

What Is an Ideal Islamic Government? Transformation of Ayatollah Khomeini's Governmental Theory

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Abstract

Ayatollah Khomeini is famous for the theory of Islamic Government or Guardianship of the Jurists, and the Islamic Revolution. But his ever first political book known as “Kashf al Asrar” or “Revealing of the Secrets” written in 1940s shows that his politico-judicial opinion had been different before his exile to Iraq in 1960s and it, then, experienced a kind of radical change. In the current article, the researchers evaluate the main elements of Ayatollah's governmental theory, his desired model of government in each book and the fundamental differences from the first work to the second one. In addition, the researchers investigate the effects of his personal experiences as well as Shi'a main paradigm of political jurisprudence in formation, formulation, and transformation of his thoughts and the degree of compatibility of his thoughts with his predecessors. The research reveals that his main concern in “Kashf al Asrar” was answering to the question that how should we govern, and then in Islamic Government he puts the question of, who should govern and what characteristics such a person should obtain in advance. These kinds of questions, in each book, were the result of a different juridical paradigm of thoughts that he had adopted.

Keywords: ayatollah khomeini, kashf al asrar, Islamic Government, shi'a political jurisprudence, jurist political guardianship, necessity of Islamic Government

1. Introduction

Ayatollah Khomeini is well known by the theory of “Governance of the Jurists” which first introduced by the great jurist of early Safavid time, Mohaqqueq Karaki, and later received a lot of attention by a number of jurists in Qajar era such as Mulla Ahmad Naraqi and Mohammad Husain Najafi. Neither majority of the clergymen nor juridical-political atmosphere welcomed the theory, until the time of Islamic Revolution in 1979. The main body of Shi'a jurists in both Iran and Iraq were in favor of two different politico-judicial theories: “Islamic Kingship Theory” and “Theory of Constitutional Government with Designation and Permission of Jurists”. A careful deliberation in Ayatollah's first political book, Kashf al Asrar (Revealing of the Secrets) which has received less attention by researchers in comparison to the “Governance of the Jurist or Islamic Government” book, shows that his governmental thought experienced a fundamental transformation. The accepted model of government in Kashf al Asrar is different from what he presented in Islamic Government later, which he made it a base for the Islamic Revolution and a form of government about 37 years later. In the first book, he was mainly preoccupied with the accepting fundamental role of Sharia in the process of law making and running the country base on the justice. However, in the “Islamic Government,” the focal point of the discussion is the canonical right of Ulama in direct administration of the country.

Ayatollah wrote his ever first political book in about 1943. The book is a refutation to a series of attacks to fundamental principles of Islam and Shia's beliefs during the Reza Shah's reign. A careful deliberation in the book could give readers a comprehensive notion of Ayatollah's view toward Islam or at least an accepted model of government at the time, which is far from what he alleged in “Governance of the jurist or Islamic Government” and apparently showed a major juridical and political transformation in his thoughts. In the current article, the researchers will investigate the main elements of Ayatollah's adopted theories in each book as well as the fundamental milestones of Ayatollah's politico-judicial thoughts from the first book to the second one, and the reasons behind these shifts. In addition, the researcher will investigate the main paradigms of Shia political jurisprudence with the aim of illustrating the effects of each paradigm on Ayatollah Khomeini's views in

different stages. The aim is highlighting the degree of compatibility and difference of his thoughts with his predecessors in every stage. It led the researcher to find out what innovations he has made in each paradigm.

2. Ayatollah's Desired Model of Government in Kashf Al Asrar

The aim of writing Kashf Al Asrar as mentioned before, was to response to a series of attacks to Islamic and Shia's beliefs and values during the Reza shah's reign. Some secular personalities published a series of articles against Islamic beliefs. The articles distributed widely and their effects among youth made concerns among the Ulama. Reza Shah's kingship, is known as the period of sever enmity and hostility against the Islamic culture and clergies in Iran, confining the political and social power of clergies. After stabilizing his power, Reza Shah's goal was "removing the influence of religion on politics and above all undermining the influence of religious clergies" (Martin, 2003, p. 13). Algar believes that what has been named "positive reform" in public and in western researchers' attitudes is considered by most Iranians as a hostile attack to their culture and traditions (Algar, 1991, Vol. 7, p. 739).

The book includes several sections that in each section Ayatollah responses to specific accusations. On the section of Government and Guardianship, he mostly deals with the issue of government in Islam and position of clergies in the Islamic society and their relations with the government. He states that the fundamental principle of government in Islam is the fact that nobody has the right to govern others but God, and also legislation is only the right of God and it is considered to be the explicit intellectual reason (Khomeini, p. 184). Like other Shia jurists, Ayatollah Khomeini believes that the absolute power and sovereignty belongs to Almighty God and He is the owner of government and leadership. According to him, only God has the intrinsic guardianship for everything and everybody; therefore someone else has not appointed this sovereignty and guardianship to God. Therefore, the origin and the source of authority in Islam is God-the creator of the world. In Kashf al Asrar, he argues that:

The only government that one should consider as legitimate and accept it full-hearted is the government of God; He all whose affairs are legitimate and right and all creatures of the world belongs to him. Repossessing anything is repossessing His own property and holding of anything from anybody is holding of His own thing. Nobody is able to deny this fact (Khomeini, n. d., p. 222).

According to him, in the case that God, as the absolute ruler of the world, appointed his governance to a person, it is required for people to obey him and it is not permitted for humankind to accept decrees of others except God (Khomeini, n. d., p. 181-182). The base of this notion is that he regards all governments in the history of Islam, except Government of the Holy Prophet and Shia first Imam, Ali ibn Abitalib, as illegitimate and unjust. (Khomeini, n. d., p. 225). Nonetheless, at the same time he mentions that in the absent of an ideal government, having a government even tyranny and oppressor is better than none at all (Khomeini, p. 181 & 227). That is why he justifies the co-operation of Shia imams and jurists with the caliphs in early Islam and later in Omayyad and Abbasid eras. He also explains the reasons behind the support of some high rank Shia jurists from Safavid and Qajar tyrant Shia monarchs in the wellbeing of people, preservation of territorial integrities, boundaries, and security of Islamic country and interests of Muslim and Shiites communities:

They (*jurists*) have not opposed existing unsatisfactory arrangements and have not wished to undermine the government. Until now, if the ulama have opposed a particular sultan, their dissatisfactions have been with the person because they found that his existence was contrary to the interests of the country. Until now, this group has not opposed the fundamental principle of the sultanate. On the contrary, many of the great ulama cooperated with the government in the administration of the country. For example *Khaje Nasir al Din, Allame Hilli, Second Muhaqqiq, Sheikh Bahai, Muhaqqiq Damad* and *Majlesi* and so forth, and however much the state or sultan acted badly towards them or brought pressure upon them, they did not opposed them (Khomeini, n. d., p. 186-187).

Therefore, we should consider the reality that Islamic communities have not had any chance to enjoy from a canonically legitimate government during the Islam history. Ayatollah Khomeini states that the ideal form of government could be a government formed based on the rule of God (Sharia). Moreover, we should consider justice and needs of people and expediencies of the country (Khomeini, n. d., p. 186). Therefore, it is obvious that he was mainly concerned with accepting the fundamental role of Sharia in the process of law making and administration of the country not direct administrating of the country by Ulama. At that time, for Ayatollah Khomeini, legislation in an Islamic system meant planning and adjusting regulations of political life in the accepted structure and basis of Sharia. This character distinguishes Ayatollah's ideal Islamic system from legislation in other kinds of political systems especially western kinds, which at the time was adopted model of law making in Iran:

In the case that the just divine government is to be formed, the parliament should be formed of the jurists or be supervised by jurists and also the divine rules should be introduced and the way of implementing them should be discussed and government should be the executing means of these rules...God is absolute law maker that is aware of all creatures' benefits and also is kind to them all. Therefore, forming the parliament is in order to adjusting the generalities of the divine rules with the needs and benefits of the country (Khomeini, n. d., p. 191).

Therefore he emphasizes that parliament should be in the hand of jurists or under close supervisory of jurists, and kings should recognize right of Ulama in electing them as well as monitoring and accounting their functions and their administrative organization. Even at the time, he emphasizes over right of Ulama in governing the Islamic country (Khomeini, n. d., p. 185), but does not alleges that jurists should run the country directly. Take note of this:

When we say that government and guardianship at the time of occultation belongs to jurists, this does not mean that jurists should be the king, the minister, the military force, and dustman. In fact this means that as a parliament is established by the people of a given country and this parliament establish a government and change a monarchy and choose someone as ruler, and on the other hand as a parliament is established by some inappropriate people that impose some western laws to the society that none of its characteristics is in conformity with the western countries; it will not disturb the world affairs and the country's system if that parliament be formed and be composed of the Islamic devout jurists that are aware of the divine rules and are just and free from general temptations; that are not dependent to the mundane affairs and have no intention but the interests of people and execution of the divine rules. These jurists will chose a leader that will not violate the divine rules and avoid oppression and will not invade the personal properties and lives of people. Does it have any harm for the country? (Khomeini, n. d., p. 185).

In other occasion in the same book, he suggests establishment of a council of jurists for electing or changing the king:

The council will be consist of exalted and just jurists, who with all fairness and co-operation and piety and without motives of personal interest and appetite will deliberate on the election of a king for the benefit of the country and the people. Then will choose a just king who will respect the law of the land, which are based on the divine law. We do not say and we have not said that the Shah should be *Mufti* or that he be military strong, but that he must not transgress *Islamic Rules* which is the customary law of the country (Khomeini, n. d., p. 233).

At the same time, he acknowledges that in the entire history of Islam, never there have been ground in Islamic communities to form such a government and Ulama by considering this reality directed their policy regarding governors.

In the history of Shia political thought, Shia Jurists have adopted two different approaches concerning the issue of government. The first group of Islamic scholars insists on the necessity of existence of political order on Shia's political and social life in the occultation era of infallible Imam. They looks for political systems, even inherently in-complete ones that are legitimate and could be a replacement for the government of infallible Imam in the time of his occultation, accepting his responsibilities and functions in governing the Islamic society. They have tried to find different answers to this fundamental question that if governing of the Islamic society is right for the infallible Imam, are Muslims required to plan for establishing any political system in the time of his occultation. If the answer is affirmative, is there any specific kind of governmental system emphasized by the holy Sharia for this era? In addition, the last, but not the least, has the holy Sharia appointed any special groups or individuals to take the power and establish the political system. The answers to the above-mentioned questions have made two different theories: "Islamic Kingship Theory" and "Governance of the Jurists Theory" that Ayatollah Khomeini formed his Islamic Government theory base on the latest one, which will be discussed on coming pages.

The theory of the Islamic kingship is based on two principles of religious guardianship and monarchy. The first principle states that jurists has been appointed to guardianship by Sharia to the area of *Hasbiyya's* affairs including religious verdict (fatwa), judgment, preaching religious rules, supervising unsupervised people, administration of religious punishments and collecting religious taxes. Supervising and administrating these affairs are exclusive rights of clergymen. According to Kadivar, the guardianship in this sense is one of the long-lasting aspects of Shia jurisprudence and it is traceable in the very early juristic books of Shia. Governance of the jurists in the sense of supervising the *Hasbiyya's* affairs is considered as necessities of Shia jurisprudence (Kadivar, 2001, p. 59). The second principle of this theory is emphasis on recognizing officially the authority of powerful king as official and legitimate ruler of the Islamic country who is authorized to govern officially all of the customary affairs out of the realm of religious affairs. It includes social and political affairs, regulating

domestic, policies, and foreign relationships, defending the borders of the Islamic country, establishing the order and security in the country etc.

According to this theory, kings are appointed to supervise the temporal affairs of people, removing enemies' risks from the religion and administrating of the people. Preserving and improving the religious affairs of the people through regulating, judgment, and implementation of the religious rules and punishments are the affairs appointed to the just jurists by God. Jurists and kings need each other for governing the temporal and religious affairs of people, since the development of the society is not possible without appropriate cooperation of these two groups (Kadivar, 2001, p. 71). Of course, some prerequisites have determined the kings to be recognized officially, the most important ones of which is being Shia and having sufficient power and authority in governing the Islamic country and defending Muslims against enemies, observing religious rules and recognizing the rights and guardianship of the jurists in the realm of religious affairs as well. This theory does not emphasize on the manner of seizing power; what is in the core of it, is that the kings must devote their powers to stabilize Shia school of thought. In this theory, king and jurists are two independent powers in which the independence of the jurist's realm from the realm of kingship is recognized.

The second group of Shia scholars believes that examining the jurisprudential text reveals that holy Sharia has not insisted on establishment of the government in the occultation era and has not determined special individuals and groups as the ruler of the Islamic country. From this group's point of view, investigation of jurisprudential texts does not assign any political obligation to jurists concerning political administration of the society. They consider all governors of Islamic countries in the occultation era, illegitimate and tyranny, regardless of being Shia, Sunni, or non-Muslim, since they seize the political power by military superiority and without the permission of the infallible Imam. These jurists carefully determined legal, jurisprudential, and political aspects of relationship between people and government and presented the Theory of Constitutional Government with Designation and Permission of Jurists in the last century during the Constitutional Revolution (1905-1911) in Iran. One of the famous pioneers of this stream of thought is Sheikh Murtaza Ansari (d.1864) whose juridical thoughts provided necessary principles for active presence of the Shia scholars and jurists in Tobacco Movement and Constitutional Revolution of Iran and resulted in formation of new political theories based on his juridical framework. Sheikh Mortaza Ansari officially recognizes the guardianship of the jurists in fatwa and judgment, but rejects political guardianship for jurists (Ansari, 1999, p. 153-155). According to Sheikh Ansari, involvement of jurists in the politics is different from political guardianship of the jurists and they do not have the right to govern. However, they have the right to make some comments and contributions to the political and social issues of the Islamic society and regulate the relationship between people and the governor by the power of verdict (Fatwa). The rejection of the political guardianship for jurists does not mean that jurists do not have any task concerning the political and social issues of their time or they can be silent about the relationship between people and the governor. They cannot leave the questions about the governments, their functions and manner of mutual relationship between Shia community and governments without any reply or leave them unsolved. Jurists are obliged by religion to issue appropriate verdicts and announce their opinion (Firahi, 2005, p. 212). The theory of Constitutional Government with Designation and Permission of Jurists stems from Sheikh Ansari's school of thought and emphasizes on limiting the kings' absolute authority. They officially recognized the king and the kingship system as an acceptable political system and they did not question its basis. What was their main concern was firstly recognizing of the people's self-determined rights, enjoying political and civil freedom, and secondly limiting the power and dimensions of the kings' authority. One of the other main characteristics of the constitutional government theory was its emphasis on parliament establishment. In this approach, parliament means, "the right of the society to vote based on the regulations of Sharia" (Firahi, 2005, p. 230). According to them, in an Islamic country it is required that enacted rules should be in total conformity with Sharia and Ulama are the one could confirm this conformity.

In *Kashf al Asrar* Ayatollah, Khomeini briefly discusses about juridical reasons that support political guardianship for the jurists and invokes to four narrations. These narrations are the ones that he used about twenty-seven years later to justify political guardianship of Shia jurists. The first is a narration from the Shi'a last Imam, Imam Mahdi: "In case of newly occurring social circumstances you should turn for guidance to those who narrate our traditions, for they are my proof to you, as I am God's proof" (Khomeini, n. d., p. 187-188). He concludes that Ulama are narrators of traditions and in the occultation era of the infallible Imam, people are obliged to refer to Ulama and obey them, because the Imam assigned them as his proofs and his successors. The second reason proposed by Ayatollah in proving the legitimacy of jurist's authority is a *Hadith* narrated from the holy Prophet by Ali ibn Abitalib:

The Commander of the Faithful relates that the Most Noble Messenger said, "O God! Have mercy on those that

succeed me.” He repeated this thrice. Then he was asked, “O Messenger of God, who is those that succeed you?” He replied, “They are those that come after me, transmit my traditions and practice, and teach them to the people after me (Khomeini, n. d., p. 188).

Ayatollah, in explanation of the *Hadith*, implies that the narrators of the Holy Prophet traditions are his successors and they have same authority and guardianship that Holy Prophet enjoyed. From his interpretation of the above-mentioned narrations and two more quoted in the *Kashf al Asrar*, it seems that he is in favor of the jurists’ general guardianship. However, due to awareness of the political and social conditions, he considers the Constitutional Government as more appropriate governmental model in special conditions of a given country like Iran (Khomeini, n. d., p. 185-188 & 233). He stipulates that according to the rules of Sharia, the most qualified jurists could issue permission of governing just to whom that do not violate divine ordinances and recognize rule of Sharia as official rule of the country (Khomeini, n. d., p. 189). At the time, Ayatollah’s main concern seems to be convincing both the clergymen and people by putting law-making process in the hand of jurists. It was for him a kind of guarantee to ensure compatibility of the country laws with the Sharia and bringing the function of executive and judiciary branch more close to the justice. That is the reason he called for abolishing authority of western laws from judiciary branch, which had appeared to him as anti-Islamic.

Ayatollah’s views about monarchy system culminated in that some critics state that Ayatollah’s *Kashf al Asrar* “did not as might have been expected, consist of a firm denunciation of monarchy; Instead, it constituted a stinging attack against secularism and Reza Shah’s autocratic rule” (Akhavi, 1980, p. 163). Bakhshash goes further and states that Ayatollah, in his first political book, does not believe in monarchy system as intrinsically illegitimate (Bakhshash, 1985, p. 23). This position is apparently contrary to the one he adopted at *Governance of the Jurists*, where he announces monarchy by its nature illegitimate. To understand Ayatollah’s views about monarchy system, it is necessary to investigate Shia jurists’ manner at this regard. The study of the relationships between the jurists and the rulers particularly in Safavid and Qajar era shows that the jurists held two different approaches in their political and juridical works regarding to political issues, specially accommodation, and co-operation with governments, which was a controversial subject among Shia Jurists since occultation of infallible Imam. In fact, a dichotomy is seen between the ideals of Shia jurists and the reality they were confronted which affected their followers’ lives too. As Firahi, in the history of Islamic political thought indicates, not only for the Shia jurists but also for other Islamic sects’ scholars, making balance between ideals and realities is a challenging issue, and mostly seems to be impossible. Therefore, they used to adopt a more realistic stance in the time of conflict between political realities and juridical ideals, which had more compatibility with those times’ circumstances (Firahi, 2000, p. 315). Shia jurists, to tackle the problem, introduced two different discourses. The jurists of the first discourse such as Sheikh Sadouq, Sheikh Mofid and Seyyed Mortaza Alam al Hoda considered possibility of permitting provisional co-operation with unjust ruler in the time of occultation of infallible Imam in their juridical works. Because according to them, forming a legitimate and just government in occultation era is impossible and therefore this provisional cooperation is in line with Shia community discretions. By establishment of Safavid Shia dynasty in Iran, a second discourse also formed among the jurists. The new discourse was based on permission of the most qualified jurist as general deputy of infallible Imam to the ruler for running of the country (Firahi, 2000, p. 315-320). The proponents of the first discourse, in line with the dominant stream of thought in the Shia Jurisprudence, have introduced all of the rulers of Islamic countries in the occultation era as tyrant and usurper. However, in their political works in which they were more free from the juridical limitations, in discussing the political structure of the time’s governments and the alternative governmental systems; they had more friendly attitudes toward the rulers. Many of them supported the time’s governments, based on the political and social conditions during the domestic or foreign crises (Calder 1980, p. 90; Haeri, 1999, p. 323-367). As stated by Vanessa Martin “the accommodating position adopted by Khomeini in 1943 is one traditionally held by possibly majority of Ulama” (Martin, 1993, p. 38).

3. The Ideal Form of Government in “Islamic Government” Book

After Ayatollah Burujirdi’s death in March 1961, Ayatollah Khomeini along with three other prominent religious jurists emerged as new religious authorities. It coincided with the introduction of Shah’s new reforms that had begun before by the name of “Lands Reforms.” By opposing some local council’s law, Khomeini appeared as a religious political leader. His objections were not limited to the principles of White Revolution, but it comprises the anti-Islamic performance of Shah and the government. One of the instances of these performances was the relationships between Iranian government and Israel and western governments. Ayatollah considered it as the main reason of his objections and demanded some changes in the performance of Shah and the government in order to conform to the Rules of Islam. It is noteworthy that in the years of confrontations, what is

demanding by Ayatollah is not establishment of Islamic Republic, but implementation of the constitutional law and fidelity of Shah and its government to this law. Enacting of the bill of extension of diplomatic immunity to USA militaries and their families in Iran, sparked a new wave of anti-governmental objections that such two other last mass objections Khomeini appeared as the leader. He considered the bill as a great humility for the country, government, and people. On November 1964, he was arrested for the second time and immediately exiled to Bursa, Turkey. On October 1965, he was permitted to move to the Shrine city of Najaf, in Iraq. According to Amir Arjomand:

what alerted the mind of Khomeini and a number of other Shiite jurists to the immense possibilities for the expansion of the Shiite hierocratic power was the opportunity to lead a crusade against foreign countries, imperialist domination and a desperate struggle for the very survival of the Shiite religious institutions against the onslaught of the modernizing Pahlavi state (Arjomand, 1988, p. 76).

After banishment of Ayatollah to Turkey and then to Iraq, another Khomeini was born that was different from the Khomeini in Qum. In 1963, he was not calling for the establishment of a Islamic state “but for the implementation of the existing constitution which provided for a monarchy, however limited in its exercise of power...then a progressive radicalization took place of Ayatollah Khomeini’s position in his years of exile” (Algar, 1983, p. 61). In the late 1960s, “Khomeini began to think seriously about an Islamic government as an alternative to the Shah's” (Arjomand, 1988, p. 98). Confrontations of Ayatollah and Shah and lack of helpful and sufficient support by other clergymen, made him to come to the result that no reform in the framework of royal government in line with preservation of Islamic values and implementation of the rules of Sharia is fruitful. In the thoughts of Ayatollah, the only thing that secures and maintains implementation of Sharia and its rules is substituting the royal system with an Islamic government and appointing the power to the jurists. His personal experience of the Qajar kings, Reza Shah, and Muhammad Reza Shah led him to the conclusion that one of the reasons of political and economic failures of the Muslims in comparison to the western countries is existence of tyrannical system of monarchy. His exile to Najaf was a new season of his active life that culminated in the presence of his Islamic government theory on 1970, “which is a bold innovation in the history of Shia” (Arjomand, 1988, p. 98) and then conducting the Islamic Revolution.

Ayatollah Khomeini’s best-known politico-juridical work “Islamic Government” is result of a series of lectures given to students of his seminary between January 21 and February 8, 1970 in Holy city of Najaf, where he spent most time of his exile. Like *Kashf al Asrar*, he did not mean to address his ideal juridical and political model of government in details to public. Nevertheless, as Algar points out in his introduction to English version of *Islamic Government*: “Its purpose is narrower and more specific and geared to the audience to whom the lectures were delivered: students of the religious sciences, who might be expected later to assume positions of influence in Muslim society” (Khomeini, 2005, p. XIX). Therefore, the book just outlets main structure of his desire model of government from a juridical perspective. Actually, it was after establishment of Islamic government and in confrontation with realities of running of the country and needs of time that he gradually developed and revised the theory of Governance of Jurists to his final form.

The Arabic term of “*Hukuma*” is the word Ayatollah used to discuss about government. The term *hukuma* is a derivation of the Arabic verb *Hokm*, includes a variety of meanings such as to have authority, to pass judgment, to rule, to dominate, to command and to govern. In its political connection it is used to mean ‘government’ which in its legal connotation it is used to mean judicial administration. Ayatollah Khomeini in *Islamic Government* book establishes his discussion on the necessity for executive power and administrative in Islam. He states that having a body of laws alone could not guarantee reform of society and happiness and salvation of individuals. According to him: “For this reason, God Almighty, in addition to revealing a body of law (i.e., the ordinances of the Sharia), has laid down a particular form of government together with executive and administrative institution” (Khomeini, 2005, p. 18). He indicates that leadership of Islamic community was not an issue ended by the Holy Prophet’s death:

The Most Noble Messenger headed the executive and administrative institutions of Muslim society. In addition to conveying the revelation, expounding, and interpreting the articles of faith and the ordinances and institutions of Islam, he undertook the implementation of law and the establishment of the ordinances of Islam, thereby, bringing into being the Islamic state. He did not content himself with the promulgation of law; rather, he implemented it at the same time, cutting off hands and administering lashings, and stoning. After the Most Noble Messenger, his successor had the same duty and function. When the Prophet appointed a successor, it was for the purpose of not only expounding articles of faith and law...For after the Prophet, the Muslims still needed someone to execute laws and establish the institution of Islam in society, so that they might attain happiness in this world and the hereafter (Khomeini, 2005, p. 18).

The nature and character of Islamic law and the divine ordinances, Ayatollah believes, prove the necessity for establishment of an Islamic government. The laws such as religious taxes and budgets as well as ordinances pertaining to preservation of Islamic system and protecting territorial integrity of Islamic country, clearly indicate necessity of establishing an Islamic government.

As Bazaei indicates, Ayatollah Khomeini in *Islamic Government* book, in addition to necessity for executive power and administrative organization is also preoccupied with intrinsic illegitimacy of temporal government and deviation from Sharia. He believes that such a government could not open the path of justice and spiritual happiness (Bazaei, 1993, p. 53). Therefore, an Islamic government runs by jurists, as the most knowledgeable people, in Sharia is the best alternative for temporal Government and is guarantor of implementation of divine ordinances. He states that the deviation happened after death of Holy Prophet, resulting to put the administration of Islamic country in the hand of Omayyad and Abbasid and forming a governmental system, which was completely in contrary with the real model of Islam, was not pleasing to God. He states that both law and reason require taking action to abolish this non-Islamic or anti-Islamic character. Accordingly, he point outs:

The existence of a non-Islamic political order necessarily results in the non-implementation of the Islamic political order. Then, all non-Islamic systems of government are the systems of *kufir* since the ruler in each case is an instance of *taghut*, and it is our duty to remove from the life of Muslim society all traces of *kufir* and destroy them. Our duty is to create a favorable social environment for education of believing and virtuous individuals that is in a total contradiction with that the rule of *taghut* and illegitimate power... This corruption must be swept away, and its instigators should be punished for their deeds... A believing, pious, just individual cannot possibly exist in a socio-political environment of this nature, and still maintain his faith and righteous conduct (Khomeini, 2005, p. 23-24).

For Ayatollah, what makes establishment of Islamic government imperative is to assure the unity of Muslims, and liberating the Islamic territories from occupation and penetration by the western countries and their local agents. To do so, Muslims must overthrow the oppressive governments and establish an Islamic government of justice. He strongly believes that the establishment of such a government “will serve to preserve the disciplined unity of the Muslims; just as Fatimah al Zahra said in her address: “The Imamate exists for the sake of preserving order among the Muslims and replacing their disunity with unity” (Khomeini, 2005, p. 24).

4. The Form of Government

The second major issue that Ayatollah Khomeini deals with in *Islamic Government* book is the form of his ideal kind of government and the type of the leadership. He uses a set of verses of Quran and traditions as well as historical evidences and rational reasons to justify governance of the jurists. He points out that after the death of the Holy Prophet despite disagreement on identity of the successor all the Muslims have had agreement in qualifications that such a person must possess:

Since Islamic government is a government of law, knowledge of the law is necessary for the ruler, as has been laid down in tradition... The ruler, however, must surpass all others in knowledge. The sole matters relevant to rule... are for some reasons: the knowledge ability of the ruler or caliph, i.e., his knowledge of the provisions and ordinances of Islam. Moreover his justice, i.e., his excellence in belief and morals (Khomeini, 2005, p. 31-32).

In addition, he counts two more qualification for such a ruler: possessing excellences in morals and beliefs and must be just and untainted by major sins. Thus, “If a worthy individual possessing these two qualities arises and establishes a government, he will possess the same authority as the Most Noble Messenger in the administration of society, and it will be the duty of all people to obey him” (Khomeini, 2005, p. 34).

In entire work, Ayatollah Khomeini always uses term of Islamic Government, which indicates that he is mainly concerned with nature and function of government. For Ayatollah, the form of government is not in the center of attention. Unless it is based on divine rules and operates according to and in the framework of the holy Sharia and under supervisory of a qualified jurist. In this governmental system, laws of Sharia are recognized as official law of the country and government should define his main objective and task implementing of the holy Sharia. Ayatollah's main emphasis is accepting the authority of Sharia in administration of the country. He believes that Islam recognizes legitimacy of only one government and that is government of God, and only one law is recognized and it is law of God. It is the only law that all should obey. Several years later, as the leader of Islamic Republic he emphasizes at this point again:

What we seek is authority of God, Government of God. We want the holy Quran govern in our country; we want Islamic laws govern over us. We could not accept any kinds of governments except government of God and will not accept any government that operate in contrary with Islamic laws... what we could accept is governing of

Islamic teaching and laws...we want Islam; we seek implementation of Islamic rules (Khomeini, 2006, Vol. 8, p. 283).

In other occasion, he speculates, "our government is an Islamic government which implements rules of Sharia" (Khomeini, 2006, Vol.5, p. 474). He emphasizes that Islamic republic is not only a term that introduce the form of current regime of Iran; it demonstrates the kinds of the goals that government must follow. Therefore, as long as the ordinances and teachings of Islam are not implemented and the fundamental role of religion in planning and administrating of the country in the ground is not recognized, this government is not Islamic. It was only a few months before the victory of Islamic Revolution that he mentioned his ideal kind of Islamic government as Islamic Republic. At the time, it seemed it was a prevailing notion among Iranians that the form of future regime would be a republican. Ayatollah emphasized the public view and declared it as an "Islamic Republic." From the above sentence, it could be concluded that firstly, what is in the center of attention of Ayatollah Khomeini, is the nature, essence and characteristics of the government, not the form. If the rulers of this particular form of government are selected and have been shown their obligation to the implementation of Sharia and function of the government based on rules and goals of Islam, it satisfies Ayatollah's concerns (Rajaei, 1983, p. 58).

It is important to note that for Ayatollah almost all kinds of prevailing political system appear as unacceptable. He chides them because they concentrated all of their efforts to satisfy the temporal needs of people. But according to him the goals of Islam as a divine religion which has particular plan in administrating social and political affairs of the Islamic communities, is different from materialistic regimes. For Ayatollah Islam appeared as a religion that combines material and spiritual needs of people and the main reason for advent of Islam is spreading spiritualities and moralities as well as rectification of souls. He particularly showed his strong opposition with monarchy system. He speaks out that monarchy system inherently is an unacceptable system. In Islamic Government book for the first time, he vehemently attacked to the foundations of the legitimacy of monarchy system and stipulated that Islam proclaims monarchy and hereditary succession wrong and invalid.

5. The Main Characters of Islamic Government

In "Islamic Government" book, he also dealt with the characters of his ideal form of government. According to him, Islamic government is not a correspondence to any of the existing form of government. An especial form of constitutional system, which is not based on the approval of laws in accordance with the public opinions and will of majority, is:

Islamic government is neither tyrannical, nor absolute, but constitutional. It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country, conditions that are set forth in Quran and the *Sharia* of the Most Noble Messenger. It is the law and ordinance of Islam comprising this set of conditions that must be observed and practiced. Islamic government may therefore be defined as the rule of divine law over men (Khomeini, 2005, p. 29).

Two main distinctions of Ayatollah Khomeini's Islamic government that he frequently emphasized are justice and governance of law. In different occasion, he describes Islamic government as government of justice and government of law. He emphasizes that establishment of justice is not only the main responsibility of the government and the main objective of Sharia but also the main criteria on desirability and legitimacy of government. By speaking about "government of law," Ayatollah meant the holy Sharia decrees and divine law:

The fundamental difference between Islamic government, and constitutional monarchies and republics is this: whereas the representatives of the people or the monarch in such regimes engage in legislation, in Islam the legislative power and competence to establish laws belongs exclusively to God Almighty. The Sacred Legislator of Islam is the sole legislative power. No one has the right to legislate and no law may be executed except the law of the Divine Legislator. (Khomeini, 2005, p. 29).

According to him, Islamic government is the one whose laws have roots in Sharia and is formed according to Islamic ideology. This view has roots in his notion about reality and mission of Islam. He shows Islamic teaching more than simply a series of devotional acts and beliefs. Islam has its own special social, economic and cultural governmental system, which enacted particular regulations to manage and administration of all private and social and public aspects of people lives and couldn't accepts any other form of regulation for managing the society. Therefore, for him, the main mission of Islam appeared as training of humans in both temporal and spiritual dimension of life. In Islamic Government book, he elaborately dealt with the unique role of divine decrees or Sharia on administration of Islamic society. In this regard, he says that Islamic government is a government of law and in this form of government God is absolute sovereign and lawmaker. The laws are His decrees and commands that have absolute authority over all individuals and the Islamic government:

In Islam, then, government has the sense of adherence to law; it is law alone that rules over society. Even the limited powers given to the Most Noble Messenger and those exercising rule after him have been conferred upon them by God. Whenever the Prophet expounded a certain matter or promulgated a certain injunction, he did so in obedience to divine law, a law that everyone without exception must obey and adhere. Divine law obtains for both the leader and the led; the sole law that is valid and imperative to apply is the law of God. Obedience to the Prophet also takes place in accordance with divine decree, for God says, "And obey the Messenger" (Qur'an, 4: 59). Obedience to those entrusted with authority is also based on divine decree, "And obey the holders of authority from among you" (Qur'an, 4: 59). Individual opinion, even if it were that of the Prophet himself, cannot intervene in matters of divine law; here, all are subject to the will of God (Khomeini, 2005, p. 29-30).

Shia jurists in debate about right of legislation in Islam are divided to two main groups: first are the ones who believe that the right of legislation is not recognized for the people or their representatives and only God has right to legislate via promulgating the holy Quran and Sharia. They state that Quran consists of all of the rules and regulations that human needs. Therefore, what is necessary after any change in a given era is not legislation; it is inferring new rules from the religious texts, which are exclusive right of jurists as the most knowledgeable people about the Sharia. The second group of jurists believes that the existence of religious rules and regulations does not obviate the necessity of legislation; because the goal of the customary and general rules are compiling necessary policies and planning for more efficient and reliable administration of the system, and is not contrary to religious rules. They officially recognize validity of customary rules, which supposed to be out of realm of religious affairs and could not be in contrary with ordinances of Islam. Ayatollah Khomeini shows loyalty to the thought of second group of jurists by emphasizing over the right of people and their representative to legislate in the realm of customary affairs. However, at the same time, he emphasizes over the necessity of compatibility of legislated laws with the rules of Islam.

Ayatollah Khomeini also in counting the distinctions of his ideal form of government frequently uses terms such as divine government, right government, trustworthy government, popular government, non-tyrannical government, constitutional government in the sense that rulers dimension of power is confined by the laws and government of Islam; which all apparently indicates main characters of his ideal form of government. In sum, it could be concluded that in Ayatollah's insight, ideal and legitimate form of government in an Islamic society is Islamic government. In this kind of political system, governmental establishments and policies are based on the divine decrees, traditions of holy prophet and Shiite Imams. This government is merely the instrument of implementation of divine orders because the sole lawmaker and real sovereign is God. This system due to mentioned distinctions is intrinsically different from other kinds of political systems. The system is based on and stems from the divine order and decrees. To him, Islamic government is the main instrument to ensure formation of just social system and real impediment of chaos, anarchy, as well as social, moral, and intellectual corruption (Khomeini, 2005, p. 19).

6. Conclusion

The evaluation and contrast of Ayatollah Khomeini's governmental thought base of his two famous political books has revealed that in each stage he was preoccupied with different kind of questions. In *Kashf al Asrar* his main concern is "how should govern and what is the role of Sharia in administration of the country". Putting this question forward was the result of a historical experience by Shia clergymen that they never have had the ground to form a canonically legitimate government in entire history of Islam; and having a government even an unjust one is better than none at all. Therefore, in *Kashf al Asrar*, Ayatollah's recognition of monarchy system is a de facto one and just for the wellbeing of the country and people. Base of this reality, in line with majority of the Ulama, he does not oppose the monarchy system, but tries to convince his readers to necessitate the conformity of the regulations in the country with Sharia. Accepting the fundamental role of Sharia in the process of law making and necessity of spread of justice is in the line with his main concern that how should govern. Insisting over putting the parliament in the hand of clergymen is considered by him as a guarantee. Ayatollah's thought in *Kashf al Asrar* in some aspects is affected by Sheikh Ansari's school of thought that one of the main principles of it is denying the guardianship right for the jurists and just recognizing supervisory role for them as well as this believe that establishment of Islamic government in occultation era is not necessary. However, Ayatollah's thought is not in total conformity in details. In current book, Ayatollah Khomeini does not deny the right of jurists for governs and there are some evidences that confirm he was in favor of the jurists' political guardianship; but by adopting a type of political realism, he just concentrates over supervisory right and role of clergies. It could be said that in *Kashf al Asrar*, Ayatollah defines Islamic government as a government that protects and executes Sharia. At this definition, without having any judgment about essence and structure of the government and the way of power received to ruler, the only criterion of its legitimacy is obligation to execute the Sharia.

Actually, at this definition, a specific kind of political system and administration organization is not required and it is leaved to will of people and time requisites.

However, in "Islamic Government," how should govern is not his main concern any more as was in Kashf al Asrar. Here the main question is "who should govern and what prerequisites are demanded by Sharia for such a person." As a result, the definition of Islamic government has changed too. In the new definition, Islamic government is the one that not only its rulers should enjoy from specific characteristics which are requested by Sharia but also the manner of grabbing power, the structure of political system and method of administration of the country is defined by the texts too. Therefore, monarchy is by its nature illegitimate. What make Ayatollah's definition different from the other proponents of Guardianship of the Jurists theory is his emphasis over necessary of revolution to form such a government; an allegation that was not made by any of his predecessors before and it reasons need to be discussed separately.

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