

Principles of Islamic Jurisprudence of Foreign Policy in Imam Khomeini's Thought

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Abstract

Imam Khomeini's political thought as the architect of the Islamic revolution had a great influence on the formation of the Islamic Republic of Iran's foreign policy. What exists of his political thought also, is not out of the framework determined by Islam, a great part of which can be discussed within Shiites canon law. The main question in the present research is about the religious foundations of Imam's political thought, the most important of which consists of "denial of domination of unbelievers upon believers", "the principle of con-vocation to jihad", "the principle of religious esteem", and "com-mitment to international treaties" which will be discussed in this research.

Keywords

Imam Khomeini, Foreign Policy, Islamic Jurisprudence, Islam, Iran.

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Introduction

Imam Khomeini, as the architect and the ideologue of the Islamic revolution is counted as the interpreter of teaching and techniques of the Islamic government in two internal and foreign realms. He, as the founder of the system relying on people's protection of the government, believed in its dynamics of foreign policy emphasizing on development-based discourse, because he considered the internal and foreign policy as the various techniques to achieve the reformist goal. In other words, regarding the abundance of procedures and unity of value, he emphasized on the theory of unity, and abundance. In fact he considered the interaction between internal and foreign techniques as the factor of advancement of Islam in the world. Therefore in his opinion the link between the internal and foreign policy would be realized as a bilateral relationship between two dependent variables in the direction of the independent variable of publication and revival of regenerative teaching of Islam throughout the world. The study of Imam Khomeini's thought as the architect of Islamic Republic of Iran in the realm of foreign policy is also derived from Islamic perspectives. Also his foreign political principles originate from his religious viewpoints. For this reason, the study of his religious principles, on which he emphasizes in the foreign policy realm, is highly important. In this paper, we will try to study some of Imam Khomeini's religious principles within the foreign policy realm.

1. The Foreign Policy in Islam

The foreign policy consists of a set of political issues correlated with the foreign realm classified to two relatively fixed and varia-

ble parts. The fixed part explains the general framework of foreign policy making, within which the guidelines and strategies of the foreign policy are adjusted. This part is mainly based on theoretical teachings and the value system and the ruling value system and ideology. The variable elements of the foreign policy determine the strategies that are set and formulated according to the existing conditions. The Islamic Republic of Iran is among countries in which, after the triumph of the Islamic revolution a government was formed based on Islamic ideology and its foreign policy also is influenced by the same ideology. In Islam, political principles originate from the teachings of the Holy Quran. In the Holy Quran the political issues have been explained within the macro-framework, and the strategies have been left to temporal conditions. These Quranic principles are the base of formation of religious commands is Islamic thought, especially the Shiites canon law. These general principles have come in the foreign policy under the titles of “denial of domination of believers upon unbelievers”, “the principle of revocation to jihad”, “the principle of religious esteem”, and “the principle of commitment to international treaties”. These principles organize the framework of foreign policy making of the Islamic government, and the Islamic government cannot neglect them in its policy. Foreign policy principles refer to a set of religious teachings forming the framework of foreign policy of the Islamic government. This set enjoys some kind of stability and permanence, In fact, in interpretation, it is superior to other foreign policy issues. A Muslim researcher suggests in definition of foreign policy principles, “Foreign policy principles refer to the base of the relationships of the Islamic government with other countries, and religious resources represent those principles as the

framework of regulation of those relationships.(*Nadieh Mahmood Mostafa, 1996, Cited from Sajjadi P.P 182.169*)

2. Foreign Policy Principles from Imam's Viewpoint and Their Religious Bases

Imam Khomeini's religious viewpoints in the realm of foreign policy can be classified to four general groups of the principal of struggling against oppression, and denial of domination of unbelievers upon believers, the principle of revocation to jihad, the principle of Islamic dignity, and the principle of commitment to international treaties.(*Ibn Hisham, , Cited from Sajjadi P.P 182.169*)

Beside the above-mentioned principles, Imam Khomeini puts forward other cases such as "friendliness toward Imam Ali (A. S.) and his progeny and enmity toward his enemies", "unification of hearts, "admonishing people to do right and to avoid sin". But it seems that the former four principles include the others, and there is no need to mention them separately. Regarding the unification of hearts it must be remembered that, although it has been discussed within the principles of foreign policy of Islam, it can be understood that it agrees with the foreign policy instruments rather than principles, because, today, it is more similar to what is discussed within the economic instruments of foreign policy and humanitarian assistance. In fact, the Islamic government employs the unification of hearts in order to attract non-Muslims and to reduce their degree of enmity. For example, in the Taef war, the Holy Prophet (p.b.u.h) granted some money to the nobles who had recently joined Islam, and unbelievers who had helped him in that war in order to attract them to Islam.(*Ibne Hosham, vol. 2, p. 314 cited*

from *Sajjadi P.P 182.169*)

3. Denial of Domination of Nonbelievers upon Believers Principle

This title has been taken from the Holy Quran: “Allah won’t let unbelievers have domination upon believers.” This sura is a basis for a religious rule known as the rule of denial of domination of nonbelievers upon believers. Of course the interpreters have given different suggestions about the word “domination”. Some believe that it means reasoning and proof and this sura emphasizes that believers have a stronger reasoning rather than the reason of unbelievers. Others emphasize that the meaning of this sura is the denial of domination of unbelievers upon believers in the resurrection day. Among Shiite jurists, Imam Khomeini the founder of the Islamic Republic, emphasizing on the Islamic nation’s comprehensive independence argues about this subject as follows:

“The Holy Quran says that Allah never allows nonbelievers to have domination upon believers, so unbelievers shouldn’t find such a way at all. Pagans and these corrupt powers... upon Muslims(Nesa sura (4), 141.)

In addition to being paid attention in diplomatic discussions and foreign relations, this principle has been associated with specific manifestations. Among all, the historical religious decree of Mirzaye Shirazi to forbid the use of tobacco, and Imam Khomeini’s decree about capitalization are some practical examples during the contemporary history. Imam Khomeini, focusing seriously on this principle, refuses any international relationship or treaty leading to disregard it and forbids the signing of such treaties. Thus, beyond

a political idea, he considers this principle as an essential decree within foreign relationships.(Khomeini, 1380, vol. 3, p. 4.)

From his viewpoint any relationship contributing to the dominance of others, is rejected. On this case he says: “If any commercial relation leads to the fear of the Islamic territory, all Muslims should cancel it.(*Khomeini, “Tahrirolvasileh”, vol. 1, p. 485*) He adds: “Here, there is no difference among political, cultural or spiritual dominance of enemies; if political relationships are established between the Islamic nation and other countries and those relationships lead to the domination of pagans upon Muslims and their property, then, the establishment of those relations will be religiously prohibited and should immediately be canceled. In fact all Muslims are supposed to induce their rulers to leave and cancel them even though through passive residence. “(Sahife Noor”, vol. 10, p. 352) “ He continues, “If the law changes to an Islamic law, and the Islamic republic comes to work, there won’t be a path for oppressors. They don’t know the power of Islam. They don’t know the power of a nation.(*Khomeini, “Tahrirolvasileh”, vol. 1, edition 1, p. 485.*) “ You should act in such a way that gradually this revolution can be exported to other countries. Moralities have such characteristics that if somebody follows them, they can spread to others, because people are inherently interested in moralities. (Khomeini, 1380,1360/3/24, vol. 15, p. 109)

“We will cancel all treaties that are against the benefit of our nation, and if there is a benefit in a treaty for us, we will keep it. (Khomeini, 1380, 1359/10/16, vol. 13, pp. 260-264.)”We certainly have relationships with the industrial world, but the right of decision making to choose the best way to sell our oil and gas belongs

to ourselves. “(Khomeini, 1380, 1357/9110, vol. 3, pp. 273-277.)

“Iran proved that it resists against offense of aggressors. Our people resisted against that aggressor regime. Therefore, if the transactions between Muslims and pagans are not allowed because of their domination upon us, any other thing that ends to this domination will be forbidden... Accordingly, the principle of denial of domination of nonmuslems upon Muslims is considered as the base of establishing relationships between Muslim nation and nonmuslems. Of course, this principle applies to other suras of the Holy Quran. For example if the Islamic country signs a treaty with a non-Muslim nation, according to Quranic rules, it should remain committed to it.(Khomeini, 1380, 1357/9/11, vol. 4, pp. 6-8.), but if that agreement leads to the cultural and political hegemony of pagans, Muslims should immediately cancel it.(Refer Shakoori, “, vol. 2, p. 384.) “ The denial of dependency, politically means to refuse any kind of dictatorship and colonialism, and to prevent outsiders from interfering in private issues of Muslim nations and political decision makings. From military point of view also, Muslims should not be dependent on any other nation. Cultural, and commercial realms also are not exceptional to this rule. Therefore, this principle has two features of negating and demanding. Its negating feature rejects any interference of outsiders in Muslims’ political and social affairs while its demanding feature clarifies the duty of all Muslims to protect the political independence and to eliminate any kind of dependency.(14- Asra’ (7) 34.)

4. The Principle of Islamic Dignity and Interest

This principle expresses the superiority of Islamic teachings and

thus, the superiority of Islamic societies in foreign relationships. There are several suras in the Holy Quran pointing to this superiority as well as the well-known tradition of superiority (Islam glorifies and nothing can overtake it) which are among well-documented reasons supporting this superiority. (*to Nesa sura (4) 138 and Monafeghoon (63) 8*). This principle shows the perfection, and ideality of Islam as a religion given by Allah emphasizing on unacceptability of other religions. Thus the Islamic government should not behave in its foreign relationship in a way that this principle may be neglected. In the Holy Quran there are some suras pointing to the dependence of Muslims on pagans to get worldly dignity. The Holy Quran blames them and recalls that the true dignity belongs only to Allah and his Prophet and the believers. In a sura Allah tells to his Prophet: "Inform the seditious, individuals who consider pagans as their friends and leave Muslims because they seek for dignity and glory in the shadow of association with pagans, that they will be seriously tormented, and dignity is absolutely in association with God". The principle of Islamic and religious dignity is the base of our religious leaders' teachings. For example Imam Ali (A. S.) advises Muslims to behave peacefully toward nonmuslems and at the same time not to forget the principle of religious dignity in their foreign relationships.

In this regard, Imam Khomeini emphasized on two foreign policy principles, and believed that Islamic dignity and interest should be protected in foreign relationships. Also Islamic Republic of Iran's constitutional law emphasizes on these two principles. In fact the principle of Islamic dignity, like the principle of denial of domination of pagans upon believers, monitors the treaties and behavior of the government toward other countries and forbids any

foreign treaty and behavior if they are against the benefit of the Islamic nation. Today, different definitions are given with diverse scopes about the word “Islamic interest”, therefore, it is necessary to clarify Imam Khomeini’s definition in this regard.

4-1. Islamic Interest in Foreign Policy from Imam’s View-point

The word “interest” can be meant either as the place of advisement as apposed to corruption, or as the singular form of “interests”. Some linguists believe that it means the protection of religion, protection of lives, property, wisdom, and generations. Some others also add the protection people’s respect to them. In another definition it means to attract benefits, and eliminate harms so that religious intention can be protected. Imam Khomeini has always emphasized on both, the dignity and interest of Muslems. In fact all ways in his ideology end in the provision of national interest and glory of Iran and Islam. Therefore it is not right to claim that he dealt only with a new introduction of Islam, because he constantly emphasized on long-term national and Islamic benefits, self-sufficiency in all fields, and independency on the West or the East, denial of others’ domination on Muslems and also hegemonism, peaceful coexistence, and bilateral respectful relationships. One of the greatest teachings of Imam Khomeini to Iranians and Muslem all over the world was the lesson of ambition and protection of dignity throughout foreign policy so that no international decision making should contribute to the abjection of Muslems. Thus in his viewpoint, the consideration of national interests and the principle of “no West, no East” and protection of independency should not

make Muslims neglect social benefits. Muslims should pay attention and be careful to use subtle strategies in order to protect their benefits and goals. Imam believed that we are supposed to plan to advance the goals in the direction of our deprived people's interests, and he repeatedly reminded it to our statesmen.

The above-mentioned were general framework of deliberation in foreign policy taken from Imam Khomeini's ideology. But it must be remembered that deliberation in foreign policy is not so easy that we can choose the interests of our nation only by knowing these frameworks and introduce it as our foreign policy. It is because these principles, sometimes, conflict. As mentioned before, in the case of confliction of principles, the protection of Muslims' dignity is of the highest importance comparing to others. But the main question raises about the time when the dignity of the country conflicts with the dignity of Islam. Which of them should be preferred in this case? In political linguistics, the word "nation" refers to individuals living within a known geographical international territory and here, just this meaning is taken from this word. But the word "ommat" has sociological different meanings. Here we take the very Islamic ommat which is something above geographical borders and ethnical and linguistic differences, gathered under the title of Muslims. The answer to this question depends on the way of thinking of the person who replies. Imam Khomeini's response to this question is in fact his doctrine about foreign policy. Regarding what is observed in Imam's words and his deeds, he considers the extension and penetration of Islam throughout the world as a duty and a great strategy in foreign policy. In fact he always gives priority to the interests of ommat (Muslims all around the world) rather than the interests of the nation. Of course this

priority has a basic and important precondition. If a country is the model and ringleader of other Muslim countries, and its interests faces a danger, then, exceptionally, its interests are preferred to the benefits of others, and other Muslim countries are supposed to help it and prevent from its instability. In return, that ringleader country also has the responsibility of solving the problems of other Muslim nations and support them against enemies. Imam Khomeini considers this responsibility as a permanent principle in foreign policy and says, "We must attempt to solve the problems of Muslims and support deprived, hungry people, this is our foreign policy." "We announce that the Islamic Republic of Islam is a shelter and supporter for all Muslims of all the world." "We will prepare their needs like a military fortress. We will make them familiar with the methods of fighting against pagans".

Thus, a country like Iran which is the pioneer in the battle line against pagans should have a strong military so that it can help other Muslims when necessary.

5. The Principle of Commitment to Political Treaties

The principle of remaining committed to agreements is one of emphatic orders in Islam, and several Quranic verses have advised it. (Some of suras emphasizing on remaining committed to agreements are as follows: *Asra'* (17) 34, *Baghareh* (2) 177, *Mo'menoon* (23) 8, *Maarej* (70), *Maedeh* (15) 1, *Aleomran* (3) 76.) Remaining committed to treaties is among foreign policy principles of the Islamic government. The Islamic governmental is supposed to respectfully observe the rights of other countries in relation to treaties established with them. In some Quranic verses it has absolutely

been pointed, while in others it has been mentioned as a duty and responsibility. Of course some verses have reminded Muslims to cancel and not to remain committed to harmful treaties. All interpreters are in agreement about the principle of remaining committed to treaties with other nations and prohibition of tricking other Muslims and even nonmuslims(Refer to Nadieh Mahmood Mostafa, 1996, p. 103)

As mentioned before, most interpreters believe that this principle includes all written and oral agreements, and all economic, security, and political agreements. The Holy Prophet also observed this general framework in his behavior toward Muslim and non-muslim nations. There are several narrations in which the Holy Prophet has advised Muslims to remain committed to their agreements with others.

Imam Khomeini, believing in a strong link between the law and ethics, emphasizes on the observation of humanely standards and norms in agreements, and international treaties and advises Muslims to make their internal and foreign rules according to fair distribution of rights. He believes that this will contribute to the enactment of the law based on human nature and equality of rights of nations in international level, so that, in addition to institutionalization of equality of rights other nations, it ends to the recognition of their territorial sovereignty by others. Of course, he believed in the necessity of some preconditions in international treaties, and didn't accept those agreements harmful to the benefits of Iran because, in his opinion, most treaties accepted by the Pahlavi regime had been imposed on it and were not useful to our interests. Thus, the signing of any previously made agreement should be in the

direction of benefits of the newly established regime, or else it will be canceled. Of course, regarding the observance of diplomatic rules by the Islamic government, Imam Khomeini permits them according to a principle in Islam which requires other nations to observe some international rights and standards. Thus, in the case of observation of bilateral rights among nations, people can feel the impacts of justice and mutual respect in the world of peaceful coexistence. On the other hand, if anarchism and international disorder is eliminated around the world, and legal power is justly distributed among nations and the rights of the indigent are not misused by bully superpowers, Muslim countries can receive their rights in the international level, and regional symbols will be realized by them and in return, this will contribute to legal jurisdiction of the self-sufficient Islamic society in micro level. Thus, we can see that a narrow link of macro, micro, and middle levels can be established in the legal dimension in the form of a mutual relationship. Of course, the relative situation of foreign policy in Imam Khomeini's thought can be investigated from his legal ideological point of view. From one side, the foreign policy is considered as some kind of internal policy comparing to international policy, running within Islamic, indigent, and so called insider nations, and from the other side, in comparison to the policy of the ringleader country, it is an foreign policy having interaction with the internal policy. For this reason, regarding Imam's viewpoints, we can analyze such a mutual link as follows:

Regarding the impact of middle level on the micro level, or the influence of foreign policy on the internal policy, Imam Khomeini considers the observance of respect of Islamic nations by others as

leading to the observance of respect of other nations. In fact, in his opinion, their non-intervention in internal affairs of the ringleader nation necessitates the respectful behavior toward them in their internal policy stage: “We will behave respectfully toward all nations conditioned that they do not intervene in our internal affairs and have a mutual respect to us. “ (Khomeini, 1380, vol. 4, p. 38)

If other countries observe our respect, we also, will have a similar behavior toward them, but if they interfere in our affairs we won't tolerate. We will neither treat other nations oppressively, nor tolerate their oppression. (Khomeini, 1380, 1357/8/15, vo3, p. 31)

6. The Principle of Convocation to Jihad

Within Islamic foreign relationships also, the principle of convocation has been emphasized as a major principle. Allah addresses his Prophet in a sura of the Holy Quran and says: “Tell believers to turn toward the word which is common between us and you. Don't worship anyone except the One God and do not imagine a partner for him. No one can rule you except Allah”. This sura and many others clearly indicate that the Holy Prophet was supposed, before any other things, to convoke individuals toward Allah. This, can be seen within the Holy Prophet's behavior; he never convoked people to jihad before inviting them toward Allah. Now a question comes to the reader's mind: Which is the base of Islamic government? War or peace?

To answer this question it must be said according to the verses of convocation, the principle of peace has been emphasized. Now the question is how to interpret the Quranic suras about jihad. Many point to such suras as “Kill pagans sufficiently”, “Kill them

wherever you find them”, and “Kill them till the time there would be no sedition on the earth”, to show that Islamic emerged based on war regarding its foreign policy.

Regardless of interpretive discussions, two points are important to mention:

Some researchers emphasizing on peace-based quality of foreign policy of Islam, introduce jihad as a requirement to establish social justice and eliminate oppression in human societies. Islam emphasizes on the centrality of peace and says: “Start your relations completely peacefully”. But regarding foreign policy’s influence on international policy or the interaction between the middle level and macro level, Imam Khomeini believes that Islamic nations should protect their rights in the international stage to obtain their legal status. He reminds that through the legal unity of Islamic countries in the framework of multi-lateral institutions, their status will be promoted throughout the world. He gave great importance to the ringleader in this relation: “In the 15th century after the emergence of Islam Muslims should gather under the flag of Allah and their rights. They should cut the hands of Western and Eastern superpowers from their rights.(Khomeini, 1380, 1358/11/15, vol. 11, pp. 258-259) “They don’t know or don’t see that with the help of Allah, the Islamic revolution has been exported or is being exported throughout the world and in a near future the flag of Islam will be fluttering all over the world.” Regarding the macro level influence on middle level, or the impression of international policy on foreign policy, Imam Khomeini believed that if legal standards are established on the base of legal equation among countries, and the oppressive rules are replaced by Islamic principles, then we

can see Muslem and indigent nation having a peaceful coexistence with other countries. For this reason, legal principles ruling the international system should change in a just form and on the base of equality of rights of all individuals. "We live in an era when the destiny of oppressed people is determined by a group of criminals. In this era and other eras, the world has been cursed with lawless governments who have committed many atrocities to people. We are living in an era when criminals are encouraged instead of being reprimanded. Today, so called human-rights organizations are protecting the oppressive benefits of criminals and their relatives"(Khomeini, 1380, 1362/3/28, vol. 18, pp. 23-24). That is why Imam Khomeini recognizes only those international treaties which are not in the direction of dictatorial relationship and unilateral sovereignty of superpowers, and interference of outsiders in the affairs of indigent nations. He suggests", According to international agreements, spies work in other countries under the title of ambassadors. What Carter did to us was against international laws. Criminals should be returned to their own countries and be sentenced in their own countries. No country is allowed to keep a criminal from other countries; it is against international law. This is Carter who acted against international laws, not us. .(Khomeini, 1380, 1358/8/28, vol. 22, pp. 259-261)

Conclusion

Imam Khomeini's foreign policy principles are a set of political cases in relation to the foreign realm consisting of two fixed and changing parts. The fixed part represents the general framework of foreign-policy making within which policies and strategies of

foreign policy are regulated. This part is mainly based on theoretical teachings and value system and dominating ideology. The changing part consists of policies that are regulated according to the conditions of the present time. The fixed part of foreign policy has been taken from religious bases including the principles of “denial of domination of pagans upon believers”, “convocation or jihad”, “religious dignity”, and “remaining committed to international agreements”. Being inspired by these principles, Imam Khomeini represents his foreign policy and strategy in order to ensure the glory of Islamic societies.



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