

General Principles of Imam Khomeini

If we survey the development of political thought in Islam we would come to know that Muslim scholars, during the past hundred years, have developed new theories in the field of Islamic political thought in an unprecedented manner. Yet, some of them have not been successful in developing theories fit for running the affairs of their societies. But Imam Khomeini succeeded in bringing about a revolution and establishing the Islamic Republic of Iran. Thus, it is necessary to delve into his ideas and examine his political thought for various reasons: (i) Imam Khomeini's thought laid the foundation of a great movement, i.e., the Islamic Revolution in Iran; (ii) With the culmination of the Islamic Revolution in Iran the oppressed peoples of the world, in general, and the Iranians, in particular, have been eagerly waiting to reap the fruits of the movement, hence, it should be studied thoroughly; (iii) Moreover, in order to keep the record of such a movement in the history, it is necessary to work out the ideas of a Mujtahid who, in the light of the Islamic teachings, could initiate a movement which led to the establishment of an Islamic system and he himself shouldered the leadership of the state for ten years.

The present paper is an attempt to elucidate the general principles of Imam Khomeini's political thought. Although there have been a few works on his life, writings, movement, his sayings and speeches, hardly any serious book, has so far appeared on Imam Khomeini's political thought.

We hope the present paper would succeed in shedding some light on the political thought of Imam Khomeini who generated a new dynamism throughout the Muslim world.

Alliance Between Religion and Politics

The basic tenets of Imam Khomeini's political thought should be ascertained from his approach to the concepts of religion and politics. He has forwarded his ideas on these two concepts on different occasions and meetings from the very beginning of the Islamic movement in Iran.

Imam Khomeini does not construe politics as a science of power or a kind of technique for exploiting people with a view to make them subordinate to certain rulers.[1] Moïse Devoji also subscribes to such view.[2] He believes that usually unjust rulers possess such characteristics . Imam Khomeini terms such a politics a satanic politics and believes that it has nothing to do with religion. In one of his speeches after his release from prison , he says:

"A man whom I do not want to reveal his name, once came to me and said: politics is nothing but telling lie and playing tricks, hence, it is better for you to leave it to us. In response, I said that I have never been involved in such a politics" .[3]

On the other hand, in Imam's view, religion is not limited in establishing relations between man and God nor is it confined to celestial happiness of man. Imam Khomeini disagrees with both these approaches and is of the view

that confining religion to mundane affairs, is a materialistic approach and limiting it to spiritual aspects of man is a pseudo-mystical one. Materialists used to reduce all the teachings of religion into materialistic notions, even miracles and unhidden matters are interpreted by them in terms of material notions. But Imam Khomeini sees the reality of Islam beyond all those matters.[4]

After refuting such approaches towards Islam and politics which naturally leads to the idea of separation of religion from politics, he puts forward his own views by referring to various aspects of man and society. Comparing his ideas with other approaches, Imam Khomeini says:

"The politics that I am talking about is the politics of our country. It is a perfect form of politics that the Prophet (s) of Islam and our leaders in Islam practiced. They came to guide people and lead them towards their real interest. Politics is meant to guide people and take into account all interests of the society and man. This is the politics of the Prophets which others are unable to implement."[5]

Such politics that aims at leading people towards God and achieving their happiness has been implemented by the Prophets, and their followers. Imam Khomeini advocates such politics and opposes certain narrow-minded people who reduce Islam into its rituals and moral precepts. In his book "Kitab al-Bay" (the Book of Sale) while referring to the issue of wilayat-e faqih (the Guardianship of Jurisconsult), he writes:

"If one looks at various teachings of Islam including its social dimensions, concentrates over its rituals like prayers and hajj pilgrimage which pertains to man's relation with God and takes into account social, economic, political and legal laws of Islam, one would conclude that Islam does not deal only with rituals and moral matters ... but it is meant to establish a just government and has certain rules on tax, public finance, legal issues, jihad, and international relations as well."[6]

Imam Khomeini maintains that apart from Islam, in Christianity also, Jesus did not, of course, ignore social matters, though his followers consider him as symbol of piety who detached himself from the worldly matters. From the beginning of his life, Jesus declared that he had brought the Book.[7] Thus from the outset he launched a campaign against injustice.[8]

The teachings of Islam encompass all aspects of human life. Through establishing a just government, Muslims can bring about social justice. Therefore, it can be inferred that Islamic politics, while taking into account all physical and spiritual dimensions of man, is meant to guide man towards perfection.

Imam Khomeini is of the view that politics can benefit from religious rules, likewise, religious rules are also linked with politics.[9] In this regard he says:

"Saying we have nothing to do with politics, is tantamount to keeping Islam in

isolation. Swear by God, Islam in all its aspects deals with politics. Islam has been in fact misinterpreted." [10]

It seems that Mudarris, the renown Iranian scholar shares the same views with Imam Khomeini .He says, "Our politics is our religion and our religion is our politics."

It should be cleared ,therefore, whether Islam deals only with certain general principles [11] or it also deals with particulars of political affairs presenting a separate political theory?

As far as the question of a political theory is concerned we need not borrow from other theories to develop a theory on politics, for, the religion itself can provide all particulars of a political theory. Nevertheless, it does not mean that all particulars of every age is contained in religion but it means that one can refer to religious sources to develop a perfect political theory at each particular age.

There are certain Muslim political figures who advocate the former idea, i.e. Islam only deals with the general principles. For instance, the author of the book Marz-e Miyane-e Din wa Siasat" says:

"Religion provide the principles of politics and clarify the objectives of a government without touching the particulars ."[12]

There are also some other people who put into question the possibility of the implementation of the Islamic rules at present age. They are of the view that we should find out a substitute for religion approach in order to run the country properly. Hence, after the Islamic Revolution in Iran, they started opposing the idea of the wilayat-e faqih (guardianship of jurisconsult) and Islamic law of Qisas(retribution), etc.[13]

On the country, Imam Khomeini had a firm conviction that Islam is a comprehensive religion and can provide a political theory for a society. In his political will he writes:

"Unlike other atheist schools of thought, Islam take into account all aspects of human life, that is, individual, social, physical, spiritual, cultural, political, economic and military affairs of life. Islam does not leave any point helpful for the material and spiritual development of man and society untouched. Islam elaborates on the obstacles of such development in society and teaches how to remove them."[14]

Imam Khomeini even disagrees with those who try to justify the political thought of Islam with the help of un-Islamic sources. In this regard he says:

"Be sure that Islam can provide justice, independence, freedom, economic equality without relying on the teachings of other schools of thought."[15]

Imam Khomeini bases his ideas on theological accounts. He refers to some of the Qur'anic verses and narration from the infallible Imams (a). In his

speeches he affirms that political and economic system of Islam has not been worked out seriously.[16]

He refers to the following verses of the Qur'an to support his views:

.We have not neglected anything in the Book...[17]

.nor any green nor dry but (it is all) in a clear book.[18]

There are also certain narration indicating that necessary rulings are not entrusted to man.[19]

Keeping in view to these verses and narration some of the scholars of Qur'an concluded that it is possible to propound a political or economic theories.[20] Yet it does not mean that we have to ignore the outcomes of scientific works in persuading our task.

Imam Khomeini's Arguments on the Alliance Between Religion and Politics

1. The Dominating Element of the Religious Teachings:

In order to understand the particular characteristics of a religion, one should refer to the dominating element of that religion. With this view in mind Imam Khomeini developed a comprehensive outlook in the light of which he exercised his ijtihad and developed his political thought as well. Thus, in order to study Imam's views on the relation between religion and politics one should study his general outlook. In his Tahrir al-Wasilah, he writes:

"Islam is the religion of politics with its all dimensions. It is very clear for those who have the least knowledge of political, economic and social aspects of Islam. Thus, anybody maintaining that religion is separate from politics , has no knowledge of religion and politics."[21]

According to Imam Khomeini, the Qur'an contains political and social issues more than ethical and ritual (personal) matters.[22] Even the rituals mentioned in the holy Qur'an are politically oriented. Thus, it can be stated that politics intermingled with rituals and vice versa.[23] Take, for instance, the following ethical maxim of Islam : "All faithful are brothers" is a socio-political commandment. Such brotherhood is not limited to a country but covers all the Muslims throughout the of the world. That is, if all Muslims establish brotherhood with each other, they can easily defeat the enemies.[24]

Rituals in Islam are identical with political issues, The Friday prayers and Hajj pilgrimage which are two important rituals and are indeed , politically significant for an Islamic society. On the necessity of offering Friday prayer sermons, Imam Khomeini says:

"It is for an Imam of Friday prayer to talk about the religious and worldly interests of the Muslims during his Friday prayer sermons, and inform them of condition of Muslims in other countries and bring to their notice their interests as well. He should talk to them about their religious and worldly requirements,

refer to economic and political issues, inform them of their relations with other countries and elaborate on the interference of colonial powers in their countries."[25]

The political and social aspects of Hajj pilgrimage are very evident. The following verses of the Qur'an signify this point:

That they may witness advantages for them...[26]

....And mention the name of Allah...[27]

Imam Khomeini copiously refers to the importance of Hajj pilgrimage. In one of his speeches he says:

"Hajj minus biraat (deliverance) is not a true Hajj. Muslims in such a great congregation should declare their readiness to fight the superpowers and support each other."[28]

2. Religious Leaders Duties

Usually, the leaders of every faith are considered to be the symbols of that faith. A quick look at the lives of all religious leaders, in general, and the Prophet (S) and the Imams, in particular would indicate that they did not keep themselves aloof from politics in their lives, regarding the Prophet's(s) way of life, Imam Khomeini says:

"The Prophet's policies on internal and external affairs indicate that one of his tasks was his political activity."[29]

In Prophet's(s) time, political and spiritual leaderships were not separate, but later on political and spiritual leaderships became separated from each other.[30]

The clearest hallmark of the political life of the Prophet (s) was the formation of a government in Medina and its extension to the Jazirat al-Arab(Arabian Peninsula). Even after establishing a government in Medina he began dispatching letters to different countries. In the seventh year of Hijra, he dispatched certain representatives to Iran, Habasha (Ethiopia), Egypt, and Bahrain to carry out his mission.[31]

Another feature that signifies the political life of the Prophet (S) is his anxiety about the future of the Muslims in his absence and departure from this world. Hence, he used to introduce his representative to people in different occasions and made his official declaration regarding his successor in Ghadir Khum. The Qur'an declared that if the Prophet (S) failed to promulgate message, his religion would remain incomplete. `Allamah Tabatabai's interpretation of this verse of the Qur'an is remarkable.[32] In this regard Imam Khomeini says:

" Appointment of Imam `Ali the caliphate of Muslims by the Prophet(s) was a kind of delegation of power from the Prophet(s) to Imam `Ali(a). Even infallible Imams involved themselves in politics in their lives .Some of them devoted

their time only on offering prayers or carrying out teaching .The fact is that through such opportunity, they wanted to reform the society. In Imam Khomeini's view, besides the Prophet of Islam, all Prophets had political activities . In fact, the structure of the Tawhidi religions is intermingled with political and social activities.[33]

Regarding the Prophet Jesus (a) who seems to be, in the eyes of his follower, a pious man and away from politics, Imam Khomeini says:

"Even the Prophet Jesus whose followers consider him as a spiritual man, from the beginning he wanted to struggle. Even, when he was born ,he declared that he had brought the Book. Such a person would never stay at home. If he wanted to teach only why had he been harassed."[34]

3. Implementation of Islam

If we view different teachings of Islam, we would come to know that not only it has presented certain general principles on different aspects of human life, but it also introduced certain rules and regulations for running the affairs of the society as well. Take, for instance, zakat, khums, and the law of enjoining the good and forbidding the evil. In fact, the main reason behind all these commandments, particularly social commandments, is to bring about social justice. As Imam Khomeini says:

"Islam is identical with the Islamic government, Islamic commandments are sings of Islamic government because they are meant for the formation of an Islamic government."[35]

Factors Underlying the Idea of Separation of Religion from Politics
Taking into account the way of life of religious leaders, it is necessary to study the misleading idea of the separation of religion form politics. It is also necessary to find out factors underlying the separation of religion from politics and motives behind such ideas. We should also find out the beginning of the formation of such ideas and the methods followed by the advocates of the separation of religion form politics.

It seems that both external as well as internal factors are responsible for the development of this idea. Internal factors refer to superficial and so-called pseudo-mystical approaches towards religion.

External factors refer to colonial powers. As it is known, the idea of separation of religion from politics began with the West's attempt to limit the role of church and priests in the society to pave the way for establishing a secular state. Then they tried to impose the same policy in other countries that were under their influence.

Thus, they succeeded in depriving religious leaders who were the real well-wishers of the people form involving in political affairs. [36] Thanks to the West-toxicated intellectuals, colonial powers carry out their mission successfully as Imam Khomeini says:

"Cunning plunderers tried to isolate Islam through their agents who were in the garb of intellectuals as they did so with Christianity and kept religious scholars busy with rituals." [37]

Imam Khomeini is of the view that external factors has been more effective than internal factors in separating religion from politics.

In this way the idea of separation of religion from politics came to the fore. From historical point of view superfluous approaches to religion is not new but the idea of separation of religion from politics gained a momentum since three centuries ago.

The internal factors stem from misinterpretation of Islamic teachings. Hence they pose a lesser danger to Islam compared to the external factors.[38]

Necessity of Forming a Government in the Absence of Imam Mahdi (a)

Political thinkers are of the view that there is a direct relation between the development of a society and the leadership of a wise man in a country.

In response to Khawarij's allusion to a verse of the Qur'an stating: "Verdict is only that of Allah," Imam `Ali (a) says: There is a limit for every government, but finally a just government will come to power to vindicate rights of the oppressed.[39]

Ibn Khuldun says:

"Leadership and government are the necessary elements of a civilization. If people do not support a leader, civilization and development will not be possible."[40]

The aforementioned issue is very clear and could be substantiated easily. However, there are some fuqaha who are of the view that it is not allowed to form a government in the absence of the Imam (a). This attitude towards rulership in Islam has influenced the ideas of the advocates of this approach on zakat and khums. Some of the fuqaha went to the extent of burying Zakat and khums because they thought they were not allowed to spend them in the absence of the Imam (a)

Al-Shaykh al-Tusi's ideas on this issue is remarkable.[41]

While analyzing the political ideas of certain fuqaha on the forming of an Islamic government during the occultation of Imam Mahdi (a), Hamid Algar writes:

"Right after the occultation of Imam Mahdi (a), the Shias thought that the duration of the occultation of Imam Mahdi (a) would be short. Thus, they were not worried about the form of the leadership. So after the departure of the four Nuwwabs (representatives), Muslim scholars were assigned to narrate hadith without interfering in financial matters. Later on, with the prolongation of the duration of occultation, the necessity of setting up a comprehensive

leadership was felt by the Muslims. Therefore, the idea accepting `ulama' as representatives of Imam Mahdi (a) came to the fore."[42]

Those who held that fallible persons are not allowed to establish a government, found their idea on a ahadith on the reappearance of Imam Mahdi (a). Their wrong impression from such ahadith was the root of another of idea terming any movement--before the reappearance of Imam Mahdi (a)--as unlawful. In fact such ahadith are related to those movements which rose against the infallible Imams or the movements claiming to be the movement of Imam Mahdi (a).[43]

Imam Khomeini holds that there should be no separation of religion from politics. He maintains that not only it is necessary to try to establish an Islamic government, but it is an obligatory duty of Muslims to form in certain cases.

Referring to the same points that the opponents use in their arguments in refuting the necessity of forming a government by fallible men, Imam Khomeini said:

"Belief in the necessity of forming a government and establishing an executive system is a part of wilayat. Likewise any attempt in this direction is also part of the belief in wilayat. We believe in wilayat and hold that the Prophet (s) appointed a caliph in obedience to God. Therefore, we have to believe that it is necessary for Muslims to form a government... Struggle for forming an Islamic state is one of the foundations of the belief in wilayat."[44]

The aforesaid statement is a kalami argument on the wilayat of the Imams (a), that is, belief in wilayat is tantamount to that of the acceptance of the leadership of infallible Imams (a). But a profound understanding of the appointment of a leader of Muslims by the Prophet (s) would make it clear that unqualified persons should not be allowed to rule over the Muslims. Thus, anybody who believes in wilayat, should eschew entrusting the state to unqualified persons in the absence of Imam Mahdi (a).

Moreover, Imam Khomeini bases his ideas of forming an Islamic state on the nature of Islamic laws:

"The nature of Islamic government indicates that it is possible to form a government and manage the cultural, economic and political affairs of a society. Firstly, comprehensiveness of Islamic laws and regulations-- ranging from laws regarding relations with neighbors, children, family, private affairs, matrimonial matters, war, peace, relations with other countries, economy, trade, industry, and agriculture--all are meant for running the affairs of the society. These points indicate that Islam seriously deals with political and economic affairs. Secondly, a quick look at the nature of religious commandments, will prove that it is necessary to form a government in order to execute these laws. Without forming a government it is not possible to do so."[45]

In Imam Khomeini's opinion, the institute of state is so important that Islam is

identical with Islamic government. By establishing an Islamic government man can achieve justice and execute the commandments. This particular feature of Islam is not only related to the Prophet's time but it is applicable to the other times including the period of the absence of Imam Mahdi's (a) as well.[46]

According to Imam Khomeini, colonialism is responsible for the separation of Islam and politics, particularly in contemporary era. He says that colonial powers imbibed in our mind that there is no any form of government in Islam. Even if we assume that it can form a certain form of government, the colonial powers tried to inculcate in the mind of Muslims that there is not a qualified person to run the Islamic government.[47]

Extremist mystical tendencies among Muslims have been among the reasons for the avoidance of Muslims to form a government.[48]

Imam Khomeini gave a detailed account of the reasons behind Muslims avoidance from forming a government in his book "Hukumat-e Islami" (Islamic government) wherein he worked out various aspects of such a government. Let us conclude this section by casting a glance at a Hadith from Imam Rida (a):

"Some of the reasons behind appointment of Awlul amrs (.holders of authority) by God and making their obedience obligatory are as follows. Firstly, people would feel duty-bound to follow certain rules that would rescue them from corruption. It is not possible to follow such rules unless power is entrusted on a trustee ruler. Secondly, prosperity of nations depend on the existence of rulers who try to solve their temporal and spiritual problems . God, the Wise, never leaves His creatures (people) without a guide. The third reason is that in the absence of a right leader and guide, the religious commandments and orders would be ruined.[49]

Mashru' iyyah (Legitimacy) of an Islamic Government

As it is cleared, according to Imam Khomeini, there is a close connection between religion and politics. Moreover, the establishment of an Islamic government is a religious necessity both in the presence of [Imam Mahdi (a)] and in his absence.

What are the source of the legitimacy of an Islamic government ? To reply this question, first of all, it should be clarified as to what is meant by Mashru' iyyah (legitimacy).

When we discuss legitimacy of a system from a political point of view, we mean particular features of that government making it legitimate in order to make people duty-bound to obey it. For instance, when a ruler is elected by people, the electors, the people, feel duty-bound to obey him.

Of course, this kind of legitimacy can be adaptable to shariah. Muslims indeed recommend a legitimate, religious government.

The notion of legitimacy is a basic concept in political science which has been a matter of serious debates by both people and rulers.

The sources of, and the criteria for, the legitimacy of government are different

in the views of different thinkers. Let us, first, deal with the following theories of legitimacy.

1. Natural legitimacy: This theory is one of the oldest theories about legitimacy. Greek philosophers, particularly, Aristotle, propound this view. According to this theory there are certain people who are fit for rulership by nature. The legitimacy of a ruler stems from his nature. In his *Politics*, Aristotle writes: Some living beings are destined to rule or being ruled from birth time.[50]

2. The Force Theory: There are certain political thinkers who hold that force is the hallmark of the legitimacy of a government. That is, one who succeeds to seize the power, should be supported by people. Garcerus, the well-known Greek historian and politician and Hobbes of England are the exponents of this theory.[51] There are certain Muslim scholars who held that triumph through sword can be considered as a criterion for legitimacy of rulers. Qadi Abi Yali, quoting Imam Ahmad Hanbal said:

"Anybody who captures the power by sword (power), in so far as he is called the caliph and the commander of the faithful, either he behaves bad or good, no one is permitted to disobey him. Thus, he will be their custodian." [52]

Usually dictators initiate their rule by taking recourse to force.[53]

3. Divine Legitimacy: This theory found many exponents throughout the history. Many rulers attribute their legitimacy to God and try to inculcate in the mind of people that obedience to the ruler is equal to that of God. Similarly, opposing him is opposing God. There are different views about the origin of these ideas. For instance, in ancient Egypt every ruler used to consider himself as god beside being a ruler. The predominant aspect of Divine legitimacy of a government is that such governments consider themselves as appointee of God who is All-Knowing, All-Wise, and Well-Aware of His servant's condition. He has sent certain rules and regulations to pave the way for man's happiness.[54]

Sometimes Divine legitimacy overshadows public legitimacy and brings in its wake an impression that the king is the shadow of God, is appointed by God, accountable to God and, therefore, it is necessary for the people to obey them.[55]

Among Muslim scholars, this idea has been often misused. In this regard Khwaja Nizam-al-Mulk says:

"God would select one out of many people in every age, enrich him with certain arts of rulership, protect him against any corruption and sedition, and spread his greatness among people." [56]

Though there are numerous cases in the history indicating the misuse of such theory, in any case, we don't want to refute it. During the Prophet and Imam's times also rulership was on the basis of God's will. But it never implied ignoring the rights of the people. Thus, it never led to injustice in the society.

4. Popular Legitimacy: This theory recognizes people's consent as the main source of legitimacy for rulership. Jean Jacques Rousseau is the exponent of this theory. He states:

The only elements which can constitute the basis of a legitimate power and true government are conventions agreed upon by both sides.[57]

Historically, this theory stood against the Divine legitimacy. The West advocates this theory to counter religious dictatorship and other kinds of dictatorship. The theories of reform and revolution have been evolved to negate legitimacy of force.

5. Traditional Legitimacy: According to this notion, right of rulership is hereditary and is exclusively given to a race or a family. This theory has no advocate at present.

Imam Khomeini's View

According to Imam Khomeini, neither force nor heredity can constitute a source for the legitimacy of an Islamic government.

He considers two factors for legitimacy of an Islamic government: Divine legitimacy and public allegiance.

There is no doubt that the system of government under the Prophet Muhammad (s) and Imam `Ali's (a), was based on Divine legitimacy. God is the real owner of everything and has appointed the Prophet and Imams to rule over the society. Referring to the following verse, Imam Khomeini says: O believers, obey God, and obey the Messenger and those in authority (4:59) .

Muslims have accepted that the Prophet draws the legitimacy of his government from God. However, they differ on the leadership of Muslims after the Prophet's death.

The Shi`ahs believe that the Prophet (s) and the Imams (a) were appointed according to the Divine Text. Some of the Shii scholars, including Imam Khomeini, are even of the view that the fuqaha are qualified and entitled to form government because of the acknowledgment the infallible Imams who were appointed by God.

Imam Khomeini's way of reasoning in his books, al-Bay` (book of sale), Kashf-e Asrar, Tahrir al-Wasila and his speeches, indicate that the appointment of wali-e-Amr (holders of authority) is a divine task. In his book Tahrir al-Wasila, he writes:

"only the infallible Imams and their appointees are entitled to take the helm of political affairs. In their absence, their representatives, i.e., qualified jurisconsults, are responsible for running the political affairs."[58]

Imam Khomeini's policies during the ten years of his rulership confirm those

assumptions. In some of his speeches, he even considers the most democratic government as Taquti (unjust in nature) if it is not under the rulership of a faqih. He maintains:

"In the absence of the guardianship of a jurisconsult (Wilayat-e faqih) and Divine order, the taqut will prevail. If president is not appointed by a jurisconsult, he would be illegitimate. An illegitimate president is tantamount to a taquti. Taqut would be finally destroyed when a just ruler is appointed with the grace of God."[59]

In letters, appointing the members of the Islamic Revolution's Council in Iran and appointing the first premier of Iran,[60] referring to this point, Imam Khomeini said:

"As a person who enjoys the wilayah of the sacred religion, I appoint him any opposition to this government is tantamount to opposition to sharia (religious law)."[61]

But on other occasions, he referred to the view of the people and took into account their votes. In his meeting with the representative of Pope Paul VI, who wanted to mediate the release of the American hostage in Iran, he says:

"Mr. Pope should know that I cannot personally resolve this problem. I do not want to impose (my will) on my people and Islam does not permit us to establish a dictatorship. We follow our nation's votes, and act according to their views. We have no right, God has not conferred such right on us, and the Prophet (s) never permitted us to impose our ideas on Muslims."[62]

In several cases Imam Khomeini had a full respect for people's right and maintained that they are the legitimizing source of a government. At the same time he did not overlook the Divine legitimacy. According to Imam Khomeini, God and the Prophet do not allow the ruler to oppose the people's ideas.

The Form of Islamic Government: Wilayat Mutlaqah Faqih (Absolute Guardianship of Jurisconsult)

The most salient feature of Imam Khomeini's political thought is the doctrine of wilayat-e-faqih. This concept did not receive proper attention and was not compiled in a proper manner by the Shia scholars before him. This concept is so prominent in his thought that most of his political ideas should be interpreted with reference to this doctrine.

Historically, in Shii fiqh, this issue had not been touched until the time of late Naraqī who wrote the book of *Awaid al-Ayyam*. Before Naraqī the issue of wilayat-e-faqih and the matter of guardianship of an Islamic society were never considered under specific titles in Fiqh.

During the twentieth and thirteen centuries, the late Naraqī devoted a separate chapter to the issue of wilayat-e faqih and its various aspects. Then Mir Fattah Husayni Maraghei in his book *Anawin*, Muhammad Hasan Najafi in his *Jawahir al-Kalam*, and Shaykh Murtada in his *Makasib* dealt with this issue. Later on, some of the Fughah, conducting research on al- *Makasib* gradually developed their own ideas as well.

In recent decades, Imam Khomeini started discussing the issue in his book al-Bay` (book of sale) and discussed it in his classes of Kharij (higher course in religious studies) in Najaf. Though Imam Khomeini like other fuqaha had already discussed this issue in his book al-Bay`, he took it up again very seriously in order to encourage others to develop their own theories on the issue.

Imam Khomeini developed his notion of wilayat-e faqih in the course of the following four periods.

The first Period-. He put forward the outlines of the notion of wilayat-e faqih in his book Kashf-e Asrar [63] in the form of answers to the author of the Asrar-e-Hizar Saleh. One of the questions that Imam rises in this book is: "It was better if there were fuqaha in our constituent assembly which appointed the Shah." [64]

In this book, Imam Khomeini did not propound his theory of wilayat-e faqih but has referred to the Naini's theory of Nizarat-e Faqih (Supervision of Jurisconsult).

But it seems that even during that period he did agree with the idea of wilayat-e faqih not Nizarat-e faqih.[65]

2. The second period: The substantiate form of wilayat-e faqih appeared in three of Imam's books, namely, al-Rasil, Tahri al-Wasila, al-Bay`. These books were written in 1954, 1964, and 1970. He wrote these books in an academic atmosphere when he was not directly involved in running the state. The first sixty pages of al-Bay`, constitute the best work of Imam Khomeini on wilayat-e faqih. In addition, he had many lectures on the topic which later on was published under the title of Hukumat-e Islami (Islamic Government). This is the best book elaborating on Imam Khomeini's views on wilayat-e faqih.

3. The third period: During the years of 1978-1980, Imam Khomeini did not directly speak about the term wilayat-e faqih. Even he did not mention this term in his statements. Although he relied on his religious duty in appointing high ranking officials in Iran, he did not speak about the status of wilayat-e faqih in the constitution. Anyhow, the First Experts Assembly was formed and the members of that assembly clarified the role of wilayat-e faqih in Islamic government. Following the incorporation of the term wilayat-e faqih in the constitution, some political parties described it a kind of dictatorship.

Then Imam Khomeini felt that it was necessary to clarify the distinction between the concept of wilayat-e faqih and that of dictatorship:

"The issue of wilayat-e faqih is not the invention of the Experts Assembly. It has been ordained by God ... You should not scare wilayat-e faqih. A faqih cannot become a dictator. If a faqih attempts to become a dictator, then he cannot have wilayat (guardianship) over people." [66]

4. The fourth period: During this period Imam Khomeini tried to define the

scope of the authority of the faqih. In this period Imam spared no effort to clarify the authority of a faqih and repudiate the false impressions about the notion of wilayat-e faqih. This period began with a reply of Imam to an inquiry of the then Labor Minister in 7 December 1988.

Following the inquiry, discussions on the jurisdiction of wilayat-e faqih began in the Guardian Council of the Constitution. The council wrote four letters to Imam Khomeini in this regard. One of the letters was related to the President Ayatullah Khamenei's speech at a Friday Prayers sermon. In the letter Imam Khomeini clarified that state rulings are higher than Ahkam-e Awali wa thanawi (primary and secondary commandments). A part of the letter reads as follows:

"What have been said or is being said (about the wilayat-e faqih) stem from the lack of knowledge of the absolute Divine wilayah."

The qualifications of an incumbent of the position of wilayat-e faqih have been described in Imam's letter (27 April 1990) to the Speaker of the Assembly for Amendment of the Constitution of Islamic Republic of Iran.[67]

Why to Establish Wilayat-e faqih?

The exponents of wilayat-e faqih in Shii thought refer to the following transmissive and intellectual reasons in defending the establishment of a system of government based on wilayat-e faqih: (i) Reasons with regard to Hasbiyyah affairs. (ii) Special hadiths on wilayat-e faqih. (iii) Philosophical and theological reasons. (iv) Reasoning through traditions.

Shii Ulama have different ideas on the implementation of the first argument.

Generally, they ascribe Hasbiyyah affairs to certain particular cases like guardianship over the affairs of the orphans, the missing and the divorcee. [68] While some other ulama are of the view that the main feature of Hasbiyyah affairs is to attempt to establish a government. This approach is the easiest way to prove the notion of wilayat-e faqih.[69]

Imam Khomeini did not substantiate the issue of wilayat-e faqih through this argument, but it does not mean that he is against the establishment of an Islamic government by the fuqaha.[70] But he tried to refer to stronger reasons which can give more authority to a Jurisconsult.

The fourth argument refers to certain Hadiths. This is the method of the late Ayatullah Burujirdi. With reference to the general structure of the religion and necessity for implementing religious rulings, in the absence of an infallible Imam (a), he maintained that though the Imams (a) did not appoint anyone as the guardian of people, there should be certain hadith from the Imams (a) to signify the necessity of guardianship of fuqaha.[71] He succeeded in quoting some hadiths on this issue.[72]

While other ulama tried to refer to ahadith, Imam Khomeini laid special emphasis on philosophical and theological arguments. He believed that the

issue of establishing an Islamic government was very clear and then he referred to certain ahadith as well.

A Brief Account of Imam Khomeini's Argument on Wilayat-e Faqih
Imam Khomeini initiated his argument on the issue as follows:

- * -Islam is a comprehensive religion, providing laws on politics, society, economy, etc. It is admitted that the Divine commandments are applicable to all societies in all eras.

- * -Religious commandments are not useful unless they are applied to form a state on the basis of Divine guardianship.

- * -Moreover, in order to protect the Islamic system, control the borders of Muslims from any encroachment by the enemy, and prevent chaos in Islamic society, it is necessary to form an Islamic government. Therefore, the reasons underlining the role of an Imam in the society, stand for the formation of a government in the absence of infallible Imams (a).

- * -The leadership of an Islamic government has been specifically entrusted on a particular person in the absence of Imam Mahdi (a). But since the government is an Islamic in nature, its ruler should possess at least the following two qualifications: command over religious laws (fiqh); and he should be a just person.[73]

The aforementioned argument supports the idea of forming a government in the Imam's absence. The late Ayatullah Burujirdi shared similar viewpoints with Imam Khomeini on this basic issue.

The salient feature of Imam Khomeini's view on the issue is that he drew the qualifications of the leader of an Islamic state from such discussions. It should be noted that such a reasoning does not mean that any just faqih can become the guardian of the Islamic society. However, Imam does not elaborate on the methods of the selection of the ruler from amongst the fuqaha.[74] But the jurisdiction of the guardianship of all fuqaha is limited to the enforcement of micro issues during the rule of an unjust ruler (Taqt's).

Transmitive Reasons Supporting the Idea of Wilayat-e faqih

- (a) Particular Texts

- (b) There are many ahadith referring to the issue of wilayat faqih. But the only Qur'anic verse which refers to this issue is: "O believers, obey God, and obey the Messenger and those in authority among you." [75]

- (c) Imam Khomeini has interpreted the above verse by referring to authentic hadiths narrated by `Umar bin Hanzalah.[76] But he never relied on it as an independent and sole reason.

- (d) Since there is ambiguity on the concept of awlul amr (holders of authority), several exegetes, including Allamah Tabatabai, drew the inference that the holders of authority refer to the infallible Imams (a).[77] Some of Sunni Ulama consider any ruler as awlul amr (holders of authority).[78] As a matter of fact, it is necessary to refer to certain ahadith and not confine the issue to the Qur'anic verse. Nevertheless,

there are certain contemporary jurists who only referred to the above verse to support the idea of wilayat-e faqih.[79]

Imam Khomeini refers to the following hadiths as proofs to support the idea of wilayat-e faqih:

1. Mursalah Saduq
2. A Hadith from `Ali bin Abi Hamzah from Imam Kazim (a)
3. Mawthaqah Sakuni from Imam Sadiq (a).
4. Tawqih Ishaq bin Yaqub from a sacred person
5. Magbulah Umar bin Hanzalah
6. Sahihah Qaddah from Imam Sadiq (a).[80]

Among these ahadiths, the authenticity of the first two hadiths have been put into question. The rest are recommended and are considered authentic ones.

Imam Khomeini refers to the following hadiths as authentic: Hadith of Jami al-Akhbar from the Prophet (a). Hadith of Abdul Wahab Amadi from Imam `Ali (a) and hadith of Tuhafat al-Uqul from Imam Husayn (a).

Imam Khomeini's theological background influenced his impression of aforementioned hadiths and distinguished him from other jurists. For instance, regarding the Hadith "O God have mercy on our Khalifs," he says, there is no doubt the word khalif of the prophet relates to wilayat and rulership.[81] On the following narration, "Verily learned are the heirs of the prophets," he says that some of the prophets like the Prophet of Islam enjoyed the position of wilayat. To be the heir to the prophets means to inherit whatever they possess all transferable belongings of the prophet. There is no doubt that rulership is transferable.[82] Such impressions can be contrasted with al-Shaykh al-Ansari's ideas. He says:

"Virtually after studying various aspects of the narration (on rulership) one can fairly conclude that such narration are related to the duties of Ulama with respect to the clarification of Islamic rules. The prophets and the Imams have guardianship over people's properties."[83] In sum, Imam Khomeini forwards two sound Kalami and transmissive reasons for the guardianship of jurisconsults in the absence of the infallible Imams (a). He even refers to the condition and jurisdiction of the holders of authority. We would throw more light on these two and refer to other aspects of Imam's views on this issue.

Qualifications of Waly-e faqih (Leader of Islamic Society)

There are a several conditions for the guardianship of jurisconsult enumerate by fuqaha. Some of the Sunni and Shii scholars enumerate ten qualifications.[84]

Imam Khomeini stresses on two qualifications: fiqahat (command over fiqh) and; justice. However, in the absence of the infallible Imam,

qualified jurisconsults who can pass decrees, are recommended by him for guardianship of Muslims.[85] The two aforementioned conditions are not only based on Taqlid, but are also based on rational reasons Imam Khomeini in this regard says:

"Islamic government is a legal government aiming at implementing the Divine law. Its objective is to bring about justice and execute divine laws among people. Thus the leader of such an state should fulfill two conditions, considered to be the basis of the state: knowledge of law and justice. The matter of efficiency and ability of management are contained in knowledge of a ruler. This may be considered as a third condition ... Thus, leadership belongs to a just faqih."[86]

What is meant by fiqahat (command over fiqh) in Imam Khomeini's views? Does it mean knowledge of common fiqh issues? Is there any other necessary condition for the holders of authority? Imam Khomeini in his book Hukumat-e Islami writes: "A ruler should be the most learned scholar in religious teachings."[87]

On the other hand, in the absence of the infallible Imams (a), knowledge of judgment and ability to pass decree are considered as the two essential qualifications of a Qadi and profound knowledge of religious is necessary for becoming a Mufti. Therefore, in Imam Khomeini's view a holder of authority should be jurisconsult and the most qualified in the field of Islamic religious as well. However, during the last days of his life, Imam Khomeini in a letter to the Speaker of the Assembly for the Amendment of the Constitution, wrote:

"From the beginning I was of the view that Marjaiyyah is not a necessary condition (for leadership). A just Mujtahid who is recommended by Experts Assembly can assume the leadership of the Islamic society...I mentioned this point while experts were preparing the Constitution, my friends were insisting on the Marjaiyyat as the necessary condition [for leadership]. Hence, I agreed with their proposal. At that time I was sure this condition could not be fulfilled in the future."[88]

It seems that, from the beginning of the Islamic Revolution, Imam Khomeini did not believe that the holder of authority in Islamic society should be the most qualified religious scholar (a'lam).

However, apparently there is a contraction between Imam's previous writings and his latest statement. It seems that he has changed his position. But if we study his views, we will recognize that there is no contradiction.

Regarding Ijtihad in social matters, Imam Khomeini put forward interesting ideas. Let us first refer to one of his speeches in this regard:

"Ijtihad in prevalent sense in religious centers is not sufficient for the holders of authority. That is, if a person is the most learned in religious studies but is unable to recognize the interests of his society or distinguish between useful and useless persons for the society, i.e., he

does not have a proper social insight, he is not in fact Mujtahid and cannot pass decrees on socio-political affairs. Hence, he is not eligible to hold the authority"[89]

Keeping in view this point and what we have said earlier, it can be concluded that fiqahat includes both efficiency and management . It is clear that Alamiyyah (being the most qualified Islamic scholar) in political and social affairs is different with Alamiyyah in pure religious issues which is the criterion of being a grand marja' for taqlid (imitation). What is not necessary in Imam's view, is the prevailing marjaiyyah or Alammiyyah. But Alamiyyah in the sense of having fiqhi knowledge, political and social awareness and management are necessary qualifications for a leader. This point has been incorporated in the constitution of the Islamic Republic of Iran.[90]

Regarding the condition of justice and piety as qualifications of a leader, Imam Khomeini says:

"A person who intend to be the guardian of the Muslims and successor of the Commander of the Faithful, should not be attached to worldly matters. If one indulges in worldly matters, he cannot be the trustee and reliable person for people."[91]

Imam Khomeini considers avoidance from worldly matters as a necessary condition for a marja' a.[92]

Some of these conditions are accepted by all contemporary fuqaha (jurists), for, they believe in the necessity of holding the Hasbiyah affairs by qualified jurist in the Imam's absence.[93]

In this regard, Imam Khomeini, like other scholars, recommends such authority for a wali-e faqih (jurisconsult).

Obviously, guardianship over Tashri of religious precepts belongs to the prophets (s). If the Imams (a) try to explain the intricate religious precepts, they try to throw light on what the Prophet has left for them. Elaborating on this period, Imam Khomeini says:

"In an Islamic state, God is the ruler. The prophets and their successors try to be the executors of the rules of God. They never forward any rule versus God's rule. Yet, they use their authority wherever there is not any clear principle."[94]

Anyhow, in Imam Khomeini's view, a faqih, apart from using his authority in Hasbiyyah affairs, has authority in executing statutory and discretionary penalties, penal codes, and enjoining the good and forbidding the evil. He has also guardianship over the state and politics within the jurisdiction of religious laws, civil laws, and implementing Islamic rules.

Let us now refer to two following basic questions as:

I. Does the jurisconsult's jurisdiction encompass the primary and

secondary religious laws, or is it limited only to certain social and individual matters?

II. Is the guardianship of a jurisconsult limited to the enacted laws, or he can overrule law?

Authority of Wali-Faqih and the Religious Precepts (Primary and Secondary Judgments)

There is no doubt that every Muslim should follow the primary and secondary religious rules. These rules are the external form of the commitment to the religion that determine the religious oughts and ought nots. On the other hand, establishing a state in a particular period of time, requires different methods and expertise. Thus, a religious ruler apart from dealing with religious rules, should tackle the state rules as well. In certain cases a state rule is meant to execute the primary rules or secondary rules, distinguish their subjects or take care of certain religious issues. Here a jurisconsult can use his authority. But in certain cases the primary or secondary laws deal with lawful or unlawful matters, like the obligatory of Hajj pilgrimage and unlawfulness of usury and so on. The question is that whether a wali-e faqih can pass a decree against such rules for the interest of the Muslims and prevent their execution?

In his argument, Imam Khomeini held that the governmental authority of a wali-e faqih and infallible Imams (a) is identical. Only in certain cases infallible Imams enjoy particular authority which has nothing to do with their guardianship over society like the case of early jihad which is probably related to only infallible Imams (a).[95] In his book, he did not refer to the governmental jurisdiction of the infallible Imams (a) and only he has cited some examples as:

The Prophet (s) used lashing as a punishment measure for hundred times. Similarly the Imams (a) and a wali-e faqih can practice this punishment. They collect charities in a similar way and use them for the benefit of the people and it is for people to obey them.[96]

Of course there is a reference to absolute and general guardianships[97] in his book al-Bay` (book of sale). But there is no explicit explanation of the relations between the authority of a wali-e faqih and the primary and secondary rules.

In a letter to the then labor minister, Imam Khomeini clarified the jurisdiction of a faqih concerning religious precepts and the authority of the government in laying necessary conditions for the contractors.

Following such a statement, a discussion started among high ranking officials. Then the Imam in a letter wrote:

"It is said that I held that government has authority but within the framework of Divine rule. Such assertion is against my ideas. If the authority of state is within the Divine derivative commandments, then, divine rule and absolute guardianship of the Prophet (s) should be meaningless ... State is a branch of the Prophet's absolute guardianship. It is one of the primary rules of Islam and is prior to all

derivative commandments, like prayer, fasting and Hajj pilgrimage ... State can stop any issue whether ritualistic or non-ritualistic if it is against the interest of Islam." [98]

This statement suggest that the authority of a wali faqih is unlimited to the extent that he can temporarily suspend the primary and secondary rules if he realizes that it is in the interest of the Muslims. While elaborating on the authority of wali-e faqih, in his book al-Ba`y, Imam Khomeini stresses that the authority of wali-e faqih is unlimited. Indeed Imam's latest explanation on the jurisdiction of wali-e faqih as already explained in the said book.

In Imam Khomeini's views, governmental rules are not secondary rules but are primary rules. [99] Therefore, guardianship over governmental rules does not depend on necessity, emergency cases, etc., but on the interests of Muslims. [100]

However, Imam Khomeini did not forward any particular formula for ascertaining the interest of Muslims, but in his political career he considered the Expert Assembly as an authority for identifying this interest. He used to consult experts but he was the man to pass the final decree.

Authority of Wali Faqih and the Law

Civil laws are of two kinds: constitutional and conventional laws. Constitutional laws are superior to conventional laws. If we elaborate on the relations between authority of wali-e faqih and constitutional law, relations between wali-e faqih and the conventional laws will be also cleared.

In the Constitution (of the Islamic Republic of Iran) the authority of the wali-e faqih is limited (Article 110). Before the amendment of the constitution, the term absolute guardianship was not mentioned anywhere in the Constitution. But in Imam's views, constitution is not higher than religious rules. As wali faqih has an authority over the derivative rules, he has the same authority over the constitution. Of course, in an Islamic society constitution is based on Islamic rules. The Fuqaha, particularly Imam Khomeini, have approved the Constitution of the Islamic Republic of Iran as compatible with Islamic teachings.

During his ten years of the leadership of the Islamic Republic of Iran, Imam Khomeini in certain cases did not abide by the Constitution. For instance, he ordered the formation of a Special Court for the trial of the clerics and also set up the Expediency Council. It is quite clear in these cases that wali-e faqih's jurisdiction overlaps that of the constitution.

When that Expediency Council violated constitutional laws, a group of Majlis representatives wrote a letter to Imam Khomeini and protested the council's decisions. In response, Imam said:

"What you have written is correct. I hope an atmosphere would be created in which everyone would act according to the constitution. What has happened during the past few year, has been related to emergency of war time. The interests of Islam and the system demanded that we settle the problems quickly."[101]

The reason behind the violation of the constitution is that Imam Khomeini considered governmental rules higher than the primary and secondary religious rules. Even in his letter, Imam Khomeini says that he intends to do so and so, he does not talk about the necessity of abiding by the constitution. We can infer from his practical life and speeches that at the time of an emergency he considers governmental rules higher than the constitution. But normally, violation of the constitutional laws is not permissible. What are the criteria for identifying the interests of the Muslims? What is an emergency situation? These are the questions that were never attended by Imam Khomeini.

Of course, the aforementioned authority of the wali-e faqih is valid when the wali-e faqih is appointed by an infallible Imams (a). If the wali-e faqih is elected by people, i.e., his legitimacy is drawn from the people's vote his authority will not be probably as much as the one appointed by an infallible Imam. His authority in this case will be determined on the basis of the people's allegiance to him.