the ruler. He has assigned him governance with all its related affairs". Therefore, as long as the Prophet and the Messenger of God is present in the society, "it will not be permissible for anyone to take this reign and control it, whether in major or in minor affairs, as taking control is usurping and interfering in [his] reign or its related affairs, and whatever from it may take, it is interference in the reign of another."<sup>2</sup>

Therefore, the Imam believes that if the Prophet (s) took the responsibility of ruling, it was according to the command of God. God the Almighty appointed him as the caliph, **the caliph of God on earth**. It is not as if he established a government on his own vote and wanted to be the caliph of Muslims.<sup>3</sup>

In this sense, all the authorities that were given to the Prophet of God (s) came from God the Almighty, and that is why people should obey the rule of the Prophet and acknowledge it as legitimate, as it was God the Almighty Who appointed him as one worthy of rule and made it necessary for the people to follow him. As a result, their following the Prophet of God is according to the decree of God and this is understood from the divine command of obeying the God and the Prophet in this verse: "**Obey God and the Prophet and your rulers.**"<sup>4</sup> On the whole it can be understood that the Imam believes that the origin of the legitimacy of the governance of the Prophet was only the will and command of God, and that no factor other than the divine will and command has a role in legitimizing it.

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<sup>1</sup> Imam Khomeini, *Kashf al-Asrar*, p. 233.

<sup>2</sup> Imam Khomeini, *Makasib-e Muharrammah*; vol. 2, pp. 159-160.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist (Islamic Government)*, The Institute for Compilation and Publication of Imam Khomeini's Works, 1995, p. 34.

<sup>4</sup> Imam Khomeini, *The Governance of the Jurist, (Islamic Government)*, pp. 34-35.

## **2. The origin of the legitimacy and rightfulness of the rule of the Infallible Imam (a)**

As the Imam says, after the Prophet (s) the Infallible Imams (a) received governance and guardianship from God and the Prophet (s), and the responsibility for the political affairs of the people was their jurisprudence only.<sup>1</sup> In the Imam's opinion, after the demise of the Prophet (s), the approved government of God the Blessed, the Almighty and the Prophet (s) could only be established through the rule of the Infallible Imam (a).<sup>2</sup> That is why God ordered the Prophet (s) through revelation to immediately communicate the issue of caliphate. And the Prophet (s), observing and following the divine law, appointed Imam Ali (a) as the caliph.<sup>3</sup>

So it is possible to say that from the point of view of Imam Khomeini the origin of legitimacy for the government of the Infallible Imam (a) is also God's decree and command. As he says, the legitimacy of Imamate and of the governance of Imam Ali (a) after the Prophet was not because he was the Prophet's son-in-law or because of the services he rendered; rather, his appointment by the Prophet was according to God's command. The Prophet (s), in this affair, was the officer of God and the executor of His command and decree; therefore, according to the divine command, he appointed his successors till the period of Occultation.<sup>4</sup>

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<sup>1</sup> Imam Khomeini, "Authorities and Affairs of the Jurist" (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), (a translation of the chapter on the the guardianship of the jurist from *al-Bay*) (Shuun wa Ikhtiyarat-e Wali-ye Faqih), Ministry of Islamic Culture and Guidance, 1996, p. 74.

<sup>2</sup> Imam Khomeini, *Governance of the Jurist (Islamic Government)*, pp. 34-35.

<sup>3</sup> Ibid, p. 34.

<sup>4</sup> Ibid, pp. 34-35.

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The Imam believes that both rationality and tradition confirm the fact that the origin of legitimacy for the power and governance of the Infallible Imam (a) is the divine appointment.

As for rationality, it is impossible for God “to build a high edifice of the worship of God and justice and piety and then try to destroy it and give the people's emirate to Yazid and Muawiyah and Uthman and such plunderers, and not to make the destiny of his people after the Prophet clear for all time. He would not be assisting in the building up of the edifice of despotism and oppression.”<sup>1</sup> Rather, rationality demands that God should give orders for the establishment of a just government and the stability of justice and unity and not leave people in uncertainty and not subject the land and religion to the spite of a group of materialistic and opportunistic people<sup>2</sup> because He “Whose activities are all based on rationality,” would not possibly, after sending the Prophet (s) and heavenly laws (which were all based on rationality), after establishing a just government which was based on heavenly laws and which epitomized Utopia, to not have given the necessary order to the Prophet for stabilizing this firm foundation and the great heavenly creed, and not to have clarified the fate of the nation of the Quran after the Prophet and failing to appoint His Imamate.<sup>3</sup>

As for tradition, there are numerous verses and traditions which prove the divine nature of the legitimacy of power and government for the Infallible Imam (a), including:

a. The verse **“O, you who believe, obey God and the Prophet and the rulers (appointed by God and the Prophet).”**<sup>4</sup> In this verse, the Imam believes that God the almighty gives the promise of establishing the government of Islam till the day of the judgment and forbids Muslims to obey anyone other than these

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<sup>1</sup> Imam Khomeini, *Kashf al-Asrar*, p. 135.

<sup>2</sup> Ibid, p. 134.

<sup>3</sup> Ibid, pp. 133, 134, 136.

<sup>4</sup> The Quran, *Nisa* 4:58.

three (i.e. God, the Prophet and those appointed by them).<sup>1</sup> From the Imam's point of view, the fact that obeying those appointed is the same as obeying God and the Prophet makes us understand that the possessor of rule is one who, from the beginning to the end of his rule, does not say even one word or do any thing against the mandates of God and the Prophet, and one whose government is the same divine government of the Prophet, arising from the same origin.<sup>2</sup> And so the necessity for obeying the possessors of rule in the said verse cannot possibly include the rule of kings and caliphs; it only covers the rule of the Infallible Imams (a) who, because they had the qualifications for the divine government of the Prophet, could be considered in the same degree as obeying God and His Prophet.<sup>3</sup> From this blessed verse the Imam concludes that after the government of God and the Prophet, only the legitimacy of the rule of the Infallible Imam (a) has been stipulated. It was only the Infallible Imams (a) who are the rulers of the Islamic nation after the Holy Prophet (s) and who had the same authorities as the Prophet and his general rule and divine caliphate.<sup>4</sup>

**b.** The verse “**But today your friends are only God and the Prophet and those faithful believers who say their prayers and pay their *zakat* when genuflecting**”.<sup>5</sup> This blessed verse also introduces God and his Prophet and those who are of the Faith and say their prayers and pay their *zakat* while in genuflecting as guardians and able to make decisions in the affairs of the people. The verse does not regard any other rule and governance as legitimate. According to the Imam, as the Ahl Sunnat assert in 24 traditions, this blessed verse was sent in connection with Imam Ali

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<sup>1</sup> Imam Khomeini, *Kashf al-Asrar*, p. 137.

<sup>2</sup> Ibid, p. 140.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 20, p. 120.

<sup>4</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 29.

<sup>5</sup> The Quran; *Maidaeh* 5:55.



(a) and placed his rule at the same level of importance as the governance and rule of God and the Prophet.<sup>1</sup>

c. The Tradition of the Ghadir Khum (the prevalence of which is unquestioned among the Ahl Sunnat, let alone the Shiites) is another proof from the traditions testifying to the exclusive legitimacy of the rule of the Infallible Imam (a). In this tradition, the Prophet (s) confirms the succession of Imam Ali (a) and says, "For whom I am the ruler, for him Ali is also the ruler. O' God, be friends with those who are his friends, and be the enemy of those who treat him as an enemy."<sup>2</sup>

d. There are many traditions, probably exceeding 50, all of which were handed down in the usual way, in which the Prophetsays that in Ali there is caliphate, as in him there is Prophethood." Or he says Ali is his caliph after him.<sup>3</sup> All these traditions testify to the fact that after the Prophet only the Infallible Imam (a) has a right to caliphate and governance.

The Imam's reasoning makes us understand that in the period of the presence of the Infallible Imams (a) the only legitimate government is their divine government because only the rightfulness of their rule has been explicitly asserted and stipulated by God and the Prophet. Only following them as rulers and supervisors of the affairs of the Muslims appointed by God the Almighty has been considered binding.<sup>4</sup>

Therefore, in his opinion, "if people refer to anyone other than them in religious issues and divine creeds, from the expediency of the affairs of the Muslims to the administration of political affairs and what is related to the Islamic governance when they are present in the society, they (the people) will have no excuse to offer to God. Yes, when tyrannical rulers triumph over the people

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<sup>1</sup> Imam Khomeini, *Kashf al-Asrar*, p. 173.

<sup>2</sup> Ibid, pp. 179, 182.

<sup>3</sup> Ibid, p. 189.

<sup>4</sup> Imam Khomeini, *Makasib-e muharramah*, vol. 2, pp. 159-160.

and abdicate the power from the Imams (a) that is when the excuse of the people in not going to them (the Infallible) in governmental affairs is accepted by rationality. Even at those times the true officers appointed by God are the Infallibles.”<sup>1</sup>

Therefore, as Imam Khomeini stipulates, all the governments that have come to power during the time of the Infallible Imams (a) and after Hadrat Ali (a), except for the few days of the rule of Imam Hasan (a), whether they were governments which to some extent followed the ways and the pattern of the Prophet of God or not, none of them deserved to rule.<sup>2</sup> And they enjoyed no rightfulness and legitimacy.

### **3. The origin of the legitimacy and rightfulness of government in the period of absence**

What has been said so far about the Imam's point of view on the legitimacy and rightfulness of the government of the Prophet (s) and the Imams (a) is almost unanimously agreed upon by all Shiite jurists, who emphasize the divine nature of the origin of legitimacy for the government of the Prophet (s) and the Infallible Imams (a). But what has resulted in the emergence of different approaches among them is controversy regarding the origin of the legitimacy and rightfulness of governance in the period of the Occultation of the Infallible Imam (a). This is because in the period of Occultation, when no particular person has been introduced by the religion as the ruler and only a collection of characteristics for the executor of governmental affairs have been stated, the question arises as to where the legitimacy of certain people who take on governance comes from.

As previously discussed, to answer this question two approaches took form among the Shiite jurists. Some of them

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<sup>1</sup> Imam Khomeini, “Authorities and Affairs of the Juris t’” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 46.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 5, p. 29.

proposed the divine, non-mediated legitimacy of the jurist and believed that the divine right of ruling over the human society has been delegated to just jurists directly and immediately and without the intercession of the Islamic nation. In their opinion, the vote and the approval of people had no role in their government. In contrast, some suggested that the jurist had divine – popular legitimacy and believed that God delegated the political expediency of the Islamic nation in the period of Occultation to them so that they can exercise their rule within the framework of religious rulings of the Imams (a). People, on behalf of God, are the rulers of their own destiny and no one has the right to take away from them this divine right. The vote of the people, as long as it conforms to religious objectives and does not go against religious rulings, plays a role in legitimacy. Therefore, legitimacy from the point of view of these jurists has only two conditions, observing divine regulations and gaining popular approval. Some of those who believe in this theory also maintain the rule of the guardianship of the jurist and some do not deem the condition of being a jurist necessary in the political head of the society. Those who believe in the rule of the guardianship of the jurist consider him elected by people and bound to the necessary agreement between a ruler and the people.<sup>1</sup>

Regardless of the similarities between the two theories, it can be said that in the theory of the divine, non-intermediary legitimacy of the jurist, governance is a duty and obeying the orders of the ruler is also a duty. In the second theory people have rights. In the first theory people have no role whatsoever in determining the legitimacy of the system. Governance is appointed by God and it is not for the earthly to dare interfere with the

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<sup>1</sup> Kadivar, Muhsin. "A Study of the Regulations of Religious Government" (Barrasi-ye Dawabit-e Hukumat-e Dini); *Troubles of the Religious Government*; Ney Publications, 2000; pp. 139-140.

heaven; but in the second theory the vote of the people, if it observes certain regulations, provides legitimacy for the system.<sup>1</sup>

After this introduction, our question is: 'In which of these two approaches can we find the viewpoints of the Imam?' Does he believe in the divine, non-intermediary legitimacy of the jurist, not assigning any role to the people in legitimizing the government? Or does he, while believing in the rule of the Supreme jurist, acknowledge the role of the people in legitimizing his government? It is possible to say that there are two general interpretations on Imam's thought in this regard. Some consider him among those who believe the jurist to be appointed by God and accept no non-divine origin for the legitimacy of his government. These people are of the view that the Imam's stipulations regarding the theory of the appointment of the jurist are many times as frequent as those limited cases in which he mentions belief in his (the jurist's) election by the people. They believe the most important documents regarding the Imam's opinion are his jurisprudential writings, including *al-Bayand The Islamic Government*. They say his jurisprudential opinion in these works is the appointment of the just jurist by the Holy Lawmaker. In comparison, Imam's mentioning elections can be only found in a limited number of messages in *Sahifeh-ye Nur*; what appears in *Sahifeh-ye Nur* as lectures and speeches referring to elections are interpreted according to his jurisprudential principles. Therefore, elections are interpreted as "revealing someone who has been appointed," and so the duty of the experts is to report and not to dictate. The experts

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<sup>1</sup> Kadivar, Muhsin. "A Comparison of the Two Theories of Appointive Governance of the Jurist and the Conditional Governance of the Jurist" (Muqayese-ye Dow Nazariye-ye Wilayat-e Intisabi Faqih wa Wilayat-e Muqayyadiah-ye Faqih); *Ibid*, pp. 65-66.

do not have the right to appoint a ruler.<sup>1</sup> On this basis, from the Imam's point of view, the only role people have is in the realization of the practical objectives of the government; they have absolutely no role in legitimizing the system.

There are others who believe that the Imam is among those who assign a popular – divine legitimacy to jurists. These people believe that the Imam thinks that only that jurist has the right to rule who has been elected by the experts, who are themselves chosen by the people. From the point of view of these people, from certain statements of the Imam it can be understood that he believes that those jurists not appointed to rule by experts who have been chosen by people do not have the right to rule. Because if every jurist who has not been chosen has the right to rule, then every jurist can establish a government and legitimize it. Then their governments and organizations will not be that of *Taghut* and then there would be no need to elect experts in the first place. Such strong insistence on popular participation in the elections for the Council of Experts would then not be necessary.<sup>2</sup>

Any of the above-mentioned interpretations of the Imam's theory is in fact supported by his own jurisprudential statements and works as he, in numerous places, stipulates the divine origin of the legitimacy of the jurist. In certain places he also emphasizes the importance of the role and the status of the people in a religious government. Before seeking a combination of the different statements of the Imam, we will in the present chapter try to clarify the Imam's viewpoint and opinion on the principles of the divine and the popular legitimacy of the rule of the guardianship of the

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<sup>1</sup> Kadivar, Muhsin. "Imam Khomeini's Principle; Appointment or Election?" (*mabna-ye Imam Khomeini, Intikhab ya Intisab*); Troubles of the Religious Government; p. 75.

<sup>2</sup> Salihi Najaf-Abadi. "The Governance of the Jurist; the Government of the Righteous" (*Wilayat Faqih-e Hukumat-e Salihan*); Rasa Cultural Institute, 1994, p. 174.

jurist. How these two opinions are to be combined will be left to the next chapter.

**A. The divine origin of the rule and the government of the jurist as stated by the Imam**

As it was mentioned before, from the Imam's point of view, "rationally, reign and rule are exclusive to God the Almighty, Who is, innately, the owner of rule and government; if this rule is to be given over to others, this should be by divine appointment."<sup>1</sup> This statement of the Imam stipulates that rule and governance with all their related affairs have a source of legitimacy and that is appointment by the Divine. That is why the Imam says, "It is not permissible for other than those appointed by God to interfere in rule and government and its related affairs and to take on such responsibility, as it would be usurpation on their part and as their interference in this affair, in any way, is interference in the reign of another."<sup>2</sup>

Also, the Imam believes that in the period of Occultation the criterion for the legitimacy of a government is appointment by the Holy Lawmaker, as rule and governance for other than God are among the rational, relative affairs and are not real other than appointment.<sup>3</sup> The only people who, in the period of Occultation, have been appointed to rule and governance by the Holy Lawmaker are the jurists.<sup>4</sup>

Therefore, the Imam believes, only the jurist possesses legitimate government, and so ruling and governing the nation is

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<sup>1</sup> Imam Khomeini, *Makasib-e Muharramah*, vol. 2, p. 160.

<sup>2</sup> Ibid.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 41.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 10, p. 308.

his responsibility and they are worthy of leading the Muslims.<sup>1</sup> As representatives of the Infallible Imams (a), they are guardians of the Muslims in all religious, political and social affairs.<sup>2</sup>

**Reasons and documentations for the divine legitimacy of the guardianship of the jurists**

To prove the fact that the origin of legitimacy for the rule and governance of the guardianship of the jurist is only by divine appointment and assignment, the Imam refers to traditional arguments and rational demonstrations, which we will mention below:

The Imam is of the opinion that the rational demonstration to prove the divinity of the origin of legitimacy for the rule of the guardianship of the jurist is that although no definite person has been appointed for the office of governance in the period of Occultation so that the governmental laws of Islam are to remain stable and perpetual and that chaos is not permissible and governance is an unmistakable need and its establishment necessary for the Islamic society; it is unimaginable to think that God has neglected this. Rationally then, the perpetuation of an Islamic government and rule during the Occultation of the 12<sup>th</sup> Imam (a) is an imperative.<sup>3</sup> “Since an Islamic government is a government based on the law, and only the divine law at that, which has been passed for the execution of injunctions and the expansion of justice all over the world, the officer of such a government, inevitably, must possess two important characteristics which are the foundations of a divine government, and it is impossible to realize a legal government unless the ruler has these

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<sup>1</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 33.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 19, p. 403.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 39.

two characteristics: a. knowledge of the law, and b. justice. Rationally, it is clear that God would never choose an ignorant or tyrannical or criminal person as the ruler of the Muslims and would not allow such a person to dominate their destiny, property and lives because the Holy Lawmaker has great diligence in protecting the life, property and destiny of the people. Anything other than this is not rational, as the realization of the law is only possible in the hands of a knowledgeable and just ruler.”<sup>1</sup>

A summary of the Imam's rational demonstration on the divine legitimacy of the jurists is that the establishment of an Islamic government in the period of Occultation is imperative. Furthermore, although God the Almighty has not appointed any particular individual to rule at this time, he has stipulated the same governmental characteristic from the beginning of Islam to the time of the 12<sup>th</sup> Imam and for the time after the Occultation as well, and that is knowledge of the law and justice, which the Imam believes is present in numerous jurists of the present time.<sup>2</sup>

Therefore, rationally, only such jurists can realize an Islamic government and rule and not the ignorant and the tyrannical. On this basis, rationally, only the governance and rule of the jurists enjoys divine legitimacy in the period of Occultation and not the governance of others, as God, rationality, will never choose the ignorant and the tyrannical as ruler of the Muslims.

Accordingly, the Imam practically considers the rule of the guardianship of the jurist in line with the rule of the Prophet (s) and the Infallible Imams (a) and says, “all affairs related to government and politics assigned to the Prophet (s) and the Infallible Imams (a) is also assigned to the just jurist, and rationally no difference can

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<sup>1</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 29-30.

<sup>2</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, pp. 39, 40.



be maintained between the two.”<sup>1</sup> Therefore, if such a jurist manages to establish a government, he has the same rule as the Holy Prophet (s) in running the affairs of the society, and it is imperative for all people to obey him. The belief that the governmental authorities of the Holy Prophet (s) were greater than those of Imam Ali (a), or that the governmental authorities of Imam Ali (a) were greater than those of the jurist, is incorrect and invalid. [Of course they had greater virtue], but the abundance of spiritual virtues does not increase governmental authorities. Therefore, God has assigned to the present government the same governmental authorities and governance that the Prophet (s) and the Infallible Imams (a) had in gathering soldiers and mustering arms, appointing governors and officers, taking taxes and spending it for the expediency of the Muslims. The point is just that these are not for any individual but a just and knowledgeable one.<sup>2</sup>

Different traditions can be mentioned for the divine legitimacy of the governance and rule of the jurist from the Imam's point of view:

1. The noble assertion of the 12<sup>th</sup> Imam (a), who says, **“The 12th Imam has given general rule to whoever is worthy. When there are new events in government, refer them to narrators of traditions or jurists, as they are my proof for you and I am proof of God for them.”**

Regarding to this noble assertion the Imam writes, “The meaning of the Infallible Imam (a) being the proof of God is that he (the Infallible) has divine office and absolute rule over the God's servants, and it is not that he is just an authority for stating divine decrees. Therefore, when he says **“I am proof of God for**

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<sup>1</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 35.

<sup>2</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), pp. 76-77; *The Governance of the Jurist (The Islamic Government)*, p. 40.

**them**", it is possible to say that what he means is that anything that has been conceded to him by God and on which he has the right to rule, jurists also have the same authorities as they are appointed by him. It is clear that such an authority is the rule assigned by God to the Infallible Imams (a) and the rule assigned by the Infallible Imams (a) to the jurists.<sup>1</sup>

2. The tradition of Imam Ali (a), quoting the Prophet (s), saying, "**O God, bless my successors. On Prophet of Allah who are your successors? He (the Prophet) said those who come after me and carry my tradition and teach it to the people.**" the Imam believes that firstly, meaning of succession in this tradition applies to rule and governance, which is at least to the extent of its apparent example and of which we are certain. Secondly, what the Prophet means when he talks about "those who come after me" is his successors. Thirdly, "succeeding the Prophet (s) just for the purpose of relating his tradition is meaningless and trivial. As the Prophet was not a narrator of his own traditions, how can his caliph be his regent and successor in this? Fourthly, what is meant by successors is not only those who relate traditions but just and knowledgeable jurists, as the person who can understand the tradition of the Prophet and can resolve differences and controversies in traditions by referring to valid standards, and the person who can distinguish the words which go against the Book and the tradition of the Prophet from those which agree with it is the competent *Mujtahid* traditionist and also jurisprudent. On the other hand, it is not rational that succession of the Prophet of God (s) should go to an ignorant person who cannot discern God's decrees and who has only narrated a few traditions of the Holy Prophet (s).<sup>2</sup>

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<sup>1</sup> Ibid, p. 47.

<sup>2</sup> Imam Khomeini, "Authorities and Affairs of the Jurist" (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), pp. 37-40.

The result is, based on this Prophetic tradition, that jurists have been appointed by the Prophet of God to succession and governance in all their related affairs, and that their governance gains divine legitimacy through appointment by the Prophet.

3. The tradition of Umar ibn-e Hanzalah, in a part of which Imam Sadiq (a) says, **“In your affairs refer to the narrators of our tradition who have a knowledge of the rules of what God considers as right and wrong, and those who know our creeds according to religious and rational standards, as I have appointed them to be your rulers.”** the Imam believes that when the Infallible Imam (a) says, **“I have appointed them to be your rulers,”** it is clear that he has appointed someone for the state and judicial affairs of the Muslims, and thus Muslims have no right to refer to anyone other than him, because the Infallible Imam (a) is the absolute ruler, superior to scholars, jurists and people of the world. He can appoint, for the duration of his life and after his death, rulers and judges, and he has done by appointing jurists. Therefore, according to this tradition, there is no doubt that the Infallible Imam (a) has given rule and judgment to jurists, and it is imperative that all Muslims obey this command of the Infallible Imam (a).

According to this stipulation, by appointing jurists to rule over the Muslims, Imam Sadiq (a) emphasizes the divine nature of the legitimacy of their government, makes it imperative for all Muslims to obey his orders, warns them against going to other than him and thus proves the lack of legitimacy of anyone other than him (jurisprudent).

4. The tradition of Abu al-Bakhtari and Qaddah, in both of which Imam Sadiq (a) introduces scholars as the heirs of the Prophets. Therefore, according to Imam Khomeini, this noble tradition, which also introduces jurists as the heirs of the Prophets, proves the fact that we should accept that whatever had been the authority of the Prophets has been transferred to jurists, except that for which transfer is impossible. However, undoubtedly the right to

rule and governance is transferable, as reign is hereditary among tyrannical kings.<sup>1</sup> As a result, according to this tradition, rule, which is among the affairs of Prophethood, is inherited by jurists, as it was inherited by the Infallible Imams (a). And thus, Imam Khomeini believes, in the same manner that the Prophet (s) appointed the Infallible Imams (a) as his successors and as the rulers of all people, he also appointed jurists as his successors for limited governance.<sup>2</sup> That is why we say that they have been given legitimacy by God and His Prophet to rule over people.

5. The tradition of Ali ibn Abi Hamzah, in which the 7<sup>th</sup> Imam introduces jurists as bastions of Islam. Relating to this statement of the Infallible Imam (a), Imam Khomeini says, "A jurist can never be the invincible bastion of Islam ... unless he is the protector of all the different dimensions and affairs of Islam, from the spreading of justice and the execution of divine laws to protecting the borders of Islamic countries, taking taxes and then spending it for the good of Muslims and appointing governors and rulers in different parts of the country. Islam cannot be only the expression of commandments.... A jurist is the bastion of Islam, as the high walls surrounding a city are its bastion, and it becomes meaningful only when he is the ruler and the government has all the rights and authorities which the Holy Prophet (s) and the Infallible Imams (a) had."<sup>3</sup> It can be understood from this tradition that "Jurists are bound by duty to protect Islam and to prepare grounds so that they can be protectors of Islam." This means that it is necessary for them "to arm themselves with effect and power in order to be able to guard Islam thoroughly."<sup>4</sup> Imam Khomeini believes that it is

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<sup>1</sup> Imam Khomeini, "Authorities and Affairs of the Jurist" (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 57.

<sup>2</sup> Ibid, p. 61.

<sup>3</sup> Ibid, pp. 42-43.

<sup>4</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 56.

## Legitimacy of Power from Imam Khomeini's Point of View

only in this way that jurists can be invincible bastions and trustees of the Prophets.<sup>1</sup> Briefly, the Imam believes that such an interpretation of jurists in the words of the Prophet and the Infallible Imams (a) is another interpretation of absolute rule for jurists and a stipulation of the divine legitimacy of their governance in the Islamic society.<sup>2</sup>

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Taking the Imam's reasoning and rational demonstrations and traditional arguments in proving the rule and the governance of jurists, it appears that the legitimacy and the rightfulness of their rule is neither from the wish and inclination of the people, nor from the force they may exercise or because of their charismatic characteristics; the only origin is that of divine appointment. Governance has been granted them only by the appointment of the Holy Lawmaker and is theirs for ever. That is why the Imam rejects as invalid any origin for the legitimacy of exercising power and rule on Muslim societies and considers only the divine law and will as the criterion of the validity of any kind of rule and says, "Governance in Islam means abiding by the law; only the law rules the society. Where limited authorities have been given to the Prophet (s) and rulers, it is by God. Whenever the Prophet (s) made a statement or gave an order, it was in observance of a divine law, the law which all, without exception, must follow. The divine command is binding for the ruler and the ruled. The only law which is binding and irrevocable for people is the law and the command of God. Obeying the Prophet (s) is obeying the

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<sup>1</sup> In the Sukuni tradition this has been pointed out and Imam Sadiq says, "The Prophet (s) said that jurists are the officers of the Prophet." "Authorities and Affairs of the Jurist" (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 43; and *The Governance of the Jurist (The Islamic Government)*, p. 60.

<sup>2</sup> Imam Khomeini, "Authorities and Affairs of the Jurist" (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 44.

commands and the law of God, Who says, **“Obey the Prophet.”** Obeying officers of government or rulers is also obeying the divine command. And when He says, **“Obey God and the Prophet of God and rulers”**, the vote of the people, even the vote of the Prophet, has no role in divine law and governance. All should obey divine will.”<sup>1</sup> Following the rule of the guardianship of the jurist is obeying divine command, as God has appointed the jurist to this office, in a way that even if he does not find the opportunity to rule, it is still his and he still enjoys the position of divine legitimacy.<sup>2</sup> And if jurists manage to establish a government, as “they have the same authority that the Prophet (s) had in governing the society, it is imperative that all people obey them,”<sup>3</sup> and if people rise against his governance, they will have risen against the rule of Islam, and an uprising against the Islamic government is heresy and graver than all sins.<sup>4</sup>

In conclusion, in the period of Occultation of the Imam of the Age (a), Imam Khomeini considers any governance and rule other than the rule of the guardianship of the jurist as *Taghuti* and says, “If there isn't the jurist and if there is not the rule of the guardianship of the jurist, then there is *Taghut*; it is either God or *Taghut*. If it is not by the command of God, if the president is not appointed by the jurist, he will be illegitimate. And when he is illegitimate, he is *Taghuti* and obeying him is obeying *Taghut*. Entering his domain is entering the domain of *Taghut*. And *Taghut*

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<sup>1</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, pp. 34-35.

<sup>2</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 42; and “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), p. 33.

<sup>3</sup> *Ibid*, p. 40.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 11, p. 202.

is destroyed when someone is appointed by the command of God the Blessed, the Almighty.”<sup>1</sup>

**B. The popular origin of the rule of the guardianship of the jurist in the Imam's statements**

After explaining the divine principles of legitimacy for the rule of the guardianship of the jurist, we will deal with the question of whether or not the Imam believes that people have any role in legitimizing the rule of the guardianship of the jurist or, as certain interpreters of the Imam's viewpoints have said, he only maintains the divine legitimacy of the rule of the jurist and believes that people only play a role in efficiency and that their acceptance of the rule of the guardianship of the jurist and obeying him and cooperating with him only gives his government practicality.

Before we can study the answer to this question from the Imam's point of view, it is necessary to point out a methodological issue in extracting the Imam's viewpoints which have a bearing on the present debate. The point is that certain researchers believe that the most important document revealing the Imam's point of view are his jurisprudential writings, i.e. “*al-bay*” and “*The Islamic Government*”; his jurisprudential view in the said books is the appointment of the just jurist by the Holy Lawmaker. References to the role of the people in legitimizing the rule of the guardianship of the jurist can be found only in limited messages in *Sahifeh-ye Nur*, and what he says there is more in the form of lectures and speeches. Therefore, even if he, in these statements, points to the role of the people in legitimizing the rule of the guardianship of the jurist, these statements are interpreted with reference to his jurisprudential proofs.<sup>2</sup>

This method does not seem to be completely appropriate in understanding the views of the Imam, and it is possible to say that,

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<sup>1</sup> Ibid, vol. 10, p. 221.

<sup>2</sup> Kadivar, Muhsin, Ibid, pp. 75, 76.

contrary to this attitude among researchers, all of the Imam's words and writings are based the same reasoning and cannot be considered separately, as it is not possible to consider the Imam himself as possessing different attitudes throughout his political life.<sup>1</sup>

It seems that attention to the following points clarifies the accuracy or inaccuracy of these two methods of interpreting the views of the Imam:

The first point is that in his jurisprudential works the Imam refers to the divine appointment of the guardianship of the jurist and to the role of the people in legitimizing his rule as well. For example, in his first political work, *Kashf al-Asrar*, he considers popular legitimacy as one of the factors in the stability of law and government and writes, "Stability of law is possible when it has its roots in the hearts of the people."<sup>2</sup> That is why, in criticizing *Taghuti* governments, he explains that one of the reasons for the stability of the divine law and government is the fact that Islamic laws and divine governments have their roots in the hearts of the people and that the masses have faith in them.

In addition, in *The Rule of the Guardianship of the Jurist (The Islamic Government)* the Imam emphasizes this acceptance of Islamic laws and as a result the Islamic government by the people and writes, "The laws of Islam, which are gathered in the Quran and the traditions, have been accepted and acknowledged as binding by the Muslims. This agreement and acceptance has made governance easy and belonging to the people themselves."<sup>3</sup> These

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<sup>1</sup> Khusrow-panah, Abdulhusayn. "Imam Khomeini and Theoretical Challenges of Jurisprudential Government" (*Imam Khomeini wa Chaleshha-ye Nazari-ye Hukumat-e Wilayi*); *Andisheh-ye Hawzah*, 5<sup>th</sup> year, 2<sup>nd</sup> issue, (October and November of 1999), pp. 130, 131.

<sup>2</sup> Imam Khomeini, *Kashf al-Asrar*, p. 380.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 34.



two cases have been cited just as examples to show that in the same jurisprudential works the Imam also points to the popular principles of the Islamic Government. His view will be discussed in detail later.

The second point is that, contrary to what some of these researchers have said, *Sahifeh-ye Nur* is not limited only to the Imam's lectures; his declarations, statements, interviews and letters which, like the Imam's other writings, are valid documents, are included in this collection. It is in these declarations, statements, letters and interviews that the Imam emphasizes the role of the people. For example, in one of his first statements after being released from prison in 1965, he discusses this role of the people and writes, "Government belongs to the people. The funds of the country come from the people's pockets... Governments are the servants of the people. Please do not say that you are the servant of the people all of the time and then oppress them and tread upon these poor masters of yours."<sup>1</sup> It is possible to say the Imam's statement was directed at the illegitimate government of the Pahlavi dynasty and does not include the legitimate government of the guardianship of the jurist; in reply we say that the Imam considered even the Islamic government as belonging to the people; he even introduces himself as the servant of people and thus says, "Whatever we have come from the people."<sup>2</sup> An Islamic government is "the government of Islam and the people."<sup>3</sup> "An Islamic government is the government of service. The Prophet was a servant of the people. Although his status was the highest, he was the servant of the people, he served the people."<sup>4</sup> That is why he

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 1, p. 297.

<sup>2</sup> *Ibid*, vol. 13, p. 196.

<sup>3</sup> *Ibid*, vol. 18, p. 337.

<sup>4</sup> Imam Khomeini, "Seeking a Path through Imam's Words" (*Dar Josteju-ye Rah az Kalam-e Imam*), Ninth Book, p. 307.

says, "I am the servant of the people."<sup>1</sup> At any rate, in his interviews, declarations, statements and letters the Imam considers Muslims as the principal legitimizing pillars of the Islamic government and therefore, in answering the question posed by the delegate of the secretariat of Friday prayer leaders from all over the country, who wanted to know under what conditions the absolutely eligible jurist can rule the Islamic society, he emphasizes the role of people in legitimizing the rule of the guardianship of the jurist and writes, "He can rule in all aspects; however, having custody of the affairs of the Muslims and establishing a government depends on the consensus of the majority of the Muslims. This has also been stipulated in the constitution, and in the advent of Islam it was known as swearing allegiance to the ruler of the Muslims."<sup>2</sup>

The last point is that, contrary to what these researchers say, the Imam's statements in *Sahifeh-ye Nur* regarding the role of the people in legitimizing the government of the guardianship of the jurist, endorsed by his own governmental experience, should have more validity. Interpretations should not be based only on his jurisprudential thoughts, as in these books he mostly strives to prove the principle of the rule of the guardianship of the jurist and to establish it as the only legitimate government in the period of Occultation, and does not discuss all its dimensions and details. Having succeeded in this, i.e. the establishment of a religious government, he clarifies other details and principles related to its legitimization — meaning popular acceptance and divine legitimacy.

Therefore, the views of the Imam on the role of the people in the legitimacy and rightfulness of the government of the jurist need no interpretation. He truly believes people to have a right in this regard, and the role he assigns to them is not ornamental; rather, he

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 6, p. 52.

<sup>2</sup> Imam Khomeini, unpublished papers, The Institute for Compilation and Publication of Imam Khomeini's Works, document No. 657.

considers their will, as Muslims, as one of the pillars of the rightfulness and legitimacy of government. In order to further clarify this claim it is possible to refer to the following statements of the Imam.

### **1. People and the right to self-determination**

The Imam believes that a nation's "right to self-determination" is one of its primary rights, and in several places he emphasizes the point that each nation has the right to determine its own destiny. He says, "And this nation – any nation – has the right to determine its own destiny. This is among the human rights, which can also be seen in The Declaration of Human Rights. Any person, any nation, has to determine its own destiny."<sup>1</sup> And in another place he says, "It is a basic right of each nation to determine its destiny and to determine its type of government."<sup>2</sup> And this right, from his point of view, is a definite rational and religious right.<sup>3</sup> Therefore, all the rational people of the world accept the fact that any human being is free where his or her own destiny is concerned. They can vote freely and determine the head of their state and the way their country is to be run. Such a desire should be considered as rational according to human rights.<sup>4</sup>

That is why after the establishment of the Islamic Republic the Imam always emphasized people's control over their own destiny and believed in "... the right of the people over their own destiny, which is one of the imperatives of the Islamic Republic."<sup>5</sup>

In accordance with this rational and religious principle, the Imam calls people to this innate right and says, "It is necessary for the combatant nation of Iran to take hold of the future destiny of its

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<sup>1</sup> *Sahifeh-ye Imam*, vol.3, p. 503.

<sup>2</sup> *Ibid*, vol. 4, p. 367; and vol. 6, p. 32.

<sup>3</sup> *Ibid*, vol. 6, p. 13.

<sup>4</sup> *Ibid*, vol. 5, p. 244.

<sup>5</sup> *Ibid*, vol. 7, p. 167.

country as soon as possible and to enjoy the fruit of its great Islamic revolution in all social systems and relations and to regain its forfeited rights.”<sup>1</sup>

## 2. People and the freedom of choice

From the Imam's point of view, freedom is a God given right and thus among the basic inherent rights of mankind, and no one can consider himself the giver of this human right.<sup>2</sup>

The Imam believes that this freedom of expression and choice has always been emphasized in Islam.<sup>3</sup> In other words, Islam has never allowed despotism. What Islam allows is freedom for all groups of humanity, whether male or female, black or white.<sup>4</sup> The people are free within the boundaries of religious rules.<sup>5</sup>

In accordance with this inherent and religious right, no one can impose himself on people and rule over them;<sup>6</sup> rather, they have the right, given to them by God, to choose their rulers freely and to establish a government which arises from the people and belongs to the people.<sup>7</sup> In the Imam's view, an Islamic government is a government exactly conforming to this rational and religious principle, as an Islamic government, a government of justice, is a government “dependent on the people”, “for the people” and based on “the vote of the people”.<sup>8</sup> And the Imam describes his kind of intended Islamic government in this way: “We intend to achieve a

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 7, p. 482.

<sup>2</sup> *Ibid*, vol. 3, pp. 406, 407, 510.

<sup>3</sup> *Ibid*, vol. 6, p. 277.

<sup>4</sup> Imam Khomeini, “Seeking a Path through Imam's Words” (*Dar Josteju-ye Rah az Kalam-e Imam*), ninth book, pp. 270, 271.

<sup>5</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 62.

<sup>6</sup> *Sahifeh-ye Imam*, vol. 4, p. 491.

<sup>7</sup> *Ibid*, vol. 4, pp. 349, 362, 367; and vol. 7, p. 295.

<sup>8</sup> *Ibid*, vol. 5, p. 548.

government which the people themselves will establish.<sup>1</sup> That is why he recommended the Islamic Republic to the people and left it to their vote and said, "Vote freely for whatever you want. I personally will vote for the Islamic Republic and ask you, as a brother, to help me in this Islamic affair."<sup>2</sup> After people had accepted the Islamic government, the Imam still respected this rational and religious principle and never departed from it, as he always emphasized that "it is logical that affairs be in the hands of the people themselves. People will choose someone, and will choose freely."<sup>3</sup> And if it is so, the Imam believes, the people will choose someone righteous, as public vote will not be wrong.<sup>4</sup>

Because of this, the people's free choice always was the Imam's preoccupation; several times he emphasized that "choice is not exclusive to anybody, neither the jurist, nor parties and groups. Elections belong to all the people. The destiny of the people is in the hands of the people and elections are for the people to influence their destiny."<sup>5</sup> the Imam believes that people should be free to choose, and that is why he says, "As I have said several times, people are free to choose and do not need a guardian. No individual or group has the right to impose a person or persons on people. The Islamic society of Iran which, with its discernment and political growth, accepted the Islamic republic and its elevated values and the rule of God's law, having remained faithful to this great pledge and allegiance, definitely has the ability to recognize and choose the most righteous candidate. Of course in such affairs consultation is an Islamic directive and people should consult those whose involvement they trust; individuals, parties and clergies can introduce their candidates according to the previous reminders and

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<sup>1</sup> Ibid, vol. 7, p. 296.

<sup>2</sup> Ibid, vol. 6, p. 408.

<sup>3</sup> Ibid, vol. 9, p. 121.

<sup>4</sup> Imam Khomeini, *Kawthar*; vol. 2, p. 550.

<sup>5</sup> *Sahifeh-ye Imam*, vol. 18, p. 367.

no one can expect others not to express their opinion and not to assert themselves.”<sup>1</sup>

### **3. The validity of popular majority vote**

Another factor which emphasizes the role of the people in legitimizing the Islamic government from the Imam's point of view is the validity he maintains for the Muslim's majority vote where political and social affairs are concerned, including the determination of the country's destiny and the appointment of righteous people to run the society; he believes that the popular majority vote has a lower percentage of error and says, “When people are free, they will choose someone righteous; it is not possible for the popular vote to make mistakes. When one person wants to do something, he may make a mistake. A nation of thirty million cannot make a mistake.”<sup>2</sup>

Believing in this principle, the Imam considers the rule of the minority on the majority as irrational and says, “It is meaningless for a minority to want to impose upon a majority. This is against democracy, in which you believe. It is against freedom. It is against all humanity if a limited number of people decide to impose upon a [greater] number.”<sup>3</sup>

Accordingly, he considers the Pahlavi monarchy as illegitimate, because it was not based on popular vote. He describes his intended Islamic government as dependent on the public vote and says, “Our Islamic government will be dependent on the public vote.<sup>4</sup> Our plan is to refer to the public vote, to the people's vote.”<sup>5</sup> Therefore, in answering the question of what kind of government he would substitute for the Pahlavi regime, he says,

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<sup>1</sup> Ibid, vol. 21, p. 10.

<sup>2</sup> Ibid, vol. 5, pp. 322, 323.

<sup>3</sup> Ibid, vol. 10, p. 322.

<sup>4</sup> Ibid, vol. 4, p. 160.

<sup>5</sup> Ibid, p. 496.

“Determining the political system will be left to the vote of the people. We will put the Islamic republic to the vote.”<sup>1</sup>

The Imam remained faithful to this principle even after the establishment of the Islamic republic and always considered the acceptance of the Islamic republic dependant on a public majority vote. He believed that the validity of its organizations came from the people. Therefore, he considered the validity of the Council of Experts for leadership as dependent on the public vote and said, “If the Assembly of the Authors of the Constitution has any validity, it is due to its being appointed by the people.”<sup>2</sup>

Also, on the popular validity of the Islamic Consultative Assembly he says, “The Assembly is the concentrated power of a nation in one group. All the powers of a nation are concentrated in one group and the Assembly is the highest office in the country.”<sup>3</sup> “The Assembly is the real home of the nation.”<sup>4</sup> The validity of the institution of government and that of the head of state also, in his view, arise from the majority vote. He says, “Logically, affairs should be left to the people themselves. The nation will freely elect someone. The nation will appoint someone as the president. It has the authority to appoint someone as its president, and when the four years are over, it is again the same nation and the same procedure. They will appoint someone else but if he is good he will against be appointed.”<sup>5</sup>

And even more important than this, the Imam even accepts the public vote where the rule of the guardianship of the jurist is concerned and, pointing out the validity of the vote of the majority of the Muslims in appointing a leader he says, “The guardianship of the jurist rules in every aspect; however, controlling the affairs

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<sup>1</sup> Ibid, p. 358.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 8, p. 173.

<sup>3</sup> Ibid, vol. 12, p. 200.

<sup>4</sup> Ibid, vol. 18, p. 420.

<sup>5</sup> Ibid, vol. 9, p. 121.

of the Muslims and establishing a government depends on the vote of the majority of the Muslims. This has been stipulated in the constitution as well.”<sup>1</sup> Therefore, he believes that “If people vote for experts in order to appoint a just *Mujtahid* for the leadership of their government, when those experts appoint a person to take leadership, automatically that person will be accepted by the people. In this case, he will be the elected ruler of the people and his command will be binding.”<sup>2</sup>

From what the Imam says on this subject it appears that he believes in the power of the popular majority vote and considers the legitimacy and validity of all centers of power as arising from the vote of the Muslims. He does not consider it permissible or possible to depart from the vote of the people,<sup>3</sup> and emphasizes that in the Islamic republic everyone should respect the public vote in all affairs.<sup>4</sup>

#### **4. People and determining the type of government and rulers**

The Imam believes that determining the type of government and its officers depend on the popular vote and consider this as a basic right of each nation.<sup>5</sup> That is why at the time of establishing the Islamic government he emphasized this issue and said, “The final form of the government according to the present conditions and circumstances will be determined by the people themselves.”<sup>6</sup> Therefore, to realize the Islamic republic, which was in his view the ideal form of government, the issue was put to the vote of the

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<sup>1</sup> Imam Khomeini, unpublished papers, The Institute for Compilation and Publication of Imam Khomeini's Works, document No. 657.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 21, p. 371.

<sup>3</sup> *Ibid*, vol. 14, p. 165.

<sup>4</sup> *Ibid*, vol. 4, p. 266.

<sup>5</sup> *Ibid*, p. 266, 367.

<sup>6</sup> *Ibid*, p. 248.



people; he avoided imposing his opinion on people<sup>1</sup> and expressed his role as merely that of “guiding the people.”<sup>2</sup> In addition, he believed that the responsables of Islamic republic should also be chosen by the people and said, “The people should choose efficient individuals whom they trust and then give them control of the affairs.”<sup>3</sup> In practice, the Imam respected this idea and never gave priority to his own wishes over what the people wanted; indeed he proved that he had no intention of imposing anything on people, as he believed that Islam does not permit dictatorship. Everyone should obey and act according to what people vote for. To no one has God the Blessed, the Almighty given the right, and to no one has the Prophet of Islam (s) given the right to impose anything on the will of the people.<sup>4</sup>

##### **5. People and the need for their participation in political and social affairs**

The fact that the Imam urged people to participate in and take control of the political and social affairs of the country is an essential evidence to emphasize that he believed in the fundamental status and the key role of people in legitimizing the Islamic government. He believes that “politics is not the inheritance of the government, the parliament or certain individuals; politics is what clearly happens in a country regarding its affairs.” That is why, in the Imam's view, “every member of a

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<sup>1</sup> Ibid, p. 435; and vol. 6, p. 401.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid, vol. 5, p. 137.

<sup>4</sup> Ibid, vol. 5, p. 34. “We do not intend to impose anything on our nation and Islam does not permit us to be dictators. We obey the vote of the people. Whatever the nation has voted for, we will act accordingly. We have no right, God the Blessed, the Almighty has given us no right, and the prophet of Islam has given us no right to impose anything on our people.

nation has a right in this affair. Women have the right to interfere in politics; it is their duty. The clergy have the right to interfere in politics; it is their duty.”<sup>1</sup> Accordingly, the Imam considers everyone under obligation to “cooperate in all affairs as much as they can”, including “in elections, whether presidential elections or elections for the representatives of the Islamic Consultative Assembly of the Experts.” And if they neglect this duty, “it is possible that such damages will be incurred by Islam and the country as to be irreparable.” Therefore, the Imam believes, “from great scholars and authorities to businessmen to farmers and laborers and office staff, all are responsible for the destiny of the country and Islam, whether in the present or future generations. In certain cases it is possible for absence and neglect to be sins as grave as cardinal sins.”<sup>2</sup>

According to the Imam's statements of the Imam, it is unlikely for him, with so much emphasis on urging people to take part in political and social affairs, to have chosen a marginal role for them; rather, as it can be understood from his statements, the Imam truly believed that “without the cooperation of the nation we could do nothing. Whatever we have comes from them and whatever there is belongs to them. The government is the agent of these people, and the judiciary, the executive and the legislature are agents of these people.”<sup>3</sup> The people are the major partners of the government and “the government should be run by ... the people.”<sup>4</sup>

## **6. People and the role of their acceptance in the legitimacy of the ruler**

Contrary to the view of those who believe that the Imam only believed in divine legitimacy and appointment of power and

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<sup>1</sup> Ibid, vol. 10, p. 15.

<sup>2</sup> Ibid, vol. 21, p. 422.

<sup>3</sup> Ibid, vol. 20, p. 55.

<sup>4</sup> Ibid, vol. 10, p. 337.

governance and assigned no role to the people in this regard and considered their role to be simply related to efficiency, the Imam's political theory and practice seems to indicate that in several cases he limited the legitimacy of the government to popular will and considered as illegitimate and illegal those governments that are not based on the will of the nation. That is why he considered the Pahlavi regime "as illegal and illegitimate, because popular will had no role in the Shah's coming into power." More importantly, he considered even those governments whose rulers were righteous and in the service (of the people) as illegitimate if the people did not accept them. He says, "When people do not want a servant, the servant move aside."<sup>1</sup>

Of course it is possible for certain people to raise the argument the Imam's statement concerns the dictatorial Pahlavi regime, which never had legitimacy, and therefore does not apply to a government that has divine legitimacy. As a counterargument it is possible to say that to the Imam even such a government was not needless of popular legitimacy; he considered one of the pillars of its legitimacy the general acceptance of the people.

Therefore, he considers divine legitimacy as the fundamental pillar of the Islamic government and says, "A government, in all its related affairs and organizations, will not be illegitimate in all legislative, judiciary and executive affairs, unless it gains legitimacy from the sacred religion and God the Blessed, the Almighty .... And without divine legitimacy ... the government will be *Taghuti* and illegitimate in all its related affairs."<sup>2</sup> However, both here and elsewhere he emphasizes the popular legitimacy of the Islamic government and considers the realization of its divine legitimacy dependent on a Council of Experts elected by the people and says, "If the people voted for the experts in order to choose a just jurist for the leadership of their government, when

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<sup>1</sup> Ibid, vol. 5, p. 244.

<sup>2</sup> Ibid, vol. 17, p. 133.

those Experts chose an individual to be the leader, automatically he is accepted by the people. In this case, he becomes the chosen ruler of the people and his rule will be effective.”<sup>1</sup>

As a result, the Imam believes in two bases for the legitimacy and rightfulness of the Islamic government: One is the divine appointment and the other is “the majority vote of the Muslims.”<sup>2</sup> They should appoint the guardianship of the jurist as,<sup>3</sup> the Imam believes, the final decision is theirs in all affairs.<sup>4</sup>

### **7. People and the right to monitor the performance of the government**

Another principle for the popular legitimacy of the government which the Imam emphasizes is the role the people have in monitoring the performance of the government and the rulers. Emphasizing the political and social principle of the “forbidding the wrong and encouraging the right” in Islam, the Imam considers everyone responsible for others and for the government and rulers and says, “We ... are all responsible; not responsible for our own affairs but responsible for the affairs of others as well. **You are all responsible for each other and for your inferiors.** Everybody should care about others; you are responsible for me and I am responsible for you. If I did something wrong, you are in the wrong if you do not ask me why I did it. You should criticize and defy and question me.... The nation should forbid wrong and encourage right.”<sup>5</sup>

In accordance with this social and political principle, the Imam emphasizes the general supervision of the people on social affairs

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<sup>1</sup> Ibid, vol. 21, p. 371.

<sup>2</sup> Imam Khomeini, unpublished papers, The Institute for Compilation and Publication of Imam Khomeini's Works.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 10, p. 526, 527.

<sup>4</sup> Ibid, vol. 16, p. 266.

<sup>5</sup> Ibid, vol. 8, p. 487-488.

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and says, "This is a general recommendation that is very important to me ... pay close attention lest even one step should go against Islam ... The nation is bound by duty to monitor these affairs. They should supervise and see if I put one foot aside, one foot wrong. It is their duty to tell me that I have put a foot wrong. They should tell me to watch my steps."<sup>1</sup>

The Imam believes that even the realization of the Islamic republic is such that "everybody forbids wrong and encourages right, and remedies wrongdoings." They should feel themselves responsible "to encourage right in all affairs related to administration"<sup>2</sup> and to monitor every affair and express their opinions about social and political issues and about what the government does, and if they see someone doing something wrong, they should criticize him.<sup>3</sup>

In the Imam's opinion, protecting Islam and the Islamic republic lies in people taking measures to stop the president if he wanted to act as king; in the same way, if the Assembly wanted to exert power, the people themselves should stop it, and stop the representatives from taking wrong steps.<sup>4</sup>

And so it can be understood from what the Imam says that in his view the only role for people is not to actualize a government; rather, they are responsible for the establishment and the protection of the government and therefore should have constant supervision on the actions and behaviors of their rulers and should stop them from wrongdoing and deviation. And if they see deviation in them, they should stand up to them and tell them that what they are doing is wrong and that they should stop, and thus they can protect (the republic). The Imam says that "if someone is against Islam, whoever he is, whether a high ranking clergy or a leader or a chief,

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<sup>1</sup> Ibid, p. 4-5.

<sup>2</sup> Ibid, vol. 13, p. 470.

<sup>3</sup> Ibid, vol. 13, p. 193.

<sup>4</sup> Ibid, vol. 16, p. 23.

when they see that he is deviating from the path, they are bound by duty to tell him that this is wrong and prevent it.”<sup>1</sup>

### **8. People and the responsibility of the government towards them**

The Imam considers government and rulers as responsible for the people, which is another point supporting the Imam's belief in the popular legitimacy of a government. He emphasizes the necessity for the Islamic government and rulers to be accountable to people and says, “Islam has defined limits and ground rules regarding the relationship between the government, the ruler and the nation, and has determined for each rights over the other which, if observed, will never allow a dominant – dominated relationship. In Islam ruling is basically a divine duty and responsibility, and the ruling individual, apart from the duties which are imperative for all Muslims, has other heavy duties to perform. Rule and governance in the hands of an individual or some individuals are not for treating others with ostentation and pomposity; rulers cannot use their position to violate the rights of others. Any individual of the nation has the right to directly ... criticize the ruler of the Muslims, and he is obliged to answer convincingly; otherwise, if he has acted against his Islamic duties, he will automatically be deposed and will lose his legitimacy.”<sup>2</sup>

Based on these statements of the Imam, rulers of Islamic governments should not assume that “no one has the right to criticize whatever they say or do.”<sup>3</sup> “No one should see himself as absolutely exempt from criticism;”<sup>4</sup> rather, they should always consider themselves responsible in the presence of God the Blessed, the Almighty and towards the people and beware that “If

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<sup>1</sup> Ibid, vol. 10, p. 110.

<sup>2</sup> Ibid, vol. 5, p. 409.

<sup>3</sup> Ibid, vol. 20, p. 451.

<sup>4</sup> Ibid, vol. 21, p. 179.

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any one of them violates what the people want (and that is Islam and Islamic creeds), in addition to having no answer to offer in the presence of God the Blessed, the Almighty on the day when all enter and there is judgment to be done, the very people will punish them, right here.”<sup>1</sup>

Accordingly, the Imam even describes an Islamic government as one which is responsible towards the people<sup>2</sup> and one the foundation of which is not imposition on the people and dictatorship but following their opinions.<sup>3</sup> And to be the head of such a government is not basically gaining rank and position but taking on the responsibility for the execution of divine creeds and the establishment of the just system of Islam and service to the people.<sup>4</sup> Therefore, if an Islamic ruler wants to become a dictator, he no longer has the right to rule<sup>5</sup> and loses his legitimacy. An Islamic government from the Imam's point of view is a government which is not after making itself rich; it should be a government which considers itself of people and their servant and not the master of people. The governments we have had, the kings, they have always been like that. They always thought that the people are their subjects and slaves. This is against the tradition of the Prophet and saints, against human rationality and against human rights, and against the laws of the world. Such ways never work. Therefore, the Imam considers the government of the

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<sup>1</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*), ninth book, pp. 346- 347.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 6, p. 79.

<sup>3</sup> *Ibid*, vol. 10, p. 223.

<sup>4</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 44.

<sup>5</sup> The Institute for Compilation and Publication of Imam Khomeini's Works, *Fundamentals of the Islamic Revolution*, 1994, p. 148.

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Islamic republic as a government “responsible towards the people.”<sup>1</sup>

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 6, p. 79.



## **CHAPTER FOUR**

### **Different interpretations of the Imam's viewpoint on the origin of legitimacy of power and the independent theory**

#### **Different interpretations of the Imam's viewpoints on the political legitimacy of government**

After explaining the Imam's view on the divine and popular origin of government, in this chapter we will assess different interpretations of the Imam's views and will then explain our own independent interpretation of his viewpoints.

As was pointed out in the previous chapter, there are several approaches to clarify and interpret the Imam's viewpoints regarding the origin of legitimacy.

#### **A. The interpretation of those who believe in the divine appointment**

A number of the interpreters of the Imam's thought believe that the Imam is among those who consider the origin of legitimacy, for an Islamic government in the period of Occultation, to lie solely in divine appointment; those who believe that people have no role in legitimizing Islamic governments and rulers, and that their only role is to actualize and prove such governments. According to this group of researchers, in fact government is not the right of the people in the first place, and so they cannot give it over to someone, or give someone power of attorney in this regard.<sup>1</sup> In other words, when based on the theory of appointment

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<sup>1</sup> Misbah Yazdi, Muhammad Taqi. "Governance and Legitimacy" (*Hukumat wa Mashru'iyat*); *Kitab-e Naqd*; 7<sup>th</sup> issue (summer 96), p. 52.

we believed that the ruler has been appointed by God, no longer do people have the right to choose; they have no authority.... If choice and authority were in the hands of the people, it would be possible, because of carnal desires, for them to appoint individuals who are not righteous; therefore, one chosen by God is better than one selected by the people. In public affairs, people have no authority.<sup>1</sup>

In the view of this group of interpreters of the Imam's viewpoint, the Imam believes that in the period of Occultation the jurist is appointed by the Holy Lawmaker to be the ruler and guardian of the people; therefore, there is no room for the other criterion (public vote), and the Imam's emphasis on popular votes "does not mean that people give the right to rule to the guardianship of the jurist; it rather means that people are tools through whose cooperation the government can function."<sup>2</sup>

In studying this interpretation of the Imam's viewpoints it should be said that definitely from the Imam's point of view one of the principal bases of an Islamic government is its divine legitimacy. He believes that if any government which is established in the period of Occultation "is not based on the command of God..., it will be illegitimate; and if it is illegitimate, it is *Taghut*.... *Taghut* is destroyed only when someone is appointed by God the Blessed, the Almighty."<sup>3</sup> However, it should be borne in mind that the Imam's emphasis on the divine origin of government does not mean denying the role of the people in legitimizing it as:

Firstly, nowhere does the Imam deny the role of the people in legitimizing the Islamic government; on the contrary, whenever he

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<sup>1</sup> Mumin (dialogue), "The Idea of Governance" (*Andisheh-ye Hukumat*); *Imam Khomeini and the Idea of Islamic Governance*; 3<sup>rd</sup> issue, pp. 7, 8.

<sup>2</sup> Yazdi, Muhammad. (dialogue), "The Idea of Governance" (*Andisheh-ye Hukumat*); *Imam Khomeini and the Idea of Islamic Governance*; 4<sup>th</sup> issue.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 10, p. 221.

talks about his ideal Islamic government, along with emphasizing the divine origin of the Islamic government, he emphasizes its popular origin as well. Therefore, from the early days of the Islamic movement he described his ideal Islamic government as having two characteristics and said, "When we say the Islamic government, we mean a government which is accepted by the people; it is also a government about which God the Blessed, the Almighty sometimes says, **"Those who have sworn allegiance to you, have in fact sworn allegiance to God."** "The ruler should be one, allegiance with whom is allegiance with God."<sup>1</sup> Later he realized this theory in forming a substitute political system for the monarchy and recommended to Iranians an Islamic republic based on two principles of being a republic and being Islamic.

Therefore, according to the interpretation of some authorities, the Imam thought that popular presence was an important condition, and he retained this belief to the end.<sup>2</sup>

Secondly, in various instances the Imam criticizes governments that were not based on popular will and considered them illegitimate. That is why he thinks monarchies are irrational, as they are based on the assumption that people have no role; the ruler will do whatever he wants, and the king rules the people without those people having any authority. The Imam says, "Monarchies are principally against the rational laws of mankind."<sup>3</sup> Rationally, people should choose someone to run their affairs, and whenever they do not want that person anymore, they can tell him so. But in a monarchy, "if someone becomes king, he will be king forever, and people cannot get rid of him. If he wants to violate the law, he is free to do so, and he is not afraid of being deposed.

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<sup>1</sup> Ibid, vol. 4, p. 460.

<sup>2</sup> Hashimi Rafsanjani, Akbar. (dialogue); "The Idea of Governance" (*Andisheh-ye Hukumat*); Ibid, No. 6, p. 26.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 5, p. 507.

There is no deposition for him. He will remain to the end.”<sup>1</sup> That is why the Imam does not think human rationality can accept monarchies and says, “How is it possible for people to give control of their destiny to such an individual as would do whatever he wanted, and then people would have no say in the matter?”<sup>2</sup>

According to this rational principle, the Imam believes that a government approved by Islam definitely has no such characteristics, as in these governments' kings and rulers have absolute power over the life and property of people and emendate despotically; Islam, however, is free from such methods and ways of governing.<sup>3</sup> the Imam even criticizes the criterion of “basing the government on popular vote” as it is observed in western democracy and believes that western democracy, due to the fact that only a group of people pass laws for the whole society<sup>4</sup>, is another type of dictatorship, different from other types of government only because legislators have cunning and use attractive terms.<sup>5</sup> In reality, they all “hold the people in a strangling grip.”<sup>6</sup>

Therefore, the Imam's emphasis on the divine legitimacy of an Islamic government does not mean denying the role of the people in legitimizing it; that is why he always emphasizes the two bases of “being Islamic” and “being republic” for the Islamic government, as was discussed in detail in the previous chapter.

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<sup>1</sup> Ibid, vol. 4, p. 494.

<sup>2</sup> Ibid, p. 494.

<sup>3</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 35.

<sup>4</sup> Imam Khomeini, “Authorities and Affairs of the Jurist” (*Shuun wa Ikhtiyarat-e Wali-ye Faqih*), Ibid, p. 20.

<sup>5</sup> Imam Khomeini, *Kashf al-Asrar*, p. 367.

<sup>6</sup> *Sahifeh-ye Imam*, vol. 6, p. 463.

**B. The interpretation of those who believe in the efficiency role of the people**

Other interpreters who pay more attention to the Imam's assertions on the role of the people in the establishment and preservation of the Islamic government interpret his view on the origin of legitimacy for an Islamic government in another way. They believe that "although in several instances the Imam points to the might of the people, and although some of his statements appear to assign people a legitimizing role, considering the precise clarification of the origin of legitimacy in his jurisprudential books, people have an efficiency role. This means that although the government has divine legitimacy, it also enjoys popular acceptance. People who obey the ruler prepare the grounds for the realization of an Islamic government."<sup>1</sup>

Accordingly, it should be said that from the Imam's point of view the legitimacy of government and governance is not from the people. However, as their readiness and acceptance, without which the rule of the guardianship of the jurist cannot be realized, is a condition, we should assign them an efficiency role.

In studying this interpretation of the Imam's views we should take the following points into consideration.

Firstly, the Imam's jurisprudential books are not the only major criterion for determining the origin of legitimacy for a government; rather, all lectures and letters and interviews (in which the Imam assigns a legitimizing role to the people) are worthy of being referred to as proof. Secondly, the Imam's emphasis on the divine legitimacy of government in his jurisprudential books does not mean denying the necessity for popular legitimacy for the government, as his greatest concern in these books has been to prove the legitimacy of a religious

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<sup>1</sup> Qadi-zadeh, Kazim. "Jurisprudential and Political Thoughts of Imam Khomeini" (*Andisheha-ye Fiqhi Siyasi-ye Imam Khomeini*); Tehran; Presidential Center for Strategic Research, 1998, p. 121.

government in the period of Occultation; therefore, according to the interpretation of certain authorities, the pivot of the Imam's actions at this time should be considered in the fact that he managed, despite what was objected to since the time of Shaykh Ansari in the Najaf seminary concerning the expansion of the authorities of the guardianship of the jurist, to elucidate in detail the principles and the boundaries of the rule of the guardianship of the jurist. However, he does not discuss the ways and means of the practical realization of this and so one should refer to his speeches in this regard."<sup>1</sup>

Thirdly, there is a difference between legitimacy, meaning rightfulness of government and acceptability, and efficiency meaning popular approval. As already discussed, acceptability is one stage after legitimacy and rightfulness; therefore, we cannot presume that the Imam's assertions regarding the legitimizing role of the people to mean their efficiency role, as the sum of the Imam's views appear to indicate that he considers it necessary for people to be there in legitimizing the government and in making its commands effective. He says he considers an Islamic government "a government supported by the divine law and popular vote; it is not a government established by force and maintained by force; it has been established by the vote of the people, and the people will protect it. And the moment it acts against popular will, it is ... automatically deposed. The nation of Iran will overthrow such a government."<sup>2</sup>

Therefore, the Imam gives a legitimizing role to popular vote and will, and it is exactly here that he asserts the two principles of government, its divine and popular legitimacy.

Thus, as those who believe in this interpretation of the Imam's views point out, based on the Imam's jurisprudential principles

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<sup>1</sup> Sani (dialogue); "The Idea of Governance" (*Andisheh-ye Hukumat*); Ibid, No. 1, p. 5.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 5, p. 213.

which appear in his argumentative books, the legitimacy of government is divine and the role of the people is that of efficiency. However, based on his words in *Sahifeh-ye Nur*, especially where he says, "If people vote for Experts in order to appoint a just *mujtahid* as the leader of their government, when those Experts appointed someone to take over leadership, automatically he is accepted by the people; this way, he will be the ruler elected by the people and his rule will be effective,"<sup>1</sup> both the exercise of rule and its conclusion are dependent on the ruler having divine qualifications and the people's choice and their being positively inclined. That is why the Imam's view concerning the legitimacy of government should be considered as divine-popular.<sup>2</sup> Being divine means being Islamic and being popular means being republic.<sup>3</sup>

### **C. The interpretation of those believing in the divine – popular legitimacy of the government**

Another interpretation of the Imam's views on the origin of the legitimacy of government in the period of Occultation is that in his opinion an Islamic government is divine – popular, where 'divine' indicates its Islamic nature and 'popular' indicates its being a republic.<sup>4</sup>

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<sup>1</sup> Ibid, vol. 21, p. 371.

<sup>2</sup> Qadi-zadhi, Kazim. "The Governance of the Jurist and the Islamic Government from the Point of View of Imam Khomeini" (*Wilayat-e Faqih wa Hukumat-e Islami az Manzar-e Imam Khomeini*), Tehran; Kongereh Publications; 1999, pp. 102, 103. Also, see "New Steps in the Expurgation of the Islamic Government", "The Idea of Governance" (*Andisheh-ye Hukumat*); Ibid, No. 5.

<sup>3</sup> Subhani, Jafar. (dialogue); "The Idea of Governance" (*Andisheh-ye Hukumat*); Ibid, No. 6, p. 28.

<sup>4</sup> Ibid.

## Legitimacy of Power from Imam Khomeini's Point of View

On this basis, the Imam believes that the legitimacy of government is two-sided, meaning that its legitimacy is made up of two elements of divine appointment for the just jurist and the choice of the people.<sup>1</sup> This means that according to Islamic rules, if people do not acknowledge a ruler as possessing the right qualifications and if they do not accept him as their ruler, he is not the ruler. In addition, in some of his speeches the Supreme Leader points to this two-sided nature of the origin of legitimacy for a government. Based on this interpretation, "the role of the people is determinative, but in relation to the person who has the necessary qualifications. If that person does not possess the necessary qualifications, being elected cannot give him legitimacy." On the other hand, he adds, "When someone has these qualifications, along with chastity, piety and self-control, and the necessary knowledge, [popular] acceptance comes next in line. And if the people did not accept such a person with such qualifications, he still has no legitimacy. We do not have anything known as the rule of force in Islam."<sup>2</sup>

As can be understood from the theoretical and practical lifestyle of the Imam, in his opinion the presence of the people is an important condition; he maintained this belief to the end, and that is why it can be said that from his point of view the legitimacy of government consists of two bases of being Islamic and being republic.<sup>3</sup>

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<sup>1</sup> Fadlullah, Sayyid Muhammad Husayn. "Deliberations on the Political Thought of Imam Khomeini"; *The Ideas of the Governance*; translated into Persian by Majid Muradi; No. 3, pp. 16-17.

<sup>2</sup> Khamene'i; Sayyid Ali. "Governance in Islam" (*Hukumat dar Islam*); vol. 1, p. 32-33; and "The School of Friday" (*Maktab-e Jum'ah*); Tehran, Ministry of Islamic Guidance and Culture, vol. 7, pp. 3-4.

<sup>3</sup> Hashimi Rafsanjani, Akbar. "The Idea of Governance" (*Andisheh-ye Hukumat*); No. 6, pp. 26-27.



## Legitimacy of Power from Imam Khomeini's Point of View

In his view, true governance is accompanied “by the laws of God and divine values”, but “the vote of the people” is as important as the laws of God and divine values. There is no discrepancy between a divine government and the government of the people believing in God; the government of God is opposed to the government of *Taghut* and not to the government of the people who believe in God. Therefore, the Imam believes that if a government and its rulers enjoy popular satisfaction, God the Almighty is also satisfied with them. That is why he says an Islamic government is one which is based on its acceptance by the people and its conformity to the command of God.<sup>1</sup> And that is why he always asserted two bases of legitimacy and never considered it permissible to violate any of the two. Meaning that in the same way that considers an Islamic government dependent on the “vote of the people”<sup>2</sup> and thinks violating popular vote impermissible and impossible for anyone.<sup>3</sup> He thinks that violating Islamic rules and regulations is not permissible at all, and does not accept any vote which is against Islam, be it the vote of an individual, a group or a party.<sup>4</sup>

Accordingly, it can be concluded that from among the mentioned interpretations this third interpretation, i.e. the Imam's belief in the origin of legitimacy for Islamic governance as being a combination, is more compatible with his political theory and practice. To confirm this kind of interpretation the following five arguments can be brought forth:

1. From the Imam's point of view, an Islamic government is principally a government based on “Islamic rules and laws” and on “justice and democracy,”<sup>5</sup> the government of “Islam and the

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 4, p. 460.

<sup>2</sup> *Ibid*, vol. 4, p. 334.

<sup>3</sup> Imam Khomeini, “The Words of the Imam” (*Kalam-e Imam*); p. 443.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 8, p. 283.

<sup>5</sup> *Ibid*, vol. 5, p. 133.

people.” In his opinion, such a government can be realized firstly when people can vote for it and can take their destiny into their own hands. Secondly, the law of this government should be Islam, and Islam and the Quran should rule in it.<sup>1</sup> This means that in the Imam's opinion an Islamic government should have two characteristics. Firstly, “it should be based on the vote of the people;” secondly, “the determined rules of Islam which have been expressed in the Quran and the tradition should constitute the main trends in the constitution of this government,”<sup>2</sup> and “all Islamic rules and standards [concerning the rulers] should be observed in it.”

On this basis, the Imam considers the practical instance of such a government as epitomized in “the Islamic republic” and suggested it as the substitute system for the monarchy to the people of Iran. That is why at the very inception of the movement he said, “We intend for the Islamic government in its true meaning to replace the monarchy.”<sup>3</sup> He considers the Islamic republic as the true Islamic government and says, “My vote, with which the people also agree, is that ... an Islamic government and an Islamic republic based on the Islamic laws and the vote of the majority of the people who are Muslim should be established in Iran.”<sup>4</sup> The Islamic republic, as the Imam describes, “is a government dependant on the vote of the majority of the people and based on the Islamic regulations and standards.”<sup>5</sup> “It is a government established on popular vote in which the rules of Islam are also executed.”<sup>6</sup> That is why he says, “The government of the Islamic republic is a republic like other republics, but its law is the law of

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<sup>1</sup> Ibid, vol. 8, p. 42-43; and vol. 4, p. 496.

<sup>2</sup> Ibid, vol. 5, p. 436.

<sup>3</sup> Ibid, p. 142.

<sup>4</sup> Ibid, vol. 4, p. 455.

<sup>5</sup> Ibid, vol. 4, p. 344; and vol. 5, pp. 223, 391, 429.

<sup>6</sup> Ibid, vol. 5, pp. 431, 432.

Islam.”<sup>1</sup> Which means that in other places being republic means being based on the majority vote; from the Imam's point of view it means the same thing, and the only difference is in its reliance on the law of Islam on which, the Imam believes, other republic systems do not rely.<sup>2</sup>

The result is that ‘popularity’ in the Imam's view is not a decorative and ceremonial attribute for ‘the Islamic republic.’ As it can be understood from what he says, he truly believes that people have a role in establishing the foundations of the desired government for “the Islamic republic” and are considered as one of its main pillars.

2. Also, the Imam believes that the head of the Islamic government should enjoy the two origins of legitimacy, i.e. “Islamic conditions and regulations” and “popular choice and acceptance.” And that is why he says, “The head of the government and all its officers must be accepted by the people and have strong faith in Islam and be committed to its execution.”<sup>3</sup>

The Imam always emphasizes the necessity for Islamic conditions and “the observance of all Islamic rules and standards” in the Islamic ruler, and he also asserts his popular acceptance and believes that “all the individuals of the nation should have a hand in the election of the individual or individuals who are to take control of their affairs.”<sup>4</sup> Therefore, he even emphasizes the need for these two conditions in the absolutely eligible jurist and considers the rule of the absolutely eligible jurist dependent on the majority vote of the Muslims.<sup>5</sup>

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<sup>1</sup> Ibid, vol. 5, p. 347.

<sup>2</sup> Ibid, vol. 4, pp. 248, 249, 349, 455, 479.

<sup>3</sup> Ibid, vol. 5, p. 382.

<sup>4</sup> Ibid, vol. 4, p. 436.

<sup>5</sup> Imam Khomeini, unpublished papers, The Institute for Compilation and Publication of Imam Khomeini's Works, document No. 657.

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This necessity for Islamic conditions and rules (the same as religious jurisprudence and justice and other general conditions) and the majority vote of the Muslims in the election of the Islamic ruler is another proof for the fact that the Imam believes a combined origin of legitimacy.

3. The Imam also believes that the criterion for the legitimacy of ratified laws is their dependence on the majority vote and their compatibility with Islamic rules and standards. He says, "All should be committed to this principle that you should abide by the law, even if it is against your own opinion; this is because the criterion is the majority vote and the discretion of the Council of Guardians, and this is neither against the law nor against Islam; this is a criterion we all have to accept. It is even possible for me, a student of the seminary, to disagree with something, but when it becomes the law ..., I will also accept it."<sup>1</sup>

As the Imam has asserted in this statement, the necessity for obeying and accepting the law is because of the fact that the law ratified by an Islamic government enjoys the two conditions of legitimacy, i.e. majority vote and compatibility with Islamic rules and standards; therefore, whatever the Islamic Consultative Assembly ratifies and the Council of Guardians approves, is "both religious and legal" from the Imam's point of view.<sup>2</sup>

4. The Imam observed these two principles of legitimacy in his own political authority and practice and invoked these two origins of legitimacy in his political measures.

An instance of this was when appointing the Council of Revolution the Imam based his action on this divine and popular legitimacy and said, "In accordance with the religious right and based on the vote of confidence given to me by the absolute majority of the people of Iran, in order to achieve the Islamic goals of the people, a council known as the Council of Revolution

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 17, p. 377.

<sup>2</sup> *Ibid*, vol. 14, p. 302.

consisting of qualified, committed and trustworthy Muslims is temporarily appointed and will start work.”<sup>1</sup>

He also believed that the interim government should be appointed based on this divine and popular legitimacy and said, “In accordance with the religious and legal right arising from the absolute majority of the vote of the people of Iran ... I commission you to establish an interim government.”<sup>2</sup>

After the appointment of the interim government, he placed its legitimacy in these two principles and said, “We appointed the government. We have the right both according to the law and according to religion. Based on our religious leadership and the vote of the people who have accepted us, we commission Mr. Bazargan to establish the government. He should therefore be obeyed.”<sup>3</sup>

5. The Imam's two-sided theory concerning the origin of legitimacy for the Islamic government is in fact epitomized in the constitution approved by him. Therefore, as it says in the 56<sup>th</sup> article: “Absolute rule on the world and man belongs to God, and He has made man the ruler of his own social destiny. No one can take away from man this divine right, or put it at the disposal of a particular individual or group. The nation will exercise this God given right in ways that will be stipulated in later articles.” Later, the Imam invokes these two principles of legitimacy for the Islamic government (popular and divine legitimacy) as stipulated in the constitution and writes, “... the control of the affairs of Muslims and the establishment of government depends on the majority vote of Muslims, and this is stipulated in the constitution.”<sup>4</sup>

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<sup>1</sup> Ibid, vol. 5, p. 426.

<sup>2</sup> Ibid, vol. 6, p. 54.

<sup>3</sup> Ibid, p. 68.

<sup>4</sup> Unpublished documents, Ibid.

## Legitimacy of Power from Imam Khomeini's Point of View

The result is that in the Imam's theoretical and practical methods a government always arises from the divine will and popular determination, and it is not as if people play only an efficiency role. The people will not be outside the circle of power and legitimization after the realization of the Islamic government. In other words, "in the Imam's view people do not take God's place. The Imam does not worry for God to be damaged if the people are present in the political scene and control their own destiny .... The Imam's God is not against the people; they are together, move together and will not take other's place. So one will not suffocate the other, and people being the rulers of their own destiny are not incompatible with and do not hinder the rule of God, the absolute rule of God on the universe and man."<sup>1</sup> A look at the Imam's works and methods indicates that he, in all stages of establishing the Islamic government, always emphasizes its two divine and popular foundations. From the very beginning of the Islamic movement he indicated the establishment of a government based on Islamic rules and dependent on the vote of the people as one of his major objectives;<sup>2</sup> immediately after the grounds were laid for the establishment of the Islamic government, he considered his ideal government a government favorable to the people, the vote of the people and according to the command of God,<sup>3</sup> and suggested "the Islamic republic" as the most complete instance of the Islamic government to the people of Iran and said, "As to the type of government and regime, our suggestion is the Islamic republic."<sup>4</sup>

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<sup>1</sup> Khatami, Sayyid Muhammad. "Imam Khomeini, the Mystical politician" (*Imam Khomeini, Arif-e Siyasatmadar*); *The Idea of Government*; Ibid, sh 2; p. 7.

<sup>2</sup> *Sahifeh-ye Imam*; vol. 4, p. 266.

<sup>3</sup> Ibid, p. 460.

<sup>4</sup> Ibid, p. 332.

## Legitimacy of Power from Imam Khomeini's Point of View

In fact the Imam consciously used the two terms of republic and Islamic; and would combine them saying, "We know Islam; we know what it is. We know that it is the government of justice.... We also understand the meaning of republic, which means that the people must vote. We accept all of this."<sup>1</sup> Also, in explaining this combination, he said that an Islamic republic meant that the regime should act according to the creeds of Islam and to the vote of the people.<sup>2</sup> Or that "the Islamic republic means that with the conditions that Islam assigns for governance and relying on the general vote of the people the government is established and is the executor of Islamic laws."<sup>3</sup>

Therefore, it is not possible to ignore any of the said bases (i.e. being republic and being Islamic) in the Imam's view. If any of these bases of the government, being republic or being Islamic, is violated, the Islamic republic will not be realized. That is why the Imam believes that "if something is imposed, using force on the people against their wish,"<sup>4</sup> instead of a republic, a dictatorship will be realized, which has never been acceptable in Islam and Islamic teachings.<sup>5</sup> On the other hand, he asserts that democracy without an observation of Islamic regulations and standards is not compatible with the Islamic republic. That is why he says, "Unless we are controlled by Islam, we cannot correctly observe democracy."<sup>6</sup>

In other words, in his view, in an Islamic republic merely the vote of the people is not adequate; in such a system both the vote of the people and the laws of Islam are important. If there is a republic whose law is not the law of Islam, then it will not be an

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<sup>1</sup> Ibid, vol. 11, p. 459.

<sup>2</sup> Ibid, vol. 7, p. 281.

<sup>3</sup> Ibid, vol. 3, p. 444.

<sup>4</sup> Ibid, vol. 9, p. 528.

<sup>5</sup> Ibid, p. 529.

<sup>6</sup> Ibid, vol. 8, p. 89.

Islamic republic; it would rather be the official republic regime. We can claim to have an Islamic republic only when all laws and standards of Islam are realized.<sup>1</sup>

On the whole, such statements from the Imam indicate the point that "the Islamic republic" is a combination which has been consciously used by the Imam; as result, in his view, such a government should on the one hand be the protector of democracy and on the other hand be reliant on Islamic laws and standards.<sup>2</sup> If it is so, then such a government is acceptable to God,<sup>3</sup> in observance of the sublime teachings of Islam,<sup>4</sup> according to the ways of the Prophet (s) and Imam Ali (a)<sup>5</sup> and according to rationality and the vote of the Muslims.<sup>6</sup>

The Imam's belief in the origin of legitimacy for an Islamic government being a combination is also epitomized in the constitution, where governance is considered as belonging to God and the establishment of a government the right of the people.

The Imam's stipulations in certain letters written at the end of his auspicious life also confirm his view of the origin of legitimacy for the government being a combination. Among these letters is one he wrote in answer to his delegates to the Secretariat of the National Friday Prayer Leaders, in which he asserts the divine and popular legitimacy of the Islamic government and ruler. In this letter, answering the question "In what case does the absolutely eligible jurist rule the Islamic society?" he wrote, "He rules in every aspect; supervising the affairs of the Muslims and

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<sup>1</sup> Ibid, p. 42.

<sup>2</sup> Ibid, vol. 5, p. 133.

<sup>3</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*); p.382.

<sup>4</sup> *Sahifeh-ye Imam*; vol. 8, p. 282; vol. 9, pp. 530, 531 and vol. 10, p. 99.

<sup>5</sup> Ibid, vol. 4, p. 334.

<sup>6</sup> Ibid, vol. 2, pp. 361, 362; vol. 4, pp. 332, 362, 461; vol. 6, pp. 328, 329; vol. 7, pp. 510, 511.



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establishing a government depends on the majority vote of the Muslims, and this has been stipulated in the constitution. In the beginning of Islam it was interpreted as swearing allegiance to the ruler of the Muslims.”<sup>1</sup>

In another letter, which the Imam wrote about a month before his demise to the head of the Council of Experts for the revision of the constitution, he confirmed the legitimizing role of the people and wrote, “If people voted for the experts in order for them to appoint a just *Mujtahid* as the leader of their government, when they appointed someone to take on leadership, automatically he is accepted by the people. In this case, he will be the selected as ruler of the people and his rule will be effective.”<sup>2</sup>

Therefore, it can be concluded that the Imam considered the legitimacy and rightfulness of ruling the Islamic society as arising from the divine will and Islamic regulations, and also popular will, vote and authority. He considered them necessary, meaning that a government has political legitimacy from the Imam's point of view if it has been established based on Islamic regulations and the choice of the people.

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<sup>1</sup> The Institute for Compilation and Publication of Imam Khomeini's Works; unpublished papers; document No. ...

<sup>2</sup> *Sahifeh-ye Imam*; vol. 21, p. 371.



## **CHAPTER FIVE**

### **The tools for the efficiency of power and government from the Imam's point of view**

#### **The concept of the effectiveness of the government**

As was explained in theoretical debates, when discussing power and government, sometimes the question concerns the kind of people who have the right to exercise power and rule, and the reason why people should obey that power and government. Thus this question is of political philosophy and relates to legitimacy as meaning rightfulness.

And sometimes the question is about the popular acceptance of a government and as result to its perpetuity and stability, in which case the question relates to political sociology and to the efficiency acceptability of the government and the rulers, and has nothing to do with the government and the rulers being rightful or not. Such a question deals only with the origin of popular acceptability, the factors of popular approval, and the perpetuity and stability of governments and rulers. The main question in this sociological approach is with what factors and conditions can a government find acceptability, perpetuity and efficiency? In previous chapters we dealt with the first question from the Imam's point of view; in this chapter, we will deal with the Imam's reply to the second question.

It is said that the efficiency and capability of a government are in themselves legitimizing factors, and that is why some theoreticians consider them as related to secondary legitimacy, so much so that they believe it is possible for a military dictatorship which has taken control by means of a coup d'état to gain

legitimacy if it offers positive performance in expanding public welfare and establishing security. Jamal Abdul-Nasir took over the government by means of a coup d'état; however, by strengthening the spirit of Arab nationalism, he was able to acquire an extraordinary legitimate status for himself. In contrast, a government that has taken control legitimately may, because of its inefficiency and incapability in answering (the needs of) its citizens, lose its popular support. As a result of this lack of popular support, the foundations of its legitimacy may weaken and the thought of a new legitimacy might appear.<sup>1</sup>

Therefore, maintaining the efficiency and capability of the government in developing and maintaining this popular belief that the existing political institutions are the most appropriate institutions for the society is in direct relationship with the support of the people and the legitimacy and rightfulness of the government.

The Imam points to this issue and says, "If people support a government, it will never fall. If a nation supports its regime, that regime will never be destroyed."<sup>2</sup> In contrast, "If a nation does not support its government, that government cannot be established and cannot stand."<sup>3</sup>

On this basis, the Imam addresses statesmen and says, "You all need popular support .... If the time comes when you lose this support, you will be deposed and, like tyrannical monarchies, tyrants will take up office instead of you. Based on this tangible fact, you should try to gain the support of the nation."<sup>4</sup> From the Imam's statements it can be understood that he did not restrict himself to the legitimate and rightful origin of a government in the

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<sup>1</sup> Hajjariyan, Said. "A Look at the Issue of Legitimacy" (*Negahi be Masali-ye Mashru'iyat*); *Rahbord*; 3<sup>rd</sup> issue, (spring 1994), p. 85.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 8, p. 372.

<sup>3</sup> *Ibid*, vol. 11, p. 459.

<sup>4</sup> *Ibid*, vol. 21, p. 426.

society and believed that even a government based on divine and popular legitimacy should always enjoy efficiency so as to enjoy perpetuity and stability. That is why he always recommended the statesmen of the Islamic republic who, from the Imam's point of view, have divine and popular legitimacy, to "try for the people to accept you in the way they have accepted you so far."<sup>1</sup> "Try to win people over, to find a position with the people. Once you have found this station, God will be satisfied with you, the nation will be satisfied with you, power will remain in your hands and the people will support you."<sup>2</sup>

The result is that the efficiency of a government is one of the tools of its popular approval and its legitimacy and perpetuation, and that is why governments, in addition to primary legitimacy, try by means of efficiency to take steps towards the expansion of popular acceptance and as a result perpetuity and stability.

#### **The tools for the efficiency of the government from Imam Khomeini's point of view**

Naturally, to achieve such an objective, governments should look for guidelines and tools of efficiency.

We believe that, as the theoretician of the rule of the guardianship of the jurist, the founder of the Islamic republic and the leader of the government and the nation, the Imam paid attention to strategies and guidelines of efficiency and as a result stability for a government in various situations, and reminded the people and the statesmen about them. We will mention some that we have found in his words.

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<sup>1</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*), 9<sup>th</sup> book, p. 350.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 7, p. 512.

### **1. Providing peace and welfare for the people**

Addressing Malik Ashtar, Imam Ali (a) said that one of the requirements of the efficiency of governments is providing peace and welfare for the people.<sup>1</sup>

Without basic welfare and a sense of peace, people should not be expected to support a government. When planning or lack of planning on the part of a government ends in the destruction of the welfare of its citizens, people will find themselves in hard and difficult conditions, and will only think about their survival and the survival of their family and not about supporting their government and their rulers.

That is why the Imam introduces the Islamic government and the Islamic republic for the purpose of providing popular welfare and says that the Islamic government "...is a government that, God willing, will bring welfare to your lives."<sup>2</sup> And, "All classes of people in the Islamic republic should have welfare."<sup>3</sup> That is why, addressing the representatives of the first Islamic Consultative Assembly he said, "Quickly and revolutionarily approve plans and projects that are related to development and to the welfare of the people, especially the disadvantaged, and avoid niceties and unnecessary paraphrases that result in postponements, and ask ministries and executives to avoid the paperwork and wrongdoings of the time of *Taghut* and create welfare for the innocent people and remedy their shortcomings."<sup>4</sup> Also, saying that the welfare of

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<sup>1</sup> Beware that nothing can make people trust their ruler as much as charity. Letter no. 53, p. 329.

Spend whatever is needed to make the people's life easier, and do not be anxious if you spend that, as it will lead to the development of the country and of your rule, and it will leave you a good name. Ibid.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 4, p. 182.

<sup>3</sup> Ibid, vol. 6, p. 525.

<sup>4</sup> Ibid, vol. 12, p. 364.

the people is for the good of this world and the hereafter,<sup>1</sup> the Imam recommend that the statesmen of the Islamic republic try so that the performance of organizations to be such that people realize that Islam has come to correct the life of this world and the hereafter, so that they will feel a sense of peace and remain within the political scene and support the government.<sup>2</sup> That is why in his last will he says, "I advise everyone to try for the welfare of the underprivileged, as the good of this world and the hereafter lies in seeing to the underprivileged of the society."<sup>3</sup>

## 2. Supporting civil rights and freedoms

From the point of view of political sociologists, one of the factors of efficiency and as a result the stability of a government is observing the political rights and civil freedoms of citizens. This, they believe, is evaluated on the basis of freedom of expression, freedom to gather, the degree of military interference in politics, right and just elections, freedom in the performance of religious rites, an independent judiciary, free competition among political parties and lack of fear of the government.<sup>4</sup>

The Imam also considers protecting the rights and freedoms of the people as a tool for the perpetuity and survival of the government and believes that one of the factors of the instability and the fall of the monarchy in Iran was that "it tried to treat

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<sup>1</sup> Ibid, vol. 21, p. 445.

<sup>2</sup> Ibid, vol. 19, p. 44.

<sup>3</sup> Ibid, vol. 21, p. 445.

<sup>4</sup> Dogan, Matti. "Different Approaches to the Issue of Legitimacy" (*Didgahha-ye Mukhtalif Nisbat be Masali-ye Mashru'iyyat*); Ibid, p. 277.

people with force, terror, prison, tortures and such like<sup>1</sup> and to neglect their rights. While, the Imam believes, in a government of Islamic justice the people and the Muslims are free within the boundaries of religious rules, which mean that after acting within the religious regulations, no one has the right to take away their freedom.<sup>2</sup> In Islam and in an Islamic government freedom is for all classes and the Islamic government cannot dictate to the people.<sup>3</sup> In an Islamic government "all the strata of the society will attain their rights and tyranny and oppression will be eradicated."<sup>4</sup> For example, "if the prime minister of the time oppresses [the people], they will lodge their case and the courts will summon the prime minister and if he proves guilty, he will be consequently punished."<sup>5</sup>

Therefore, even after the establishment of the Islamic government the Imam says, "Our government does not intend to debate an issue in closed rooms ... and to impose it on the people."<sup>6</sup> That is why he considers the statesmen of the Islamic republic under obligation to "carefully observe Islamic rules in the society and at all levels and be their guardians and respect the public vote everywhere,"<sup>7</sup> and know that "the outcome of despotism is explosion, and that is neither to the good of the people

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<sup>1</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*), p. 274.

<sup>2</sup> Imam Khomeini; *The Governance of the Jurist (The Islamic Government)*; Ibid, pp.61-62.

<sup>3</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*); pp. 270-271.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 6, p. 525.

<sup>5</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 271.

<sup>6</sup> *Sahifeh-ye Imam*, vol. 15, p. 353.

<sup>7</sup> Ibid, vol. 4, p. 266.



nor to the good of the government.”<sup>1</sup> So do not take it for granted that you are the government and the people have to accept whatever you say, whether it is to their good or not.<sup>2</sup>

He also recommends the officers of the Islamic government, if they do not want to have the fate of the Pahlavi regime and wish to be saved from falling, to learn a lesson and avoid imposing upon, threatening, terrorizing, severely disciplining and disturbing the people, and to be their brothers, so that people may feel that the government belongs to them and then try to protect and support it.

In fact, from the Imam's opinion, “if a country wants to be healthy, there must be understanding between the governmental system and the nation”, and understanding is gained when “the government does not consider itself above the people, does not attempt to impose anything on them and does not threaten, terrorize or disturb them;” because if the government treats people “with force and terror and pressure” and if it violates their rights, the people will not put up with it and will try to weaken the government as much as they can. Therefore, according to the Imam, “this should be an example for governments, administrations and all not to consider themselves above the people” so “the people will not consider themselves separate”, and if “there is such an understanding between a government and its people, such a government can rely on the people and it will never fall.”<sup>3</sup>

### **3. Observing the law and avoiding legal violation**

For legislators and executors to adhere to the laws and regulations accepted by the society is one of the main factors of efficiency and stability. That is why the Imam, in criticizing the

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<sup>1</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 271.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 15, p. 354.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 8, p. 233.

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Pahlavi regime and explaining the reason why people did not adhere to the laws and regulations of that regime, writes that the law can be respected and believed in by the masses only under the following circumstances:

A. People should acknowledge the legislator as righteous, as one who has no consideration other than the expediency of the country and the masses and is himself completely free from personal interest and carnal desires.

B. The law itself should be sensible and should observe the expediency of the country and of the masses.

C. Legislators themselves should not violate the law; they should be examples for the masses in observing the law.

D. "The masses should be aware that if they submitted the result of their toil because of observing the law, statesmen will use it for the country and not for themselves."<sup>1</sup>

In the Imam's view, none of the above mentioned conditions was observed in the previous regime, and statesmen were self-seeking, profiteering and law violating individuals who ignored the law and therefore were deposed in the eyes of the people.

The Imam believes that all these cases are observed in Islam. Firstly, in Islam the laws are "for the benefit of the people and the society and not for the benefit of certain groups or individuals; [rather], the law pays attention to all of the society and it is for the edification of all of the society."<sup>2</sup> In the Imam's view, "Islam looks upon the law as a tool, which means it considers the law the tool and the means of realizing justice in the society, the means of reforming beliefs and morals and of edifying man." From the point

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<sup>1</sup> Imam Khomeini, *Kashf al-Aasrar*, p. 381.

<sup>2</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*), p. 346.

of view of Islam, the law "is for the execution and establishment of a just social system and for the upbringing of edified people."<sup>1</sup>

Secondly, Islamic laws encompass all the individuals of the society equally; everyone is protected by the law.<sup>2</sup> And "everybody, even the great Prophet (s), is the same in the eyes of the law, without any advantage, and the commandments of the Quran and Islam pertaining to all and the value and the honor of people are in observing the law, which is the same as piety; violators are criminals and subject to prosecution."<sup>3</sup>

Thirdly, in Islam the legislators and executors of the law are its first observers. The Imam believes that "even at the time of the Prophet the law was binding and the Prophet its executor. At the time of Amir al-Muminin the law was binding and Amir al-Muminin was the executor of the law."<sup>4</sup>

Accordingly, the Imam considered the government of the Islamic republic a government based on the law of divine justice and believed that in this government "all are protected by the law and live in safety, and no ruler has the right to take even one step against the laws and regulations of the pure religion."<sup>5</sup>

Therefore, the Imam calls on both the people and the statesmen to observe the constitution and Islamic regulations and says, "All of you should be under obligation to accept the law, even if it is against what you want. You should accept it because it is the standard of the majority and the discretion of the Council of Guardians, which is not against the law and not against Islam; it is

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<sup>1</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, p. 62.

<sup>2</sup> Imam Khomeini; *The Governance of the Jurist (The Islamic Government)*, p. 62.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 14, p. 221.

<sup>4</sup> *Ibid*, vol. 11, p. 522.

<sup>5</sup> Imam Khomeini; *The Governance of the Jurist (The Islamic Government)*, p. 62.

a standard we should all accept. I am a student of the seminary, and I may disagree with many things, but when it becomes the law ... well even I will accept it.”<sup>1</sup>

Basically the Imam believes that “there is no cure higher and more sublime than for the people to act, all over the country and in relation to whatever they are responsible for, according to Islamic regulations and the constitution,”<sup>2</sup> because, as the Imam asserts, the law has always been the cause of a sense of peace and the expediency of the people, and only thieves, criminals and dictators avoid the law; Islamic officers, who consider themselves the trustees and servants of the people, should always abide by Islamic laws and regulations and carefully execute them at all social levels and be its guards,<sup>3</sup> so that the people will also believe and have faith in the laws and regulations and help the government in the execution of the law.

#### **4. The establishment and execution of justice**

The establishment and the execution of justice in the society are also among the factors of governmental efficiency. Imam Ali (a) considered that the best way to win popular trust and to expand the governments and said, “Those who do not tolerate justice will find oppression more difficult,” as” oppression displaces the subject and leads to the use of the sword.”<sup>4</sup> the Imam also considers the establishment of a just social system one of the important goals of the government of the Prophets and the Infallible Imams (a) and, invoking the auspicious verse “**And we sent Our Prophets and with them the book and standards to establish justice among the people**” says, “The aim of Prophetic

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<sup>1</sup> *Sahifeh-ye Imam*, vol. 14, p. 377.

<sup>2</sup> *Sahifeh-ye Imam*, vol. 21, p. 422.

<sup>3</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*), p. 346.

<sup>4</sup> *Nahj al-Balaghah*, Aphorisms, pp. 445, 476.

missions, in general, was for the people to establish discipline and order according to just social relations and to act as humans, and this is possible with the establishment of a government and the execution of commands, whether the Prophet himself manages to establish a government, like the Prophet Muhammad (s), or whether his followers after him succeed in establishing a government and a just social system.” Therefore, the Imam believes, the expansion of justice among nations and individuals is one of the duties of the Prophets and in fact, rule and authority are only important for them “to be able to establish a government of justice and to conform to and propagate social justice among the people.”<sup>1</sup>

Based on these intellectual principles, the Imam criticizes the governments existing in Islamic societies during the period of Occultation because they are not just and because they are tyrannical and oppressive towards the people. The Imam believes that, according to the auspicious verse “**And tyrants are not included in this pledge**”, (these governments) are not worthy of ruling Islamic societies. In his opinion, only those can have the responsibility of ruling over the Muslims who “in dealing with people and having exchanges with them and in judgment and jurisdiction and the sharing of the public income” can, like Imam Ali (a), act with justice.<sup>2</sup>

As a result he introduces the Islamic government which replaced the *Taghuti* Pahlavi system as the government of justice and equality<sup>3</sup> and says, “In the Islamic republic, Islamic justice will be done, and divine justice will spread its protective shadow over the heads of the nation.”<sup>4</sup> To realize his ideal, after the

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<sup>1</sup> Imam Khomeini, *The Governance of the Jurist (The Islamic Government)*, pp. 59, 60, 65.

<sup>2</sup> Ibid, p. 47.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 4, pp. 181, 354.

<sup>4</sup> Ibid, vol. 6, p. 525.

establishment of the Islamic republic, he warns the officers of the Islamic government against tyrannical behavior and says, "Beware, lest you should take the arm of the tyrant and be tyrants yourselves. The previous regime was hated and cursed because of its deeds ... not because of an individual ... Deeds were the tools of people's deviation from it, and when the people deviated, it could not survive"<sup>1</sup>

Therefore, he invites the statesmen of the Islamic republic to treat people with justice and says, "If we treat people with divine justice, God the Blessed, the Almighty will give us great mercy, and if we do not behave with divine justice, God will deal with us with justice, justice that no one can possibly escape."<sup>2</sup> Secondly, these very people will deal with us right here.<sup>3</sup> But if Islamic statesmen behave as Islam decrees and do not oppress the people and exercise divine justice, the people will become their supporters and protectors.<sup>4</sup>

##### **5. Considering what people want as important**

A government's answering to the needs of the people in different areas is another factor of its efficiency. That is why the Imam considers the efficiency of governments to be in their providing what the people want and believes that one of the reasons why Iranians were against the *Taghuti* Pahlavi system and rose against it was this very fact that it was not in step with the people, paid no attention to what they wanted and did not carry out their duties towards the people.<sup>5</sup>

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<sup>1</sup> Ibid, vol. 13, p. 402.

<sup>2</sup> Ibid, p. 509.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 9, p. 120.

<sup>4</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*), p. 347.

<sup>5</sup> Ibid, vol. 3, p. 336.

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Therefore, the Imam reminds the officers of the Islamic government that “they cannot do what currently goes on in Iran except in coordination with the nation, and coordination with the nation means that they should pay attention to the people’s needs.”<sup>1</sup>

Along these lines, the Imam recommends Islamic rulers to try and reform ministries and departments to the benefit of the people and to answer their needs and to win their satisfaction and trust.<sup>2</sup> In the Imam’s view, if people see that the government is truly trying to answer to their needs and that it is serving them, “they will no longer disagree with the government. Dissent is found when people see that [a ruler] has come to cheat them, has come to blackmail them by any means, and to secure his own power.”<sup>3</sup> But when all officers “try to carry out their duties correctly and to serve the people”, and when the people see that the Islamic government “is all service, that the rulers want people to have peace of mind, that they want people to have all they needs met, in every respect, cultural, economical and every other respect, when people take account of this point ..., automatically their support of the government will increase.”<sup>4</sup> For the same reason the Imam always recommends the officers of the Islamic government to do their best in serving the people and to consider themselves their servants as:

First of all, in Islam governance means serving the people. According to the Imam this is the Islamic way for the government to serve the people.<sup>5</sup> So the Holy Prophet (s) was a servant of the people. Although he had the highest rank, he was a servant and he served. And before him the Prophets and saints also “considered themselves as servants; no Prophet thought he was ruling over the

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<sup>1</sup> Ibid, vol. 15, p. 355.

<sup>2</sup> Ibid, vol. 19, pp. 409, 410.

<sup>3</sup> Ibid, vol. 13, p. 383.

<sup>4</sup> Ibid, vol. 13, p. 497.

<sup>5</sup> Ibid, vol. 7, p. 118.

people. There was no ruling. The great saints and the great Prophets of God all thought that they had come to guide, help, and serve the people.” So other rulers should follow the example of the Prophets and saints and their deepest feeling should be that they are really there to serve the people.<sup>1</sup>

Secondly, if Islamic rulers believe in God and the hereafter, which they do, then they should also be aware that they should try, before considering themselves the rulers of the people, to consider themselves the servants of the people, and this, the Imam believes, is more meritorious before God than ruling.<sup>2</sup> According to the Imam, if Islamic rulers intend to serve God the Almighty, they should serve God's subjects, as God does not need their service. People, who are God's household, need service and care; it is necessary to serve them.

That is why the Imam recommends the officers of the Islamic government to see themselves in the presence of the God and to serve God's subjects, whom God holds dear.<sup>3</sup>

Thirdly, as the Imam states, serving people and paying attention to their needs is in itself one of the devices of the efficiency of a government and its survival and perpetuity; in fact, the Imam believes that, serving people is service to the rulers themselves. In this way, people will always be with the government and, whenever the government is in a difficult situation, they will voluntarily support it.<sup>4</sup> And if the value system of a government is serving its own, and considering itself a servant... automatically people will be with that government.<sup>5</sup>

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<sup>1</sup> Ibid, vol. 15, p. 358.

<sup>2</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*), p. 298.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 13, p. 385.

<sup>4</sup> Ibid, vol. 15, p. 358; and vol. 9, p. 42.

<sup>5</sup> Ibid, vol. 16, p. 444; and “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 364.



The Imam believed that one of the reasons for the fall of the Pahlavi regime was this lack of attention to what people wanted and lack of service to them and said, "If the Shah had paid attention to the advice of the clergy and had served the nation, he would not have fallen. But he did not serve and he betrayed and then he lost popular support and when the people heard of his departure, they rejoiced." Therefore, he recommends other governments to learn a lesson from the situation of the Shah of Iran and to set out to serve people.<sup>1</sup> They should never say that they are the servants of the people and then in practice oppress and tread these poor masters.<sup>2</sup> On the same basis, the Imam also reminds the officers of the Islamic republic to meet their obligation towards the people and to be diligent in serving them, especially the disadvantaged, on whose shoulders lies the heavy burden of the republic and to struggle with their all, and be aware that while they serve the people the Islamic republic will not be harmed in any way,<sup>3</sup> because when the people see that the government intends to serve them, naturally they will help the government too.<sup>4</sup>

#### **6. Developing an understanding with people and avoiding violence and terrorization**

Another factor in the efficiency of the government from the Imam's point of view is for the government to have an understanding with the people. Rulers should treat people with kindness and humanity and according to Islam, and they should rule their hearts more than their bodies. That is why he says: if a country wants to be healthy, there should be understanding

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<sup>1</sup> Ibid, vol. 8, p. 87.

<sup>2</sup> Ibid, vol. 1, p. 297.

<sup>3</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*); pp. 349, 350.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 19, p. 408.

between the ruling system and the nation<sup>1</sup> because, as the Imam states, if governments and their nations do not understand each other, there will be no popular support.<sup>2</sup>

And if there is no understanding between the ruling system and the people (as in the case of the Pahlavi regime in Iran), and if the government attempts force and terrorization, day by day there will be a greater gap between the people and the government, the connection between them will be severed, and people will no longer trust the government and will consider it their enemy. These will turn into reasons for the government to fall, as was the fate of the Pahlavi regime in Iran which, in the Imam's view, should be a lesson for governments. That is why the Imam says, "Perhaps in an Islamic regime the top priority is this understanding between the government and the nation", and if it is so, if the people understand the government and the rulers "do not consider themselves above the people, if the heads of state do not try to exercise power when they can, and do not consider people as inferior,"<sup>3</sup> then the nation will consider itself of the government and its supporters.

That is why the Imam recommends the statesmen of the Islamic republic to:

1. Treat people according to the Islamic code of conduct and avoid non-Islamic behavior.<sup>4</sup> They should be aware that they are responsible before God the Blessed, the Almighty; in addition, rationality calls for them to treat people as Islam commands.<sup>5</sup>

2. Try to win people over and to rule their hearts, as "ruling people's hearts is a sweet rule, as opposed to ruling their bodies without their hearts." If they rule the hearts of their people and if these approve of the government, "in all the troubles that the

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<sup>1</sup> Ibid, vol. 8, p. 230.

<sup>2</sup> Ibid, vol. 9, p. 42.

<sup>3</sup> Ibid, vol. 8, p. 232.

<sup>4</sup> Ibid, vol. 21, p. 427.

<sup>5</sup> Ibid, vol. 8, p. 235.

government faces ... the nation will try to be with the government and to advance the goals of the government.”<sup>1</sup>

3. Try to win people's affections, in which lies the satisfaction of God and also the ease of the rulers themselves,<sup>2</sup> because naturally when people see that the rulers hold them in affection, they will also feel affection for the rulers<sup>3</sup> and will be pleased with them and as a result the power will remain in their hands.<sup>4</sup> But “when the power of the government does not rest on people's shoulders, and when people do not agree with the government in their hearts, no matter how powerful, the government cannot persist.”<sup>5</sup>

4. And finally, avoid maltreatment and violence, and beware that there is no despotism in Islam. Governments cannot bludgeon the nation, and disturbing and harming people is an unforgivable sin in Islam.<sup>6</sup>

Furthermore, “the outcome of despotism is explosion, and that is good neither for the people nor for the government.”<sup>7</sup> That was the situation the Pahlavi regime created, where the result of an atmosphere of despotism was explosion.<sup>8</sup>

### **7. Capacity for criticism**

Another factor for governmental efficiency is considered to be in their capacity to be criticized, as healthy criticism is one of the means to individual and social growth and improvement. In this

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<sup>1</sup> Ibid, vol. 14, p. 179.

<sup>2</sup> Ibid, vol. 8, p. 126.

<sup>3</sup> Ibid, vol. 19, pp. 408-410.

<sup>4</sup> Ibid, vol. 7, p. 511.

<sup>5</sup> ibid, vol. 7, p. 510.

<sup>6</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 308.

<sup>7</sup> Ibid, p. 271.

<sup>8</sup> *Sahifeh-ye Imam*, vol. 8, p. 87.

regard Imam Ali (a) says, "Do not withhold rightful words and just consultative opinions and help me in this way, as I do not consider myself safe from errors."<sup>1</sup> And Imam Sadiq (a) says, "My most beloved of brethren is he who will make me a present of my defects and failings."<sup>2</sup>

That is why the Imam considers pertinent and constructive criticism as a means of growth and reform for the society and says, "Pertinent and constructive criticism occasions the growth of the society. Criticism, if it is rightful ... will guide."<sup>3</sup> "Healthy and constructive criticism, free from personal prejudice and, God forbid, revenge, is necessary and helpful and leads to growth and sublimity."<sup>4</sup> In order to reform affairs it is necessary to "criticize; unless there is criticism, there will be no reform ... man is full of faults and these faults should be talked about and criticized if the society is to be reformed."<sup>5</sup> That is why the Imam says, "Criticizing and guiding the government with a healthy attitude in all it intends to do, is necessary."<sup>6</sup> And so "no one should consider themselves as absolutely free from criticism;"<sup>7</sup> statesmen should not think that "they are the government and the nation must accept anything they propose, whether it is for its good or not."<sup>8</sup> "They should not imagine that they are the [head] of the government, or a minister, a prime minister, the president, and so they can do whatever they want. That is not so; the country is Islamic not *Taghut*."<sup>9</sup> From the Imam's point of view, such fancies and

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<sup>1</sup> *Nahj al-Balaghah*, Sermon 216.

<sup>2</sup> *Bihar al-Anwar*, vol. 78, p. 249, tradition 108, chapter 23.

<sup>3</sup> *Sahifeh-ye Imam*, vol. 21, p. 169.

<sup>4</sup> *Ibid*, vol. 9, p. 153.

<sup>5</sup> *Ibid*, vol. 14, p. 401.

<sup>6</sup> *Ibid*, vol. 19, p. 398.

<sup>7</sup> *Ibid*, vol. 21, p. 179.

<sup>8</sup> *Ibid*, vol. 15, p. 354.

<sup>9</sup> *Ibid*, vol. 13, p. 200.

suppositions are the temptations of Satan, and it is Satan that “tempts you to think that now that you have power, others are nothing and should obey you unquestioningly. You are a minister or representative, and so others should obey you unquestioningly. This is all because man has not developed himself; if man had developed himself, he would not have any objections to being criticized.”<sup>1</sup> Those who have such fancies and who consider themselves above healthy criticism from the people, are among the army of Satan and of the ranks of *Taghut* as, in the Imam's view, if the practice of even Islamic rulers is *Taghuti*, in the sense that they only see themselves and forget the people and their expediencies, in the sense that they consider themselves above healthy criticism, this is *Taghut* itself in another form; it is *Taghut* anyway.<sup>2</sup> And if we turn into *Taghut*, then the end for us is to fall, and people will treat us the way they treated the *Taghut*.<sup>3</sup>

That is why the Imam urges people to criticize and the government to accept criticism and says, “The nation should support the [government] with all its power and remind its government of defects and help in remedying them,”<sup>4</sup> and it is imperative that the government tolerate criticism<sup>5</sup> and strive to remedy defects.

Along these lines the Imam, invoking the tradition “**You are all responsible for each other and responsible for your inferiors,**” considers healthy and constructive criticism obligatory for all and says, “We are all responsible before God and before our own conscience, and we should all observe this. Even if an individual looks to the low ranking people to be of even very high rank, if they see some violation in him, they should stand up to him

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<sup>1</sup> Ibid, p. 198.

<sup>2</sup> Ibid, p. 200.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid, vol. 18, p. 341.

<sup>5</sup> Ibid, vol. 21, p. 20.

and tell him that what he did was a violation and that he should refrain from such.”<sup>1</sup>

He even invites people to supervise and criticize him and says, “People are all bound by duty to supervise these affairs, so if I did something wrong, violated something, they have the duty to tell me that I have done wrong, and tell me to control myself.”<sup>2</sup> “If I violate something, you are in the wrong if you do not tell me so. You should attack me; you should stop and question me.”<sup>3</sup>

### **8. Involving people in political, social and economical affairs**

One of the factors affecting the efficiency of a government from the Imam's point of view is that the government, on principle, be popular and able to attract popular participation in different affairs. He believes that governments cannot do anything without the people's participating in political, social and economical affairs.<sup>4</sup> He believes that the efficiency and the stability of governments emanate from the people themselves<sup>5</sup> and from their running the country with the people.<sup>6</sup> On this basis the Imam commends the statesmen of the Islamic republic to consider the people as their important partners and pay attention to the fact that they cannot do anything without the people's cooperation. Whatever they have, it is because of the people, and whatever there is belongs to the people; the government and legislature are the agents of the people and they should do their duty and involve the

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<sup>1</sup> Ibid, vol. 10, p. 110.

<sup>2</sup> Ibid, vol. 8, p. 5.

<sup>3</sup> Ibid, p. 487.

<sup>4</sup> Ibid, vol. 20, p. 55; vol. 13, p. 193; and “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 353.

<sup>5</sup> “Seeking a Path through the Words of the Imam” (*Dar Josteju-ye Rah az Kalam-e Imam*); pp. 365, 366.

<sup>6</sup> *Sahifeh-ye Imam*, vol. 10, p. 439.

people in all affairs.<sup>1</sup> They should be aware of the fact that unless the government is a partner of the people, it cannot be run correctly ... When they see that you want to cooperate with them, they will cooperate with you... Nothing can be done without the cooperation of these different strata. They should be involved and they should help.<sup>2</sup>

That is why he repeatedly counsels the statesmen of the Islamic republic and says, "I advise your government to involve the people in affairs, because you cannot accomplish anything on your own."<sup>3</sup> The Imam even considers the realization and perpetuation of the Islamic republic to be in this popular participation and the mutual feeling of responsibility on the part of the people and the government and believes that "if Iranians stay passive and wait for the government to do something, it will not be that way, and if the government waits for the people to do something, that will also not happen; the correct way is for the people and the government not to consider themselves apart (from one another). They should consider duty as the major issue, and feel themselves bound by duty to participate in affairs as much as they can."<sup>4</sup> The Imam believes that "we have many of duties for the continuation of this revolution and what there is; the government has duties, the president, the chairman of the assembly, the farmer and the laborer have duties. Anyone in any part of the country that he may be has duties. This duty is not for one or two people, every single individual of the nation has a duty for protecting the Islamic republic."<sup>5</sup>

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<sup>1</sup> Ibid, vol. 20, p. 55.

<sup>2</sup> Ibid, vol. 19, p. 409.

<sup>3</sup> Ibid, p. 67.

<sup>4</sup> "Seeking a Path through the Words of the Imam" (*Dar Josteju-ye Rah az Kalam-e Imam*); p. 353.

<sup>5</sup> *Sahifeh-ye Imam*, vol. 19, p. 486.

### **9. Avoiding profiteering and power seeking**

The Imam, for the efficiency and perpetuity of the Islamic government, counsels statesmen to avoid profiteering and power seeking and emphasizes that as long as the assembly is formed from the middle classes and as long as there are no rich capitalists or aristocrats with long titles in it, and as long as there are no high ranking four-star military men with unlimited property and multi-story apartments, this land remain protected.<sup>1</sup> However, the day transgression is observed in the Assembly and the government, some violation related to seeking power or seeking fortune, that day we should know that the signs of defeat are upon us.<sup>2</sup> To prevent such a situation befalling the Islamic government the Imam says, "If the nation wishes for this victory to go to the end and to reach that peak which is the aspiration of everyone, they should be careful about those who make up the cabinet, the president, the parliament representatives," And if, God forbid, there is move from the middle class to the rich, and if a few turn up trying to gain power and riches, people should be alert and put them in their place.<sup>3</sup> The Imam deeply believed that "all the pressure found in the world arises from selfishness, seeking power, seeking status, seeking riches and the like." That is why he repeatedly counseled the officers of the Islamic republic to "live simply" and beware that "the value of a man is not in his house, garden, car; if the value of man lay in these things, then the saints should have done this."<sup>4</sup>

### **10. Efforts to win the satisfaction of God the Almighty**

Finally, it should be said that in both the thoughts and the deeds of the Imam, the beginning and the end of all affairs is God; that is why in his view, for efficiency, an Islamic government,

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<sup>1</sup> Ibid, vol. 16, p. 21.

<sup>2</sup> Ibid, p. 23.

<sup>3</sup> Ibid, p. 21.

<sup>4</sup> *Sahifeh-ye Imam*, vol. 19, p. 252.



along with doing its duties acceptable by the people, should always be careful about divine satisfaction, as thus it will definitely win the satisfaction of the people. That is why the Imam says, "He who, God willing, does his duty for the satisfaction of God, should not expect to be accepted by all. Nothing is accepted by all. Even the work of the saints was not accepted by all. But the saints did their duties and did not evade what was left to them to do, although the majority of the people did not listen to them. We should also do our duty, and we will, although a great many may be dissatisfied and a great many may try to obstruct us."<sup>1</sup>

The Imam's statement is an indication of the fact that an Islamic government should do its best to win the satisfaction of the people, which is also the satisfaction of God, in order to be considered efficient. At the same time, it should pay attention to the fact that the principal criterion is to gain divine satisfaction, to do one's duties and not to attract the approval of *all* people, which is usually impossible.

### **The final word**

Legitimacy for a political power does not solely mean legality or conforming to the law, nor does it exclusively mean religiousness or conforming to religious law; rather it has a general meaning. The legitimacy of a political power is its rightfulness in gaining power in the sense of its compliance with the laws and regulations accepted in every society on the one hand and the voluntary acceptance and subordination on the part of the people on the other. Therefore, in every society there may exist particular methods for the justification of the legitimacy of power. For example, in a secular society, the origin of legitimacy and rightfulness may be the power to rule the society according to the laws passed by the members of that society, while in a religious society, the legitimacy of the ruling power may be assessed on the

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<sup>1</sup> Ibid, vol. 19, pp. 246, 247.

one hand according to religious laws and regulations and on the other hand on the basis of its correspondence with what people want and vote for. That is why in assessing legitimacy and its origin in different societies one should not restrict oneself to a single criterion.

In Islamic societies, immediately after the demise of the Holy Prophet (s), debates rose regarding legitimacy of power for the successor of the Prophet (s), and different theories emerged on the origin of the legitimacy of power. Meanwhile the Ahl Sunnat, who considered the issue of governance after the Prophet dependant on the vote of the people, resorted to methods such as election, nomination, council and even ascendancy for the justification of the legitimacy of the ruling powers. In contrast, another group of Muslims (the Shiites), emphasized appointment by God and the Prophet in legitimizing power and governance after the Prophet. They rejected, until recently, (constitutionalism), any origin except divine appointment in legitimizing the existing powers. However, with the advent of new ideas, the familiarity of the Muslims with the teachings of the modern western world and the appearance of scholars such as Naini and his contemporaries in the world of the Shiites, another principle was proposed for legitimizing power, and that was reliance on popular will and vote in exercising power over Islamic societies.

Naini and his contemporaries, although believing like their predecessors only in legitimacy for the rule of the representative of the Imam of the Age (a) in the period of Occultation, preferred a constitutional monarchy bound by religious restrictions and an observance of the rights of the people through constitution and parliament, to other forms of dictatorship, because there was no chance to have that kind of government. In this way they protected the rights of the people in governance and legislation through the parliament and assigned people an independent status.

Continuing this intellectual movement of the Shiite scholars Imam Khomeini established a government based on religious and

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popular legitimacy, and was in fact, the first person to have realized this idea in practice. He, while emphasizing the divine nature of the origin of power and Islamic government and the necessity for it to coincide with religious criteria, considered its popular legitimacy necessary as well and introduced the Islamic government as a government based on the vote and desires of the people. He called dictatorship and imposing on the people a great sin according to Islam and the Prophet of Islam, and did not consider violating the command of the people possible and permissible for anybody.

Therefore, it is possible to say that, contrary to the view of those who believe that the Imam only assigned a role to the people with regards to efficiency, he maintained a combination of two principles and bases for the legitimacy of power and governance in Islam and seriously followed this in theory and practice.



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