

Shiite Principles of Religion and Authority Creation

Shaban Rostami

Department of Iranian Studies, Yerevan State University, Yerevan, Armenia

ABSTRACT

Before the Iranian revolution, the issue about founding an Islamic government in the Shiite Jurisprudence with focus on the Jurist was too limited and introduced at the level of utopia. As a result of Iranian Revolution and rapid plan of government based on the jurist, the issue of how to create the authority was introduced among the politicians, but it remained dormant because of domestic political conflicts, the Iran-Iraq war, and its aftermath. But with the end of Khatami's government in 2005 and starting the Ahmadinejad's government, this issue was discussed widely in the society and became the fundamental question of the political community.

KEY WORDS: Authority creation; Shia; authoritarianism; democracy.

INTRODUCTION

Shiite scholars who believe in founding an Islamic government in the absence of the twelfth Imam (AS) have been introduced two theories concerning the creation of political power: the divine legitimacy with the jurist's absolute authorities, and popular legitimacy with the jurist's limited authorities.

In contrast, there is a theory of divine legitimacy or "jurist's absolute and appointive guardianship" which deprives people's authority and obedience. Recently, the theory of "jurist's Supervision" or "jurist's selective and constrained guardianship" which was the product of Qom Seminary was introduced in the Shiite government; this theory is compatible with people's democracy and freedom in the Islamic Society. Both theories proponents believe that their views have been constitutional. Here we have reviewed the Constrained Guardianship; the review of absolute Guardianship of the jurist needs another article.

The theory of Jurist's Supervision - in this theory, society administration, public affairs administration, government and politics are rational and human experience will play a key role in promoting them. Therefore, Professionals and experts and not jurists are responsible for planning, public different affairs administration, and society administration, specialists and experts.

In a society where the majority of people are Muslims, Islamic government, law compatibility with Sharia, and compatibility with the transcendent religious goals are ensured by righteous religious scholars and jurists' supervision of government. Although in this theory jurists are not responsible for the government, the religious scholars and jurists have higher supervision of all the major affairs of society and will not let any legal violation happen. Jurists have a right to investigate all public affairs, and can reject any affairs contrary to the Sharia.

On one hand, the Islamic system is ensured by applying the theory of jurist's supervision based on the supreme legal supervision, on the other hand they do not involve in specialized and professional affairs which are outside the jurisdiction of jurist, unreasonably. In addition, relying on this supreme supervision and non-interference in partial daily political affairs, they maintain the authority and sanctity of religion in the society. Jurist's supervision is a moderate way in the observance of Islamic teachings, and compliance of public issues with the religious teachings as well as attention to the increasing complexity of governing the society in the current era. ⁽¹⁾

Today, this view and the same views have been promoted, Ayatollah Khomeini, leader of Islamic Republic of Iran was agreed with the theory of "Jurist's supervision" at two political stages of his life, and he had a tendency toward the Jurist's appointive guardianship at the third stage.

He said at the first stage which was the first stage of political thought in Qom, lasted until 1953, and a book named *Kashf al-Asrar* was belong to this stage: "We do not say the government should be with the Jurist, but we say that the government must be administrated by the God's law which is appropriate to country and people and this is not possible without "The Shiite cleric's supervision", as constitutional government had ratified and confirmed it." ⁽²⁾ He continued: "When we say the government must be controlled by the Jurist it does not mean that he should be exactly the King, Minister, Major General, trooper, and Sweeper, but a Jurist must "supervise" the Legislature and Executive in the Islamic country." ⁽³⁾

At the second stage, Ayatollah Khomeini reintroduced the idea of Jurist's supervision" in his speeches, and written opinions in Paris (expulsion place) and Qom (residence of the first few months after the revolution) from 1977 to 1980. The "Islamic Republic" is the initiatives of this step. The "Guardianship" is less introduced

*Corresponding Author: Shaban Rostami, Department of Iranian Studies, Yerevan State University, Yerevan, Armenia
Email: shrostami1390@gmail.com

among his speeches at this stage. For example, he said in some interviews in Paris: "I will have the same role with now later (after revolution), the role of guidance; if there is the expediency, I will declare, and if there is a betrayal, I will fight with, but I will have no role in the government."⁽⁴⁾ He responded: "I personally do not accept the position"⁽⁵⁾ to a reporter who asked him: "Does you accept the leadership of the Islamic Republic?", and said: "I do not have a roll except guiding people and government"⁽⁶⁾. Then he continued: "Other clergymen and I do not accept any position; the clergymen's task is the guidance of governments"⁽⁷⁾

As mentioned in the previous chapter, Ayatollah Khomeini introduced the theory of "absolute appointive jurist's guardianship" in last decade of his life from 1987 onward. After reforming the constitution, this theory was approved and inserted in 1989. "What is important is that we want implement based on the Islamic Sharia, so if we had mistakes before, we should clearly say that we were wrong, and the recantation among the jurist and from on jurist to another exactly means the same", He said.⁽⁸⁾

In addition, Ayatollah Morteza Motahari was also among the ones who believed in jurist's supervision. He said: "The Guardianship of the jurist does not mean that jurist is the head of government govern practically. The roll of jurist in an Islamic country in which people accepted Islam as an ideology and are answerable and committed to it, is as an ideologic rather than a governing role. Basically, the people elect the Jurist. The ideologue's role is monitoring the proper implementation of strategy; he monitors and reviews the qualification of law executive and anyone who wants to be president of government in order to perform tasks in a cadre of Islamic ideology. Our people and people at that time – Constitutional period - did not suppose the jurists govern the country. But over the centuries and ages, people have thought that because this is an Islamic society and people are dependent of Islamic country, each ruler's qualification about having the capability of implementing the Islamic laws should be approved, and stressed by the jurisprudence law".⁽⁹⁾

He continued: "The Clergymen are competent to do some tasks such as professorship, teaching, judgment, and..., but Clergymen should not accept the governmental task, they should stand beside the government and guide it. They should "supervise" and "look out" the government operation."⁽¹⁰⁾

Ayatollah Montazeri (the first deputy of leader) also emphasized the "Jurist's supervision". "The main aim of Guardianship of jurist is implementing and enforcing the Islamic rules and regulations, governing the affairs related to the Muslims based on the Islamic criteria, or designating the jurist, and approving and monitoring by the executive if the executive is chosen by people (according our constitution). In fact, the Guardianship of jurist means the Guardianship of jurisprudence, or God's orders about human behavior, therefore every Muslim seeks to enforce and implement the orders of Islam based on his/her religious beliefs, and finally according to the Islamism in the system the jurist who is specialist and expert on Islamic affairs should supervise the process of country Government, and it is not incompatible with this thought that each technical and professional course such as cultural, economic and political should be granted to relevant specialists and experts; it must be like this and the opposite one is betrayal. The Islamic regulations and general policies which are not inconsistent with orders of law are related to the jurist and compatible with his expertise".⁽¹¹⁾

Jurist's selective (Constrained) Guardianship:

After the overview of "Jurist's supervision", now we review Jurist's selective (Constrained) Guardianship. This is considered as the first effort of jurists in Qom Seminary about the Government. The first buds of this theory can be seen in the works of Ayatollah Morteza Motahhari. He believed in combination of divine duty and people rights, and knew the way of religious government (church) in the West as one of the reasons for tendency to materialism, and wrote:

The third reason for materialism tendency is the failure of certain political- social concepts. We can read in the political philosophy: When these particular social contexts were raised in the West, and the issue of natural rights and particularly the national sovereignty were introduced, some people were political authoritarian who did not consider any rights for most people against ruler, and the only thing which considered for people was the obligation and task; these people were resorted to God in their arguments to support their political authoritarianism theories, and claimed that the governor should be accountable to God. But people should be accountable to ruler, they are responsible, people have no right to ask the ruler about what he has done. People have no right on the ruler, but rulers have the rights which people should implement. Therefore, a kind of necessity and artificial connection was naturally created in the thoughts and ideas between the national sovereignty on one hand and atheism on the other hand...⁽¹²⁾

"Basically, the people elect the Jurist, the ideologue's task is to monitor the proper and right implementation of the strategy"⁽¹³⁾, He said.

Ayatollah Ja'far Sobhani wrote and explained this theory in his book, *The Islamic government specifications (Maalem Al-hokumat Al-Islam)*, in 1982: "The government at the present of Imam who is appointed by Allah is a pure God government. But in the lack of access to him, there must be a combination of divine governing and people's lordship. It is divine because the innocent God is a law for right, and Islamic nation should meet the terms and criteria in the choice field. Islamic governor should implement exactly the Islamic Sharia. Due to the above reason, the government is divine or God's law for people. On the other hand, it

is a popular government because choosing the supreme leader and other high government officials is subject to the public and their consent"⁽¹⁴⁾.

In addition, Ayatollah Sheikh Nematollah Najafabadi wrote in his book, "The jurist's guardianship - the righteous government" in supporting the "Jurist's selective guardianship": "The righteous jurists who are not selected, do not have the potential guardianship even if they have the jurisdiction for guardianship; only the jurist can interfere in the public affairs. This guardianship is as a result of a bilateral contract which is made between people and jurist. It should be assumed by people and accepted by jurist. The jurist is responsible on behalf of people to commit to the principles of Islam, and in case of violation, people dismiss him by assembly of experts"⁽¹⁵⁾. Elected Jurist has only guardianship to those who have chosen him.⁽¹⁶⁾

Ayatollah Montazeri wrote about the selective jurist's guardianship: "If the Holy lawgiver has chosen a person particularly for the guardianship of nation and ruling them, he should be chosen for the Imamah. By such a person and his capability to rule, Imamah does not belong to others, otherwise the right of determining the political consequence and choosing the leader is assigned to eligible ones in the Islamic nation. Since, at the time of innocent imam's absence (AS) the specified appointment is canceled, the Islamic government is selective at the time of absence."⁽¹⁷⁾

Some scholars believe that because people cannot recognize the most qualified jurist among other jurists, first they should choose a number of jurists and qualified Mojtaahid, and then the qualified jurist is selected by them; this is the two-step selection. This idea is approved and accepted in the constitution in which this group of jurists is called the "Assembly of Experts".

Ayatollah Montazeri wrote, "The Lawgiver has signed the principle of choosing a qualified person by people's permission, but he has granted the form of government, selection way, specifications, conditions of electors, and the way for its implementing to wise selected people. As a consequence, things are different in various time situations. whether the numerical quantity is important or the quality of electors, whether there is a direct or two-stage election, whether first people elect the Assembly of Experts, and in the second stage the selected experts will chose the Islamic leader, all are the rational non- appointed matters."⁽¹⁸⁾ He also said, "In our time, the accuracy of a two-step election is more."⁽¹⁹⁾

These theory creators do not consider any contradiction between religious government and people's freedom and they see themselves as the real defenders of freedom. Ayatollah Khomeini, the previous leader of Iran, said: "Our policy is always based on keeping the freedom, independence and protecting the people's interests, and we would never sacrifice this principle for anything."⁽²⁰⁾ Or "We are obedient to citizens' votes, so we will obey the way people vote."⁽²¹⁾ Or "People's vote is the measure rate"⁽²²⁾ or "People's awareness, public participation and oversight with their own elected government, is the greatest guarantee of security in the society."⁽²³⁾

Ayatollah Beheshti, one of the leaders of system who believed in the jurist's guardianship, said: "The human of Islam, is a free person, this freedom is not given free to him; God gave him this freedom and said him: Ay, man! Make your future and destiny. Every happiness and prosperity which is given to people is a product of his aware actions; every people's suffering and unhappiness is a product of conscious actions and wrong choice"⁽²⁴⁾.

Ayatollah Motahhari, another leader of Islamic Revolution said: Based on the social philosophy of Islam, not only the result of absolute trust in God is not the acceptance of absolute government, and leader is responsible for people, but also according to this philosophy, only belief in God makes the leader responsible for people, it makes the individuals rightful, and introduces the demand for rights as a necessary legal duty.⁽²⁵⁾ There are a lot of suggested ideas in this regard which we ignore mentioning. This theory and the theory of absolute jurist's guardianship have been imported in combination together in the constitution of Iran.

It should be noted that this view is accepted among the small number of Shiite scholars. Western Iranologist Scientists, who comment the Shiite government, support the Shiite leadership charisma in the specific cases or the type of Religious - traditional authority in the Shiite government, but they do not support the compatibility of Shiite government and democracy at all, these people include Nikki Keddie by a book, "*Comparative study of the Iranian Revolution*", Michel Foucault⁽²⁶⁾, Cheryl Benard⁽²⁷⁾ and others. But most religious intellectuals often do not support this view which its criticizing is not our aim in this article.

Conclusion

In Shiite political system, the legitimacy of the government belongs to God and is implemented by the Islamic Prophet in the Islamic society. It was implemented during the time of twelve Imams (by Imam Ali and at a short time by Imam Hassan), but they mostly did not have possible opportunities to act, however they have the right to rule. Some of the Shiite scholars believe that the Islamic government should be applied by the Prophet or the innocent Imam, so after the twelfth Imam's absence, the Islamic government is not performed until he appear at the end time of world and form a government. However, the others believe that due to the

availability of political-social conditions, the Islamic government should be continued after the Imam's absence by jurist.

The followers of forming the Islamic government include two groups: A group who believes that the government legitimacy is done by God and then by Jurist, he has the absolute discretion in administrating the country. All decisions and responsibilities in the country should be passed directly or indirectly by jurist or by his filter. The second group which is the subject of this article believes that the jurist has the supervision responsibility by people's selection. He monitors the implementation of decisions, resolutions, and laws with Islam; he does not interfere in administrative matters. Decision-making and administrative institutions, all are chosen in framework of election, and controlled by the inspection system. And this view is compatible with the system of democracy.

PERSIAN REFERENCES

- 1 – Kadivar, Mohsen, "Guardianship government", Ney publication, Tehran 1376, pp. 136-137;
- 2 - Imam Khomeini, *Kashf al-Asrar*, Bita publication, Qom, 1363;
- 3 – The same, p. 232;
- 4 - Imam Khomeini, "The book of light (Sahifeye nour)", The publication Institution of Imam Khomeini's works, Second Edition, Vol. 4, p. 206;
- 5 - The same, p. 215;
- 6 - The same, Vol. 3, p. 107;
- 7 - The same, Vol. 22, p. 128;
- 8 - The same, Vol. 18, p. 178;
- 9 - Shahid Morteza Motahhari, "about the Islamic Revolution", the Office of Islamic Publications, Tehran 1368, p. 86;
- 10 - The same, p. 185;
- 11 - Ayatollah Montazeri, "the Jurist's guardianship and the constitution", *Raahe Nou Monthly Magazine*, Tir 7, 1377, No. 18-19;
- 12 - Morteza Motahhari, "The Causes for tendency to materialism", Sadra Publications, Tehran 1368, pp. 554-555;
- 13 – The same, p. 86;
- 15 - Ayatollah Salehi Najafabadi, "The jurist's guardianship - the righteous government", Rasa Publications, Tehran 1360, p. 51;
- 16 –The same, p. 50;
- 19 - Ayatollah Montazeri, "the Jurist's guardianship and the constitution", *Raahe nou Monthly Magazine*, Tir 7, 1377, No. 18-19;
- 20 - Imam Khomeini, "The book of light (Sahifeye nour)", Vol.3, p. 49;
- 21 – The same, Vol.10, p. 181;
- 22 - The same, Vol. 5, p. 34;
- 23 - The same, Vol. 19, p. 35;
- 24 - The relationship between religion and liberty, the set of articles, Zekr publication, First edition, 1378, p. 87;
- 25 - Morteza Motahhari, "The causes for tendency to materialism", Sadra Publications, Tehran, 1368, p. 180;

ARABIC REFERENCES

- 14 - Ayatollah Jafar Sobhani, "The Islamic government specifications (Maalem Al-hokoumat Al-Islami), Vol.2, Al-Imam Sadiq Publications, Second edition, pp. 225-224;
- 17 - Ayatollah Montazeri, "Studies about the jurist's guardianship (Doraasaat fi velayat al-faghih", vol.1, p. 405;
- 18 – The same, vol.1, p. 548.

INTERNET RESOURCES

- www.tebyan-Ardebil.ir/description.aspx?id=10787-26
www.Hawzeh.net/Hawzah/.../MagArt.aspx?...6899...