



# Ayatollah Khomeini: From Islamic Government to Sovereign State

Rasoul Namazi

To cite this article: Rasoul Namazi (2019): Ayatollah Khomeini: From Islamic Government to Sovereign State, *Iranian Studies*, DOI: [10.1080/00210862.2018.1551054](https://doi.org/10.1080/00210862.2018.1551054)

To link to this article: <https://doi.org/10.1080/00210862.2018.1551054>



Published online: 21 Jan 2019.



Submit your article to this journal [↗](#)



View Crossmark data [↗](#)



Rasoul Namazi

## Ayatollah Khomeini: From Islamic Government to Sovereign State

*This paper argues that the mature form of the political doctrine of the Ayatollah Khomeini (1902–89), Iranian Shiite religious authority and architect of the Islamic Republic of Iran, grew out of an encounter with the modern understanding of the state and the concept of sovereignty. Khomeini's political doctrine, called the Absolute Guardianship of the Islamic Jurist, although based on a religious foundation, should be studied as a break with the traditional understanding of political power in Shiism. It will be argued that such a political doctrine can play the same role as the Christian rhetoric of the early modern political thinkers played, pave the way for modernization of Shiite political thought, and prepare the ground for a modern temporal conception of politics.*

**Keywords:** Ruhollah Khomeini; Velāyat-e faqih; Sovereignty; Modern State; Comparative Political Theory

It is often argued that Christianity played a significant role in the transition from pre-modern to modern secular political thought in the West. Carl Schmitt's famous claim that "[a]ll significant concepts of the modern theory of the state are secularized theological concepts,"<sup>1</sup> is often quoted to explain the historical process of Western political thought and the relationship between modern and premodern Christian ideas. Consequently, many efforts in the field of intellectual history have been made to trace the origins of modern political ideas in Christian thought. However, such common efforts are often pursued primarily for the sake of questioning the dominance and even the validity of basic modern political doctrines and concepts. In this perspective, modern discourse or thought and its fundamental concepts, which pretend to be purely rational, are in fact only secularized versions of what were originally religious systems of thought; in other words, there is a hidden continuity between modern

---

Rasoul Namazi is a research affiliate at the Leo Strauss Center, at the University of Chicago.

The author would like to thank the anonymous reviewers for their helpful and constructive comments that greatly contributed to improving the final version of the paper. He would also like to thank the Editors of *Iranian Studies* for their generous comments and support during the review process.

<sup>1</sup>Schmitt, *Political Theology*, 36.

discourse and premodern religious discourse which is at odds with the secular claims of the modern thinkers. The so-called “theorem of secularization” has been forcefully challenged, however, and there are good reasons to argue that there was a radical break between modern and premodern thought.<sup>2</sup> Be that as it may, the secularization thesis attracts our attention to an important historical fact: some of the most influential early modern political doctrines curiously resemble Christian political theologies – the early modern political philosophers freely borrow theological concepts and claim that their doctrine is fully compatible with, or even *the* true political teaching of, the Bible. Thomas Hobbes justified his absolutism by referring to the Bible<sup>3</sup> and John Locke presented his liberal doctrine as the true teaching of Christianity and not a system of thought opposed to it.<sup>4</sup> In the same vein, the American revolutionaries still found it helpful to refer to the rights they made claim to as what “the Laws of Nature and of Nature’s God” entitle them to and even a thinker like Machiavelli thought it politically relevant to evoke biblical examples while proposing his political doctrine.<sup>5</sup>

Regardless of the truth of these claims by the founding thinkers of modern political thought, it is crucial to concede that for an important and formative period of the Western history of thought, these claims played an important *transitional* role and prepared the ground for later political doctrines which were entirely secular and independent of theological presuppositions. In other words, the religious “rhetoric” of the early modern philosophers seems an essential part of their political doctrine and contributed to the success of their political project, which was to found secular modern states. Awareness of this fact alone must give us a new perspective on the process of modernization in other climes: If Christianity somehow contributed to the birth of modern political thought, other religions might prove to be *essential* for potential comparable transitions in other theologico-political contexts. In what follows, one example of such a transition is presented: it will be argued that the political theology of the Ayatollah Khomeini (1902–89), Iranian Shiite religious authority (*mujtahid*), founder of the Islamic Republic of Iran, and the leader of the 1979 Iranian Revolution, can play such a transitional role and become the basis for a modern sovereign state.

The official view of Khomeini’s political thought has been that it is the natural continuation of traditional Shiite jurisprudence. This claim has been powerfully challenged, however, and it has been argued that Khomeini’s political doctrine is a radical innovation in the history of Shiite political thought, and that it should be considered a break with the traditional understanding of the relationship between Shiism

---

<sup>2</sup>See Blumenberg, *The Legitimacy of the Modern Age*.

<sup>3</sup>*Leviathan*, chs. 31 beginning, 32 beginning. For an influential theological interpretation of Hobbes’ thought see Martinich, *The Two Gods of Leviathan*.

<sup>4</sup>Locke, *The Second Treatise of Government*, §§31–35. For a classic theological interpretation of Locke’s political philosophy see Dunn, *The Political Thought of John Locke*, 12.

<sup>5</sup>*The Prince*, VI, XXVI.

and politics.<sup>6</sup> Facing the difficulties of tracing the origins of Khomeini's political doctrine to traditional thought, other scholars have tried to classify the political thought of Khomeini as a version of the old mystical tradition which borrowed its fundamental concepts from the Neoplatonic philosophy of Alfarabi and his successors. In this perspective, the ruling jurist in the thought of Khomeini mirrors the philosopher-king-mystic of the Neoplatonic tradition who achieves the necessary qualifications of rule from his contact with the divine intellect through contemplation and mystical practices. For instance, Vanessa Martin underscores the importance of mystical elements in Khomeini's political doctrine,<sup>7</sup> and Abbas Amanat claims that Khomeini's thought has "an unmistakable mystico-philosophical core that was colored by Shi'ite legal trappings."<sup>8</sup> In the same vein and more forcefully, Hamid Dabashi describes the ruler of Khomeini's regime as the "philosopher king in the Platonic understanding of the term."<sup>9</sup> However, this view also faces a major difficulty: Khomeini explicitly denies that the ruler of his regime must possess mystical or supra-rational characteristics,<sup>10</sup> and in fact there is very little in Khomeini's political writings and his political career to support such a Neoplatonist-mystical interpretation of his thought. In this essay, it will be argued that Khomeini's doctrine should be seen as a break with the traditional Shi'ite understanding of politics and entirely different from any Neoplatonic conception of politics. I will argue that although Khomeini's regime borrows its legitimacy from religious authority, his political doctrine is an innovation which can lead to a secular understanding of the state. One other influential interpretation of Khomeini's political doctrine is seen in the efforts of political reformists in Iran (*eslāh-talabān*) and some scholars who champion a democratic understanding of Khomeini's political thought. These figures have tried to underline the democratic elements of Khomeini's political discourse during the Revolution and at the beginning of the Islamic Republic, and this at the expense of the more absolutist elements of his thought.<sup>11</sup> In this view, the guardianship of the jurist is not absolute but rather conditioned by democratic practices. As a response to these readings (even putting aside the selective reading of Khomeini's writings in these interpretations), I will argue that it is precisely the absolutist nature of Khomeini's mature political doctrine which fosters the most interesting possibilities for understanding the process of secularization in Iran. In other words, it is necessary to challenge and circumvent the conventional debates over the mystical origins of Khomeini's thought on the one hand and the

---

<sup>6</sup>The innovative and radical character of Khomeini's absolutist turn from the point of view of the history of Shi'ite Islamic jurisprudence is discussed in Mohsen Kadivar's writings. See Kadivar, "La Naissance du 'Souverain Juriste'"; Kadivar, *Nazariyyeh-hā-ye dowlat dar feqh-e shi'eh*, 21ff; Kadivar, "Qalam-row-e Hokumat-e Dini az Didgāh-e Imam Khomeini," pp. 128ff. See also Mavani, "Analysis of Khomeini's Proofs for al-Wilaya al-Mutlaqa."

<sup>7</sup>Martin, *Creating an Islamic State*, 40.

<sup>8</sup>Amanat, "From ijtihad to wilayat-i faqih," 130.

<sup>9</sup>Dabashi, *Theology of Discontent*, 41.

<sup>10</sup>Khomeini, *Governance of the Jurist*, 74.

<sup>11</sup>Kadivar, *Nazariyyeh-hā-ye dowlat dar feqh-e shi'eh*, 97–104; Hossainzadeh, "Ruhollah Khomeini's Political Thought," 129–50.

commonplace discussions about possibilities for liberal democratic governance in Khomeini's thought. This will be done here through what is sometimes called comparative political theory: I argue that a comparative study of Khomeini's political absolutism clarifies remarkable elements in his thought which might remain hidden as long as we do not read Khomeini's writings in light of comparable political writings in the history of European political thought.

### *Islam, Politics, and Law*

To make sense of Khomeini's political doctrine, and as a way to introduce the theologico-political framework in which Khomeini anchored his political doctrine, it is necessary to begin by describing the history of negotiation between Shiism and political power, in rudimentary fashion, but sufficient for our purpose. Shiism is one of the major branches of Islam, the other being Sunnism. The most distinctive characteristic of Islam in all its branches is that it presents itself primarily as a religion of sharia or Islamic law, a law regulating men's private and public lives. Christianity provides a helpful contrast: it presents itself mainly as a religion of faith, demanding adherence to a set of doctrines or beliefs. These two different perspectives on religion, Islamic and Christian, manifest themselves also in their respective orders of rank of the religious sciences. In Christianity, the most prestigious science is theology, while in Islam, the science of *fiqh*, Muslim jurisprudence, occupies the most exalted position: the science which revolves around interpretation, deduction, and application of the divine law. It is therefore not surprising that in traditional Islamic scholarship, the highest-ranking scholars are also not theologians or philosophers, but rather Muslim jurists. The Islamic view of religion also contains another decisive fact: there is a direct connection between Islam as a religion of law and its political character. As law is all-important, its implementation is also essential in Islamic thought: Islam cannot exist without an Islamic government that applies the Islamic law. This point is of major importance for any understanding of Islam and its relationship with politics: Islam cannot, *as long as it is considered a religion of law*, be separated from politics. This is why the famous saying of Jesus, "Render unto Caesar the things which are Caesar's and unto God the things that are God's" would sound strange if it were to be applied to Islam, as it would amount to saying that "Render unto Caesar the things which are God's, and unto God nothing"!

But if Islam is a religion of law which requires the existence of an Islamic government, the question is: who should implement and apply the divine law? This question is above all related to the debate and divide between the Sunnites and the Shiites in the history of Islam. Shiism primarily distinguishes itself from Sunnism by the fact that the Sunnites believe that the Prophet did not appoint a successor and that the first Muslim calif, Abu Bakr, was elected by a council to be the successor of the Prophet. The major Sunni thinkers experimented for a while with a political doctrine founded on consensus (*ijmā*) and "those who loose and bind" (*ahl al-hall wa al-'aqd*), the doctrine which finds its origin in the pre-Islamic tribal Arab traditions.

This doctrine was later replaced by another, based on Persian-style hereditary monarchy. However, the dominant position of the majority of Sunnites gradually became recognition of the legitimacy of the de facto ruler regardless of the manner in which he has come to power, as long as he remained the defender of the Saving Faith and as long as he promoted the application of the divine law. For the Twelver Shiites, on the contrary, the only form of legitimate government was divine: For them, Ali, the cousin and son-in-law of the Prophet, is the divinely appointed successor of the Prophet. The Twelver Shiites also extend this doctrine to Ali's descendants, twelve in total, whom the Shiites believe possess special spiritual and political authority over the community, infallibility, and other divinely ordained traits. This view, however, creates a difficulty: The last Shiite imam, Mahdi, went into occultation in 941 CE, and therefore the Shiites have not had a divinely appointed leader for many centuries. This has brought about an ambiguity regarding the status of Islamic government during the Occultation for the Shiites. Who should form a government and implement the divine law in the absence of a divinely appointed imam?

Shiites were for several centuries a minority opposition group in the midst of a Sunnite majority and therefore lacked any real political power. Early historical sources seem to indicate that, due to their precarious situation, the early post-occultation Shiites combined two essential ideas. First, the denial of legitimacy of every government: the Shiites called all existing governments ungodly (*tāghut*) because they thought that in the absence of a divinely appointed imam, governments are ruled by ordinary fallible men without divine mandate.<sup>12</sup> Second, a quietist attitude towards government and abstention from political action: this attitude was based partly on the idea that until the return of the Hidden Imam and end of the Occultation, no just government can be established.<sup>13</sup> These two ideas created an obvious problem: what happens to the divine law in the absence of a legitimate government? Some Shiite scholars like Muhaqqiq al-Hilli (1205–77) went so far as to say that in the absence of the Hidden Imam many of the duties of the imam are suspended and the application of the punishments included in the divine law have lapsed.<sup>14</sup> In this perspective, only the return of the Hidden Imam at the End of Time brings about the possibility of a legitimate Islamic government and the implementation of the divine law. But this solution is anything but satisfactory: what remains of Islam, if its sharia lapses? Considering this obvious problem, it is not surprising that some Shiites tried to distinguish between different divine injunctions and recommended the application of some of the divine laws during the Occultation while letting others lapse. This ambiguity lasted until the beginning of the sixteenth century.

---

<sup>12</sup>Al-Hilli, *Tadhkirat al-Fuqahā*, 9:393–8; Al-Āmoli, *Wasā'il al-shī'a*, 15:55–6.

<sup>13</sup>The quietist attitude apparently existed even in the pre-occultation period, as it is reported that the Sixth Imam, originator of much of Shi'ite doctrines, asked his followers to abstain from every political action, even going so far as prohibiting purely verbal dispute with the opponents. Al-Āmoli, *Wasā'il al-shī'a*, 6:xxii.

<sup>14</sup>Al-Hilli, *Sharāyī' al-Islām*, 1:341–2.

With the establishment of the Shiite Safavid dynasty (1501–1725) the situation changed slightly and the denial of legitimacy became partially obscured by the fact that the Safavids, as a Shiite dynasty, encouraged Shiism and appointed Shiite authorities and clerics as judges in different cities and provinces. Under the Safavids, the courts presided over by the ulama (religious scholars and jurists), called *sharʿ* courts, existed side-by-side with the courts controlled by the secular government, the so-called *urf* courts. This created a dual judicial system in Iran which remained practically intact until the introduction of the first Civil Code in the twentieth century.<sup>15</sup> During the Safavid era, facing new political realities, Shiite scholars began to rethink the basis of their political doctrine. The prominent view of the ulama during the reign of the Safavids was that jurists should rule in religious matters and secular rulers should rule in secular matters. In other words, during the reign of the Safavids the ulama began to recognize the legitimacy of the secular powers and created a dual system of rule. In this period, we also begin to observe a marginal trend among a few Shiite jurists like Muhaqqiq Karaki (1464–1533) who argue for the extension of the rule of jurists to include secular matters.<sup>16</sup> In any event, Karaki's position remained ambiguous on its own, and the Safavids were too powerful to enable the Shiite jurists to put even most of their modest claims into practice, especially since the Safavid dynasty claimed its legitimacy not from the Shiite jurists but from the descent of its rulers from the Seventh Shiite Imam. Furthermore, due to the overwhelming power of the Safavid state, the ulama had to accommodate the religious pretensions of the Safavid kings, characteristic of *gholuw*, whose claims are deemed in contradiction with the orthodox beliefs of the Twelver Shiism.

The fact of the Safavid period is the domination of the ulama by the kings. But the fall of the Safavids weakened the power of the secular government and, after a period of instability, the Qajar dynasty came to power. The Qajars (1789–1925) were particularly weak from the point of view of religious legitimacy, as they did not have the religious pretensions of the Safavids and could not claim any kind of divine legitimacy. It seems that for this reason the Qajars constantly sought the favor of the ulama and cultivated their goodwill; this practice encouraged the ulama's remarkable assertiveness during this period. The government loosened its domination over them and increased their power to a considerable degree. A perfect example of this trend is when Abbas Mirza, the crown prince and the son of Fath-Ali Shah, asked for permission from the ulama to fight the Russians (1804–13), thus recognizing their authority in giving legitimacy to the rulers. Among the ulama who gave religious rulings to the effect that the war against the Russians was obligatory and even a kind of holy war (*jihad*) was Mulla Ahmad Narāqi (1772–1829), the crucial figure for understanding the future transformations of the Shiites' political thought.<sup>17</sup> A few years before, Narāqi, upon his return from Najaf to Iran, had expelled the shah's appointed oppressive

<sup>15</sup>Greenfield, "Die geistlichen Schiagerichte in Persien und die moderne Gesetzgebung," 157–8; Floor, "The Secular Judicial System in Safavid Persia," 11.

<sup>16</sup>Karaki, *Rasā'il al-Muhaqqiq al-Karaki*, 1:142–3.

<sup>17</sup>E'temād al-Saltaneh, *Tārikh-e Muntazam-e Nāseri*, 3:1493.

governor from the city of Kashan on his own initiative. In response to the shah's angry reaction, Narāqi went so far as to call the shah an oppressive tyrant. The shah, apparently to avoid further accusations, freed Narāqi from prison and appointed a new governor in accordance with the jurist's wishes.<sup>18</sup> It is therefore not surprising that the same Narāqi is the first theorist of the doctrine of the "guardianship of the jurist" (*Wilāyat-e Faqih*) in its extensive sense, and that he is the first jurist who considers management of the secular affairs of the people one of the duties of the jurists. Narāqi, founding his argument especially on a famous Islamic tradition called Maqbula of Umar ibn Hanzala, is the real originator of the doctrine, according to which the power of the ulama extends over secular matters and that secular authorities must ask for permission from the Shiite jurists even in this domain.<sup>19</sup> However, Narāqi does not go so far as to seek the direct rule of the Muslim jurists over secular matters; it seems that he only expected some kind of submission from the rulers and demanded supervision by the jurists over secular matters.

During the early twentieth century Persian Constitutional Movement, several other political doctrines were formulated by jurists like Muhammad Kāzim Khorāsāni (1839–1911)<sup>20</sup> and Muhammad Hossein Nā'ini (1860–1936).<sup>21</sup> However, from the middle of the Qajar period until Khomeini's reflections on the political aspects of Shiism, the dual-power doctrine of the Safavid era and some form of supervision of the Shiite jurists over secular government remained the dominant political doctrines of the ulama. It seems that due to two factors, the situation remained stable for some time: first, the experience of the ulama during their intervention in the Constitutional Movement (1905–11) showed that they have little to gain from a modernist regime. All that the Constitutionals were ready to accept was the institutionalization of the supervision of the ulama over parliamentary legislation—and, as was mentioned, this type of supervision was already the *de facto* situation under the Qajars. Second, the modernizing regime of Reza Shah Pahlavi, which had effectively come to power after the 1921 coup and reigned from 1925, vacillated from goodwill towards the ulama in the early years towards a wholesale attack on the basis of their power. The latter movement weakened the power of the ulama and made any effort for increasing the role of the Muslim jurists in politics unrealistic. But the exclusion of the ulama from politics in the Pahlavi period also prepared the way for Khomeini's political thought and his theoretical innovation.

### *Khomeini's Political Vision*

Khomeini's political doctrine can be described as a reaction to the gradual decline in the power of the ulama in politics during the rule of the Pahlavi dynasty. This decline

---

<sup>18</sup> Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*, 57.

<sup>19</sup> Narāqi, *Wilāyat al-faqih: bahth min kitāb 'avāyed al-ayyām*.

<sup>20</sup> For a collection of his political writings see Khorāsani, *Siyasatnameh-e Khorāsani*.

<sup>21</sup> Nā'ini, *Tanbih al-umma wa tanzih al-milla*. For an English translation see "Exhortation of the Faithful and Purification of the Nation."



is above all reflected in the modernization of the judicial system under the reign of Reza Shah, which also continued under his son. As was explained, the Safavids appointed the ulama as regional judges, but under the Qajar dynasty, judges became quite independent. The working law of the courts presided over by the ulama was the Islamic law, sharia. This situation continued even after the Constitutional Revolution of 1905–11, and for the first two decades of the twentieth century all the judges were mullahs in clerical garb who had a good knowledge of Shiite jurisprudence. There was no real civil law; judges would just apply the sharia in court. Under the Pahlavi dynasty the situation began to change. Gradually the religious courts were closed, and the civil law replaced the religious law in the judicial system. The new civil law of 1928 abolished the requirement to know Islamic law—the requirement which automatically limited the choice of judges to Shiite clerics. After the reform, the university-trained judges and judicial staff started to replace the ulama and the madrasa-educated judges.<sup>22</sup> Furthermore, many of the traditional functions of the clerics, including marriage and land registration, were also transferred to civil functionaries and secular authorities. The secularization of Iranian society did not stop there: in 1962–63 attempts were made by the government and the shah to extend the right to vote to women and also to allow candidates for election to take the oath of office with a “Holy Book” instead of specifically the Quran. These measures were criticized by some of the clergy for being incompatible with the injunctions of the sharia. The fact that the objections of the clerics to these changes were ignored and even repressed shows the gradual process of secularization of Iranian society and laws in this period and the gradual decline of the power of the clergy.<sup>23</sup> Consequently, the old social contract between the king, who was supposed to rule over secular matters, and the ulama, who were responsible for religious matters, especially the application of sharia, broke down. The Iranian government was beginning to take decisive steps towards a secular state, which only implemented secular laws, and consequently the sharia lapsed. It is in this context, and as a *reaction* to this modernizing trend, that Khomeini appeared on the scene, and this is why he again spoke about the necessity of the implementation of Islamic law.

Khomeini’s view of politics shifted with changing political circumstances; it is therefore important to distinguish between three versions of his political doctrine. The first version is most accessible in the book entitled *The Unveiling of Secrets* (*Kashf al-Asrār*), published circa 1943. In this book, Khomeini still adheres to the principles of the Constitutional Revolution; he does not recommend the direct rule of the Shiite jurists, but only their supervision over parliamentary legislation.<sup>24</sup> This form of supervision is an institutionalized version of the *de facto* situation under the Qajars, and therefore one can conclude that in this book, Khomeini has not fundamentally gone beyond the traditional Shiite understanding of political power. However, one must also bear in mind that Khomeini explicitly speaks about

<sup>22</sup>Floor, “Judicial and Legal Systems *v.* Judicial System in the 20th Century.”

<sup>23</sup>For a good summary of these events see Moin, *Khomeini: Life of the Ayatollah*, 92–128.

<sup>24</sup>Khomeini, *Kashf al-Asrār*, 223, 233.

“Islamic Government” and seems eager to go beyond that traditional understanding.<sup>25</sup> But the major turn in Khomeini’s thought happened in the second version of his political doctrine, presented above all in “Governance of the Jurist” or “Islamic Government,” a short work published in 1970.<sup>26</sup> The book is in fact the transcript of Khomeini’s lectures in Najaf, Iraq, where he was living in exile since his 1964 clash with the shah. In this book, Khomeini begins with the fundamental principle mentioned above: Islam is a religion of law, and the Prophet’s mission above all was to bring God’s laws to human beings. Khomeini argues on the basis of rational arguments (*‘aqli*) that it is not enough simply to bring laws and to expound them, as laws without being applied are worthless. The *raison d’être* of laws is to be implemented, put into action, and observed. Laws must be executed, and there must be someone to execute them. Islam would be a deficient religion if it did not also provide for the execution of sharia. This did not pose any problem during the lifetime of the Prophet, as he was also a ruler who executed the divine laws. But what about the time after the Prophet? Khomeini, following the standard Shiite view, believes that it would be absurd to say that the Prophet did not appoint a successor to implement the Islamic law, because that would mean that the Prophet failed to complete his mission. The Prophet must have designated a successor to continue the implementation and execution of the law. These successors are obviously the twelve divinely appointed imams. Khomeini also argues that the designation of successors of the Prophet implicitly shows the necessity of a government founded on Islamic law.<sup>27</sup> In other words, the existence of the divine law itself amounts to proof of the necessity of Islamic government for the implementation of the law which Khomeini believes is attested in the prophetic tradition. But what about the time of the occultation? Khomeini claims that Islamic laws are permanent and must be implemented to the End of Time. Therefore, continuation of Islamic government is necessary even after the occultation of the last imam. But who should rule in place of the Hidden Imam? Khomeini reasons that as the Islamic government is the government of the Islamic law, the ruler of Islamic government must be knowledgeable about Islamic law. He must have perfect knowledge of the law to be able to apply all its provisions properly. Khomeini therefore concludes that such a person cannot be anyone except the Islamic jurist or *faqih*.<sup>28</sup> Khomeini next begins to provide traditional arguments (*naqli*) for his thesis—arguments which are based on Islamic traditions (*hadith*) and the Qur’an. The most important traditional argument according to Khomeini is the Maqbula of ‘Umar ibn Hanzala, mentioned above: in this tradition, Umar narrates that he asked Imam Sadiq whether it was permissible for the Shiites to seek the verdict of the ruler or the judge of their time. Imam Sadiq replied that such a recourse is forbidden. Umar asked what they should then do instead and the imam answered: “They must seek out one of you who narrates our tradition, who is versed in what is permissible and what is

---

<sup>25</sup>Ibid., 258.

<sup>26</sup>Khomeini, *Governance of the Jurist*.

<sup>27</sup>Ibid., 19.

<sup>28</sup>Ibid., 32.

forbidden, who is well acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as judge over you.”<sup>29</sup> Khomeini, like Narāqi before him, interprets this tradition as the basis of the sovereignty of the Shiite jurists. He believes that according to this tradition, the Sixth Imam designated the Shiite jurists to represent the Hidden Imam to exercise the functions of *both* government and judgeship, and thereby Khomeini argues for the government of the Shiite jurists. This political doctrine became the theoretical foundation of the Islamic Republic and was implemented after the Islamic Revolution of 1979.

However, the Revolution did not stop the evolution of Khomeini’s thought. The new Islamic regime was designed to implement Islamic law. But Islamic law must be supplemented to account for the complexities of modern social life.<sup>30</sup> In other words: there was also a need for secular civil laws. This need was admitted, but on the condition that such laws remain compatible with Islam and the divine ordinances of sharia. An important institution, namely the Guardian Council of the Constitution, was therefore charged with the responsibility of ensuring compatibility between the laws passed by the parliament and sharia. The most important members of this council are six Shiite jurists who approve or reject the promulgated laws based on their compatibility with Islam and sharia. However, this same institution provided the context for a major development in Khomeini’s political thought and the birth of his third doctrine. The development showed itself in full force in December 1987, when the leftist minister of labor, Abolq̄hāsem Sarhaddizādeh, asked Khomeini what should be the proper relation between the state and the private sector, and whether the government can impose conditions on the relationship between private businesses, employees, and customers; in other words, Sarhaddizādeh was inquiring about the religious status of classic socialist policies.<sup>31</sup> In reply, Khomeini declared that it was legitimate for the government to impose conditions on the operation of private businesses. In response to Khomeini’s judgment, Lotfollāh Sāfi Golpāygāni, the traditionalist secretary of the Guardian Council and a well-known Shiite jurist, questioned Khomeini’s response and claimed that such conditions are incompatible with some well-known provisions of sharia and Shiite jurisprudence. In response, Khomeini restated his commitment to the Guardian Council, but confirmed that the state was entitled to make demands on the private sector. To understand the controversy, one must bear in mind that Khomeini’s response would mean that Islamic government can act contrary to some well-known provisions of Islamic law which protect private property and individual rights related to labor (e.g. wages and prices). It is therefore not surprising that the Guardian Council, which is charged with the responsibility of ensuring the compatibility of the laws and government action with sharia, felt uneasy about Khomeini’s response to the inquiry of the Minister of Labor.

---

<sup>29</sup>Ibid., 56.

<sup>30</sup>See *ibid.*, 9.

<sup>31</sup>Ashraf, “Charisma, Theocracy, and Men of Power in Postrevolutionary Iran,” 132.

The sentiment about Khomeini's theoretical turn was also shared by other members of the regime: a few weeks later, during a Friday prayer sermon, President Ayatollah Khamenei tried to give a moderate interpretation of Khomeini's letter, claiming Khomeini believed that, although the state has considerable powers, its actions are still limited by Islamic law. The importance of this question for Khomeini led him to send a public letter to Khamenei the next day. In this letter, which marks the most important turn in Khomeini's political doctrine and describes the dimensions of state power and its prerogatives, he claimed that Khamenei had misunderstood his decree; that his new conception of government power was equivalent to "the sovereignty which was bestowed on the most noble Prophet by God." In this regard, Khomeini writes, government "is the most important part of God's ordinances." He goes so far as to say that government "has precedence over all divine sharia ordinances." In other words, Khomeini denies Khamenei's comprehension of his political doctrine, according to which "the government is empowered to act only within the framework of the divine ordinances." Government, according to Khomeini, "is among the primary ordinances of Islam, and has precedence over all secondary ordinances, even over prayer, fasting, and pilgrimage." Government is so fundamental to Islam that, according to Khomeini, Islamic government has the power to revoke any sharia agreement when those agreements are contrary to "the interests of the country or of Islam." Government can even act to prevent a religious act, such as the annual pilgrimage to Mecca, if the performance of that act runs counter to "the interest of Islam" or "the interests of an Islamic country." Khomeini also mentions several other traditional injunctions of sharia that some have considered incompatible with his political doctrine and makes it clear that, even if such contradictions exist, the government retains the right to disregard them.<sup>32</sup>

In his letter, Khomeini gives unprecedented powers to the ruling jurist, but at the same time weakens the religious character of the Islamic Republic.<sup>33</sup> What Khomeini is saying in the letter is that the rule of the jurist in the Islamic state is *absolute*. It is in no way limited, even by Islamic law. While in the 1970s Khomeini claimed that "The law of Islam, divine command, has absolute authority over all individuals and the Islamic government" and that this authority "will remain so for all eternity,"<sup>34</sup> in his new doctrine he argued that the Shiite jurist ruling over the Islamic regime can abrogate the Islamic laws if he believes that the implementation of those laws is incompatible with the interests of Islam or the country. It is also highly significant that Khomeini considers government and politics among the primary ordinances, and superior over even traditional religious laws. Through this new perspective on the relationship between politics and sharia, Khomeini managed to remove the constraints imposed on the state that once forced it to remain in the traditional boundaries of sharia. This idea became the famous doctrine of the absolute guardianship of the jurist (*velāyat-e motlaq-e faqih*), the final political doctrine of Khomeini.

---

<sup>32</sup>Khomeini, *Sahifeh-ye Eimām*, 20:426–7.

<sup>33</sup>Moslem, *Factional Politics in Post-Khomeini Iran*, 74.

<sup>34</sup>Khomeini, *Governance of the Jurist*, 29.

Khomeini's idea of taking expediency and the interests of the country into account while implementing Islamic law was also reflected in the formation of the Expediency Discretion Council as a major institution in the Islamic Republic. The duty of this council, as stipulated in the revised Constitution of the Islamic Republic, is to resolve disputes between the parliament and the Guardian Council based on what is "expedient." To reiterate: some of these disputes occur because the Guardian Council might reject a law passed by the parliament as incompatible with sharia. In other words, Khomeini transferred a part of the jurist's prerogative in deciding which injunctions of sharia should be abrogated to the Expediency Council. It is also significant that the members of this council do not have to be Shiite jurists, let alone recognized religious authorities; historically, experienced politicians, former presidents and ministers have been selected by the Supreme Leader of the Islamic Republic as members of the Expediency Council. This follows the general tendency of Khomeini's political thought in the last years of his life: in 1989, Khomeini established a Constitutional Review Council to revise the 1979 Constitution and instructed the council in a letter to drop the requirement of religious authority (*marja'iyat*) for the position of leadership. Khomeini argued that it suffices for the Supreme Leader to be a Shiite jurist, and claimed that the most crucial qualification is his political standing and experience, which are necessary for ruling over and defending the Islamic Republic.<sup>35</sup> In other words, we observe the increasing weight of political considerations at the expense of religious considerations. The more that national interests gained weight in Khomeini's thought, the more religious qualifications became secondary.

### *Modern State and Absolutism*

It is difficult to overestimate the importance of Khomeini's new doctrine for Shiite political thought. We are here confronted with a prominent Shiite jurist, the supreme religious authority for his followers, who formulates a doctrine which has important parallels with the formation of modern political thought in the west. The point of contact between Khomeini's doctrine and early modern political thought is its absolutism. The emergence of the modern state in Europe is tightly connected with and was made possible by absolutism. In this view, absolute rule is an important transitional step from the premodern state to the modern secular state. However, historians often look at absolutism exclusively as a reaction to medieval feudalism. In this perspective, the emergence of the absolute state is primarily the process of the absorption of smaller and weaker political units into larger and stronger ones. The absolute state is the state capable of ruling over a unified territorial area unchecked by feudal lords and regional rulers.<sup>36</sup> However, what is sometimes over-

<sup>35</sup>Majles-e Showrā-ye Eslāmi, *Surat-e Mashruh-e Mozākerāt-e Showrā-ye Bāznegari-e Qānun-e Asāsi-e Jomhuri-e Eslāmi-e Iran*, 1:58.

<sup>36</sup>Held, "The Development of the Modern State," 83; Poggi, *The Development of the Modern State*, 60–1; Wilson, *Absolutism in Central Europe*, 1; Clark, *The Seventeenth Century*, 91–3. For the state of debate see Sommerville, "Early Modern Absolutism in Practice and Theory," 117–30; Cuttita, "A Thing or Two about Absolutism and Its Historiography."

looked in these accounts of European absolutism is the role played by religion. One of the objectives of the theorists of absolutism was also to reduce the power of religion and its domination over human life. The premodern political regimes were built upon multiple sites and sources of power, the religious authorities being one of the most important ones. During the medieval and early modern period, the kings were confronted by different churches and sects that claimed the right to interfere in the body politic and acted as rival centers of authority. For the state to become truly sovereign, independent from all other authorities, the absolute state was therefore theorized: the state which subjected religion, rose above religious opinions, and decided what religious opinions would be accepted.<sup>37</sup> One can see this clearly in Thomas Hobbes' political doctrine; according to him, the only effective regime is the one that possesses all "essential rights of sovereignty." Hobbes argued that to surrender these essential rights to different bodies is a recipe for political instability and civil war. On the religious plane, if each believer, or the individual followers of a church or sect are to decide for themselves whether some specific command of the sovereign should be obeyed, the factional conflicts would destroy the body politic. Hobbes saw the conflict between obeying God and the human sovereign as one of the major pretexts of sedition.<sup>38</sup> This conflict gives birth to the "pernicious" doctrine of double authority that Hobbes found dangerous for the stability of the political order.<sup>39</sup> Hobbes also observed that the opinions people hold are decisive for what they do, and therefore for him no sovereign regime can be wholly indifferent to the society's opinions. One of the most important type of opinion is of course about religion. It is therefore not surprising that Hobbes made his sovereign the judge of what religious opinions and doctrines should be promoted.<sup>40</sup> Hobbes believed that to avoid the prospect of return to the state of nature, the sovereign must have absolute authority. Absolutism was an essential instrument for liberating the state from the limitations imposed by religious authorities. An absolute state can set down its own policies without being bound by external limitations. These limitations are not only those imposed by independent religious authorities such as churches; the religion itself can also limit the power of the magistrate when it demands that political decisions should be in accord with religious considerations.

A comparable struggle for power between religious authorities and secular rulers can also be observed in the history of Shiism and the conflict of the kings and the ulama. With the Islamic Revolution, the ulama defeated the kings and became the rulers of the Iranian regime. However, the possibility of conflict between religious authorities and government remained intact. In traditional Shiism, the authority of different Shiite authorities (*marāḡe*) for their followers is recognized. This obviously is incompatible with the requirements of a sovereign state, as different interpretations of sharia can interfere with the uniform implementation of the law necessary for a functioning

---

<sup>37</sup>Manent, *Metamorphoses of the City*, 320.

<sup>38</sup>*Leviathan*, 43, beginning.

<sup>39</sup>*Ibid.*, 29, para. 15.

<sup>40</sup>*Ibid.*, 18, para. 9 and 23, para. 6.



modern state. Interestingly, the most basic cause of conflict after the 1979 Revolution has been the doctrine of the absolute guardianship of the jurist itself. It is a doctrine held by few religious authorities, although some have tried to advertise that this doctrine is not an innovative idea but in fact the traditional political doctrine of Shiite Islam.<sup>41</sup>

The history of the Islamic Republic of Iran shows the possibility of conflicts between religious authorities and the Iranian regime. In many instances, different religious authorities have different interpretations of the Islamic law and its injunctions. Sometimes these interpretations are less permissive than the official one. For instance, since the 1979 Revolution there has been a considerable increase in the number of university-educated women. This increase has contributed to the presence of women in different sections of the Iranian economy, as well as government bureaucracy, administration and even parliament. Many women occupy senior positions in the administration, though there has been heavy resistance to appointing women to the highest ranks of the administration and government. For instance, the traditional religious authorities have strongly opposed the appointment of female ministers, as well as the idea of women candidates in presidential elections. While several Iranian presidents have shown their willingness to appoint women to these posts, they have always met with resistance from more conservative religious authorities, who look at the possibility of women exercising *vilāyat* over men, i.e. "to have power over" men, as incompatible with the Islamic law. The same problem exists for members of minority religious groups, who are sometimes proposed for senior administrative posts by the government or are elected to city councils *after* being qualified by government officials; on the basis of the same traditional arguments, some resist the appointment of these individuals because of their non-Shiite religious affiliations. Other religious authorities resist some forms of civil liberties recognized by the government and ask for stricter supervision of morality. It often happens that a religious authority in his sermons asks the government to react to some practice, event, or action because he believes it is incompatible with Islamic law. For instance, music concerts and other cultural events are sometimes cancelled due to pressure from local religious authorities, and for the same reason government officials sometimes revoke the authorization given to artists. Movies which have been permitted by state officials are sometimes denied projection, books are put out of circulation, and TV shows are cancelled because of the opinion of some religious scholar who has found them objectionable. Already in the first version of his political doctrine, Khomeini recognized the possibility of this kind of conflict between different interpretations of the Islamic law by different religious authorities, but it seems that he underestimated its importance.<sup>42</sup>

---

<sup>41</sup>The best contemporary example is Ayatollah Sistani, the Shi'ite authority for most Iraqi Shi'ites, who like many other Shi'ite religious authorities does not adhere to this doctrine and has consistently avoided interfering in political affairs. See Nasr, *The Shia Revival*, 173.

<sup>42</sup>Khomeini, *Governance of the Jurist*, 56, 76. Already in his 1983 paper on Khomeini's political doctrine, Hamid Enayat observed the contradiction between Khomeini's political regime and plurality of religious authorities in traditional Shii jurisprudence: Enayat, "Iran: Khomeini's Concept of the 'Guardianship of the Jurisconsult'," 172. This contradiction was later on resolved by the absolutist turn in Khomeini's doctrine. See also the remarks by Ayatollah Mohammad Yazdi during the discussions

One must also bear in mind that there is another, more fundamental type of conflict: that between the requirements of politics and religious law. In other words, the conflict of authorities is reproduced on another level: in the history of Islamic Republic sharia itself proved to be a limitation on the jurist's sovereign power and incompatible with a truly sovereign modern state. Sharia and its injunctions limit the range of policies available to politicians: sometimes it happens that following a prescription of the Islamic law leads to negative economic, political, or social effects. For instance, the Hajj, or annual pilgrimage to Mecca, is a mandatory religious duty for Muslims who can afford it. However, the tumultuous political relationship between Iran and Saudi Arabia has made this religious duty a controversial issue: what if the performance of the obligatory pilgrimage conflicts with national interests and the state's foreign policy? Such examples can be multiplied by many more: the economic burden of the religious holidays, the adverse effects of the obligatory *hijāb* (veil) on the tourist industry, the incompatibility of modern banking with the prohibition of usury in Islamic law, and so on. This conflict between Islamic law and the requirements of political policy leads to the idea that the sovereign must be able to override and ignore Islamic law in the case of conflict between what he believes to be a wise policy and some of the prescriptions of the divine law. In other words, it is necessary to liberate Islamic government from the limits imposed by sharia and to make the jurist truly sovereign and absolute. This is why although before the 1979 Revolution Khomeini argued that Islamic government is necessary for the implementation of the divine law, in his new doctrine the whole of the system was reversed, and sharia became secondary to make the absolute rule of the jurist possible. The ruling jurist could now abrogate the divine law in case of a conflict between the national interest and "interests of Islam" on the one hand, and the precepts of the divine law on the other.

One might argue that the conflict between the divine law and the requirements of politics seems to be specific to Islam and does not have a parallel in Christianity. This is because, properly speaking, there is no Christian law—and, needless to say, canon law is not comparable with sharia. When Thomas Hobbes argued for the necessity of absolute sovereignty, it was primarily because he looked at the conflict between different authorities as the cause of political instability and civil war. However, Hobbes was also aware that the source of religious power resides in religious texts. This is why he not only recognizes the absolute authority of the sovereign regarding what religious doctrines are fit to be taught to the subjects, but also gives authority to interpret the Bible exclusively to the sovereign. The same thought can be seen in Khomeini's absolutism: the sovereign jurist is the one who decides which divine injunctions must be followed and which are to be prohibited. As a jurist, whose job is above all interpretation of the divine law from the Quran and hadith, he is also the official interpreter of sacred texts, and his interpretation has precedence over that of other jurists. Furthermore, as the ulama represent the

---

of the council for the revision of the constitution in 1989: *Majles-e Showrā-ye Eslāmi, Surat-e Mashruh-e Mozākerāt-e Showrā-ye Bāznegari-ye Qānun-e Asāsi-ye Jomhuri-ye Eslāmi-ye Iran*, 1:181.



Islamic law, in the end the conflict between the Islamic law and the requirements of politics is always in practice a conflict between the ulama and the government. Hobbes' categorical denial of recognizing any independent power or function for clerics apart from what the sovereign designated for them is close to Khomeini's absolutism.<sup>43</sup>

*Arbitrary Rule or a Self-Secularizing Religious State?*

The absolutist turn in Khomeini's political doctrine has not escaped the notice of other observers. However, perhaps unsurprisingly, the reactions to the absolutist character of this doctrine have been in general negative.<sup>44</sup> These negative reactions have two major sources: the first is a lack of attention to the parallelism that exists between Khomeini's absolutism and the history of Western political thought, the parallelism which I have tried to bring to the fore. The second source of these negative reactions is a legitimate debate about the desirability of Khomeini's absolutist political regime: as Katouzian puts it, "what [is] the difference between this [regime] and traditional arbitrary rule?"<sup>45</sup> Now, in dealing with this question, one must first bear in mind that the traditional arbitrary rule in Muslim lands is best described by what Wael B. Hallaq calls "sultanic executive." Even though such a regime had a large latitude of action, it was in principle limited and bound by a sovereign will outside of and higher than itself, namely the Islamic Law.<sup>46</sup> In this regime the true sovereign is God who rules human beings through its divine law—and this contrary to the modern states in which the state is sovereign:

Whereas the modern state rules over and regulates its religious institutions, rendering them subservient to its legal will, the Shari'a rules over and regulates, directly or through delegation, any and all secular institutions. If these institutions are secular or deal with the secular, they do so under the supervising and overarching moral will that is the Shari'a. Therefore, any political form or political (or social or economic) institution is ultimately subordinate to the Shari'a, including the executive and judicial powers.<sup>47</sup>

It is on this basis that Hallaq rightly calls the Islamic State an "impossible state." We should therefore say that Khomeini's ideal regime exercises an arbitrary type of rule,

---

<sup>43</sup>*Leviathan*, 39, end.

<sup>44</sup>This is also reflected in a statement by Ayatollah Sanei, a former high-ranking government official: in a gathering of pro-regime religious leaders dedicated to the discussion of the doctrine of the Absolute Guardianship of the Islamic Jurist, he asked whether this type of government is not a form of arbitrary rule. Homa Katouzian shows his agreement by likening the statement to hitting "the nail on the head." See Katouzian, *The Persians: Ancient, Mediaeval and Modern Iran*, 347–8. See also Mavani, "Khomeini Concept of Governance of the Jurisconsult (Wilayat al-Faqih) Revisited."

<sup>45</sup>Katouzian, *The Persians: Ancient, Mediaeval and Modern Iran*, 348.

<sup>46</sup>Hallaq, *The Impossible State*, 50, 52, 158.

<sup>47</sup>*Ibid.*, 51.

but it is not traditional.<sup>48</sup> It is modern in the sense that it is sovereign and absolute. But is such a modern absolutist regime desirable? The difficulty is that Khomeini's regime is modern, but it also tends to be arbitrary or more precisely "lawless": the last version of Khomeini's political doctrine leads to a government without law, where the sovereign power has liberated itself from all limitations to become truly absolute. The sovereign jurist of Khomeini's doctrine is empowered to suspend, modify or replace fundamental sharia laws whenever he judged them to be inexpedient or contrary to the interest of Islam and in such a regime there is properly speaking no law: its law is only the manifestation of the sovereign jurist's decision. And it has often been said that even bad laws are preferable to the absence of laws and that a decent free government should necessarily be limited. In other words, in such a regime Islam itself tends to become subject to arbitrary definition by whoever has happened to be in power.

In response to this legitimate concern one must be reminded of the fact that such difficulties and illiberal tendencies were also present in Western modern absolutism, which were amended by modern liberal thinkers. A comparable correction in the case of Shiite Islam is not impossible. What is above all necessary and absent in Khomeini's political doctrine is a decisive criterion, apart from the jurist's arbitrary decision, for resolving the conflict between the requirements of politics and religious law. We observed that in his famous letter, Khomeini shifts, often imperceptibly, from "the interests of the country" to "the interests of Islam" or "the interests of the Islamic country." The meaning of these terms must be clarified if they are to become concrete criteria for governmental action. In the case of Hobbes, for instance, the state is charged with safeguarding peace and the individual right to self-preservation, and it is on this basis that policies must ultimately be judged and controversies decided. In the case of Khomeini's doctrine, a possible solution for this problem can be found in two aspects of his doctrine: first, the interest of Iran as an overwhelmingly Shiite political entity can be said to coincide with the interests of Shiite Islam. Second, in his 1989 letter to the Constitutional Review Council, Khomeini mentions that the leader of the Islamic Republic will be "known and accepted by the majority of the people as the leader."<sup>49</sup> In other words, it seems that the will of the people is indeed recognized by Khomeini as an essential if not the ultimate criterion in the Islamic Republic. These vague directives, evidently insufficient in themselves, can become the foundations of a political regime in which the "interest of the Islamic country" is understood as what is expedient for the citizens and contributes to the common good.

One must here mention another reaction to the last version of Khomeini's political doctrine which is uniquely positive. In 1990s, Sa'id Hajjariān (1954–), one of the most

---

<sup>48</sup>In this regard one should say that the first version of Khomeini's political doctrine remained a type of premodern traditional regime lacking true sovereign power, because it was subordinate to the sharia and was bound by the sovereign will of the Islamic law.

<sup>49</sup>*Surat-e Mashrooh-e Mozakerat-e Shora-ye Baznegari-e Ghanoon-e Asasi-e Jomhoori-e Eslami-e Iran*, 1:58.

influential political and intellectual figures in post-revolutionary Iran, published a series of articles arguing that Khomeini's absolutist doctrine acts as an engine of secularization which can transform an essentially religious state to a secular regime.<sup>50</sup> By accepting expediency as the basis of governance, Hajjāriān claimed, Khomeini secularized the whole system of Shiite Islamic jurisprudence and by making changes to the system of Islamic Law he started the process of diminishing the religious content of the Islamic Republic. In this perspective, Khomeini's doctrine of the Absolute Guardianship of the Islamic Jurist, *unintentionally* and in a *counterintuitive* way, becomes an instrument of secularization and contributes to secularization of the religious state.<sup>51</sup> Although the concept of 'secularization' is perhaps not perfectly suitable for characterizing the process which Hajjāriān describes, one cannot deny the explanatory potential of Hajjāriān's observation. However, what diminishes the theoretical utility of his thesis is what one may call the Hegelian perspective through which he observes the absolutist turn in Khomeini's thought: in this perspective, Khomeini's absolutism is an instrument of the Hegelian "cunning of reason" which reason uses in an indirect and even sly manner to fulfill its own historical designs, in this case, foundation of a secularized political order<sup>52</sup>—however, because the idea of a Hegelian progressive march of history towards rationality (and secularization) has gone out of fashion, the fact that Khomeini's doctrine happens to lead to a secular regime turns out to be a "happy" coincidence. Hajjāriān's observation has many parallels in the writings of other scholars who also show an interest in the unintended or counterintuitive but modern, secular or progressive consequences of the establishment of the Islamic regime in Iran.<sup>53</sup> But this type of theorizing is particularly defective for the study of Khomeini's political thought because it tends to replace the consciousness of the political theorist with an enigmatic historical consciousness which uses political theorists and political actors for its own mysterious purposes and designs. Thus, the agency of the political theorist is effaced, and we are condemned to become mere observers of an unpredictable Heideggerian 'fate or destiny' (*Schicksal* and *Geschick*) which can reveal itself whenever and in whatever shape it desires.<sup>54</sup> In the case of Khomeini's absolutist doctrine, this thesis ignores the fact that it was through a conscious encounter with the requirements of a modern state that this transformation took place and only through a clear understanding of these necessities can this absolute state be transformed into a

---

<sup>50</sup>These articles were later republished in Hajjarian, *Az Shāhed-e Ghodsī ta Shāhed-e Bazari*.

<sup>51</sup>Hajjarian's thesis is discussed at length in Matsunaga, "The Secularization of a Faqih-Headed Revolutionary Islamic State of Iran."

<sup>52</sup>Hegel, *Lectures on the Philosophy of World History*, 33, 89.

<sup>53</sup>Because Khomeini's political ideas appeared as reactions to efforts by the Pahlavi regime to modernize the Iranian society, some have found it significant that in practice modernization is made possible through the foundation of the Islamic regime. For instance, see the discussion of the welfare state in Iran in Harris, *A Social Revolution*. Harris claims that the Islamic Republic successfully implemented welfare policies that created the grounds for the 1979 revolution. A comparable perspective can be found in Ghamari-Tabrizi, "The Divine, the People, and the Faqih," 211–39.

<sup>54</sup>"[T]he epochs suddenly spring up like sprouts. The epochs can never be derived from one another much less be placed on the track of an ongoing process." Heidegger, *The Principle of Reason*, 91.

representative government founded on an understanding of the common good. In other words, depicting Khomeini's doctrine of the Absolute Guardianship of the Islamic Jurist while abstracting from Khomeini's agency and his practical and conscious intentions blocks the way towards further revisions of the doctrine and reasonable discussion of its shortcomings and potentialities.

### *Conclusion*

Khomeini's absolutist doctrine is highly significant. Of course, it is not difficult to find secular thinkers who argue that the sharia should not be the basis of a modern government. However, such a judgment has no religious legitimacy, as it is pronounced by people who are not, from the point of view of the believers, qualified to make such judgments. But to have a highly qualified religious authority to defend such a position is significant, because it can potentially pave the way for a separation of religion and government *from the point of view of the believers*. In a society in which a considerable section of the population believes in the crucial importance of religion in all aspects of human life, especially in politics, any political doctrine which seeks to find a hearing must address or accommodates these common notions. In such a society, any political doctrine which radically excludes these preconceptions from its field of concerns will not be able to form the basis of a popular political regime. This idea also makes sense from the point of political thought in the West. As was mentioned at the beginning, in modern Western thought, the way towards the separation of church and state was prepared by a transformation within the religious view. The founding figures of modern political thought show a remarkable tendency to synthesize religious and secular arguments in their political systems, which some, insensitive to the religious complexities of the early modern period, might find perplexing or perhaps see as signs of deep confusion. The "Napoleonic strategy" of leaving the intimidating fortress of religion in the rear while pursuing a continued forward offensive is a constant temptation of the modern intellectual. However, the experience of pre-revolutionary Iran, as well as secular governments in other majority-Muslim countries, shows that disregarding religious preconceptions and beliefs is not tantamount to eliminating them; these beliefs merely await the opportunity to resurface and once again demand attention. In the absence of adequate solutions, and without appropriate intellectual instruments, one is destined to return to the past and constantly face the standing fortresses.

### *Bibliography*

- Al-Āmoli, Horr. *Wasā'il al-shī'a*. Qom: Ahl al-bayt, 1991.  
Algar, Hamid. *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*. Berkeley: University of California Press, 1969.  
Al-Hilli, Al-Allamah. *Tadhbkirat al-Fuqahā*. Qom: Ahl al-bayt, 1993.  
Al-Hilli, Muhaqqiq. Al-Hilli, *Sharāyī' al-Islām*. Beirut: Dār Maktabat al-Hayāh, 1969.  
Amanat, Abbas. "From Ijtihad to Wilayat-i Faqih: The Evolution of Shiite Legal Authority to Political Power." In *Shari'a: Islamic Law in Contemporary Context*, ed. Abbas Amanat and Frank Griffel, 120–36. Stanford, CA: Stanford University Press, 2007.

- Ashraf, Ahmad. "Charisma, Theocracy, and Men of Power in Postrevolutionary Iran." In *The Politics of Social Transformation in Afghanistan, Iran, and Pakistan*, ed. Myron Weiner and Ali Banuazizi, 101–51. Syracuse, NY: Syracuse University Press, 1994.
- Blumenberg, Hans. *The Legitimacy of the Modern Age*. Trans. Robert Wallace. Cambridge, MA: MIT Press, 1985.
- Clark, George. *The Seventeenth Century*, 2nd ed. Oxford: Oxford University Press, 1960.
- Cuttica, Cesare. "A Thing or Two about Absolutism and Its Historiography." *History of European Ideas* 39, no. 2 (2013): 287–300.
- Dabashi, Hamid. *Theology of Discontent: The Ideological Foundation of the Islamic Revolution in Iran*. New York: New York University Press, 1993.
- Dunn, John. *The Political Thought of John Locke: An Historical Account of the Argument of the "Two Treatises of Government"*. Cambridge: Cambridge University Press, 1982.
- Eʿtemād al-Saltaneh, Mirza Muhammad-Hasan Khān. *Tārikh-e Muntazam-e Nāseri*. Ed. M. E. Rezvāni. Tehran: Donyāy-e Ketāb, 1984–88.
- Enayat, Hamid. "Iran: Khomeini's Concept of the 'Guardianship of the Jurisconsult'." In *Islam in the Political Process*, ed. James P. Piscator, 160–80. Cambridge: Cambridge University Press, 1983.
- Floor, Willem. "Judicial and Legal Systems v. Judicial System in the 20th Century." *Encyclopedia Iranica*, XV/2: 204–15. <http://www.iranicaonline.org/articles/judicial-and-legal-systems-v-judicial-system-in-the-20th-century> (accessed February 12, 2017).
- Floor, Willem. "The Secular Judicial System in Safavid Persia." *Studia Iranica* 29, no. 1 (2000): 9–60.
- Ghamari-Tabrizi, Behrooz. "The Divine, the People, and the Faqih: On Khomeini's Theory of Sovereignty." In *A Critical Introduction to Khomeini*, ed. Arshin Adib-Moghaddam, 211–39. Cambridge: Cambridge University Press, 2014.
- Greenfield, James. "Die geistlichen Schiagerichte in Persien und die moderne Gesetzgebung." *Zeitschrift für vergleichende Rechtswissenschaft* 48 (1934): 157–67.
- Hajjāriān, Saʿīd. *Az Shāhed-e Qodsi ta Shāhed-e Bāzāri: ʿOrfi Shodan-e Din dar Sepehr-e Siyāsāt* [From the holy witness to the profane witness: the secularization of religion in the sphere of politics]. Tehran: Tarh-e No, 2001.
- Hallaq, Wael B. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. New York: Columbia University Press, 2013.
- Harris, Kevan. *A Social Revolution: Politics and the Welfare State in Iran*. Oakland: University of California Press, 2017.
- Hegel, Friedrich. *Lectures on the Philosophy of World History*. Trans. H. B. Nisbet. Cambridge: Cambridge University Press, 1975.
- Heidegger, Martin. *The Principle of Reason*. Trans. Reginald Lilly. Bloomington and Indianapolis: Indiana University Press, 1996.
- Held, David. "The Development of the Modern State." In *Formations of Modernity*, ed. S. Hail and B. Gieben, 71–119. Cambridge: Polity, 1992.
- Hobbes, Thomas. *Leviathan*. Ed. Richard Tuck. Cambridge: Cambridge University Press, 1991.
- Hossainzadeh, Nura. "Ruhollah Khomeini's Political Thought: Elements of Guardianship, Consent, and Representative Government." *Journal of Shi'a Islamic Studies* 7, no. 2 (2014): 129–50.
- Kadivar, Mohsen. "Qalamrow-e Hokumat-e Dini az Didgāh-e Imam Khomeini [The domain of Islamic state from the perspective of Ayatollah Khomeini]." In *Dagh-dagbeh hā-ye hokumat-e dini* [Anxieties of religious governance], 111–35. Tehran: Ney, 2000.
- Kadivar, Mohsen. "La Naissance du 'Souverain Juriste': Généalogie de la théorie de l'État shi'ite." *Les Temps Modernes* 683 (2015): 110–28.
- Kadivar, Mohsen. *Nazariyyeh-hā-ye dowlāt dar feqh-e shiʿe* [Theories of state in Islamic Shiite jurisprudence]. Tehran: Ney, 2001.
- Karaki, Muhaqqiq. *Rasāʾil al-Muhaqqiq al-Karaki*. Qom: Maktab Marʿashi, 1988.
- Katouzian, Homa. *The Persians: Ancient, Mediaeval and Modern Iran*. New Haven, CT: Yale University Press, 2009.

- Khomeini, Ruhollah. *Governance of the Jurist: Islamic Government*. Trans. Hamid Algar. Tehran: The Institute for Compilation and Publication of Imam Khomeini's Works, n.d.
- Khomeini, Ruhollah. *Sabīfēh-ye Eimām*. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works, 2008.
- Khomeini, Ruhollah. *Kashf al-Asrār*. Tehran: n.p., 1943.
- Khorasani, Muhammad Kazim. *Siyāsatnāmeḥ-e Khorāsāni*, Ed. Mohsen Kadivar. Tehran: Kavir, 2006.
- Locke, John. *Two Treatises on Government*. Ed. Peter Laslett. Cambridge: Cambridge University Press, 2005.
- Machiavelli, Niccolò. *The Prince*. Trans. Harvey Mansfield. Chicago, IL: University of Chicago Press, 1998.
- Majles-e Showrā-ye Eslāmi, *Surat-e Mashruh-e Mozākerāt-e Showrā-ye Bāznegari-e Qānun-e Asāsi-e Jomhuri-e Eslāmi-e Iran* [The minutes of the Islamic Republic of Iran Constitution Review Council]. Tehran, 1990.
- Manent, Pierre. *Metamorphoses of the City*. Trans. Marc Lepain. Cambridge, MA: Harvard University Press, 2013.
- Martin, Vanessa. *Creating an Islamic State: Khomeini and the Making of a New Iran*. London: Tauris, 2000.
- Martinich, A. P. *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics*. Cambridge: Cambridge University Press, 2003.
- Matsunaga, Yasuyuki. "The Secularization of a Faqih-Headed Revolutionary Islamic State of Iran: Its Mechanisms, Processes, and Prospects." *Comparative Studies of South Asia, Africa and the Middle East* 29, no. 3 (2009): 468–482.
- Mavani, Hamid. "Analysis of Khomeini's Proofs for al-Wilaya al-Mutlaqa (Comprehensive Authority) of the Jurist." In *The Most Learned of the Shi'a: The Institution of the Marja' al-Taqlid*, ed. Linda S. Walbridge, 183–210. New York: Oxford University Press, 2001.
- Mavani, Hamid. "Khomeini Concept of Governance of the Jurisconsult (Wilayat al-Faqih) Revisited: The Aftermath of Iran's 2009 Presidential Election." *Middle East Journal* 67, no. 2 (2013): 207–28.
- Moin, Baqer. *Khomeini: Life of the Ayatollah*. London: I. B. Tauris, 1999.
- Moslem, Mehdi. *Factional Politics in Post-Khomeini Iran*. Syracuse, NY: Syracuse University Press, 2002.
- Nā'ini, Mohammad Hussein. "Exhortation of the Faithful and Purification of the Nation or Islam's View Concerning the Nature of Government." Trans. Mahmoud Sadri. In *Modernist Islam: A Sourcebook*, ed. Charles Kurzman, 116–26. New York: Oxford University Press, 2002.
- Nā'ini, Muhammad Hossein. *Tanbih al-umma wa tanzih al-milla*. Ed. Mahmoud Taleqani. Tehran: Amirkabir, 1980.
- Narāqi, Mulla Ahmad. *Wilāyat al-faqih: baths min kitāb 'avāyēd al-ayyām*. Qom: Sāzmān-e Tablighāt-e Islam-i, 1989.
- Nasr, Vali. *The Shia Revival: How Conflicts within Islam Will Shape the Future*. New York: Norton, 2006.
- Poggi, Gianfranco. *The Development of the Modern State*. London: Hutchinson, 1978.
- Schmitt, Carl. *Political Theology*. Trans. George Schwab. Chicago, IL: University of Chicago Press, 2005.
- Sommerville, J. P. "Early Modern Absolutism in Practice and Theory." In *Monarchism and Absolutism in Early Modern Europe*, ed. Cesare Cuttica and Glenn Burgess, 117–30. London: Routledge, 2012.
- Wilson, Peter H. *Absolutism in Central Europe*. London: Routledge, 2000.