IDEOLOGICAL FOUNDATION OF IRANIAN POLITICAL SYSTEM: AN ANALYTICAL STUDY OF THE VILAYET-E-FAQIH THEORY

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Abstract

The spirit of the Islamic Revolution in Iran was one of the most historic events held in 1979 and it was considered the biggest event of the 20th century. After revolution Ayatollah Khomeini developed the theoretical foundation for government by his theory of "Vilayet-e-faqih". He introduced the new hybrid system consisting on theocratic and democratic principles after abolishing the 2500 years old institution of monarchy. According to his 'vilayet-e-faqih' theory a system is developed in which there is no difference between Islam and state. Theory of 'vilayet-e-faqih' is exclusive in its sense and it became the ideological foundation for Islamic republic of Iran. In the political affairs of the state Ayatollah Khomeini promoted the powerful direct rule of clergy in politics.

Key words: Vilayet-E-Faqih, Supreme Leader (Faqih), Shi'ism, Infallible Twelve Imams, Mahdism, Imam Khomeini, Islamic Revolution, Governance of the Jurists.

Introduction

In 1979, Ayatollah Khomeini provided the theoretical foundation for the Iranian political system by his theory of "Vilayet-e-faqih". Like Ayatollah Nuri, Ayatollah Khomeini advocated the theocratic government according to Quran, Sunnah of Prophet (PBUH) and saying of infallible Imams. He favored that only

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legitimate rulers are the clerics. The uniqueness of Iranian political system exists in the fact that it is the first modern constitutional theocracy of the world. Iranian constitution is a mixture of theocratic and democratic elements. According to the Vilayet e faqih Theory that is presented by Imam Khomeini the religio-political-institutions are headed by Vali-e-faqih (supreme leader) and office of leader (faqih) is novel institution in Iranian political system that is more powerful than elected President. In decision making his decision considers final say and has authority over political institutions like legislative, executive, judiciary and armed forces.

First Vali-e-faqih, Imam Khomeini performed a significant role in establishing the foundations of the Islamic republic. According to Shia theology, Ayatollah Khomeini justified for the direct rule of clergy in government. The contemporary political system of Iran developed according to the theory of Vilayet-e-faqih. It advocates the political system that is based on guardianship and which trusts upon a just and reliable faqih (jurist) who hold the leadership of the government in the absence of infallible Imam Mehdi.

After the Islamic revolution 1979 in Iran, the mix political system was introduced this is consisted on democratic and theocratic elements. The Iranian Theodemocracy showed that entire the Iranian political system is founded on Quran and Sunnah and all the potentials which are found in other systems and other political theories, are exist in excellent form in the Iranian Theodemocracy.

Iran represents the best form of Theo-democracy with its elected and non-elected political institutions. The system is developed with ties of checks and balances together with the influence of clerical figures in the formal governmental structure. It is democratic as elected legislative prepared the laws; office of president is also elected, but it is not democratic like western standards as its elections are not much free and fair because many candidates are removed from selection process that is run by a body known as "Guardian Council". According to theory the present theocratic government system in Iran places supreme state authority of the country under command of just and pious glorious "Vali-e-Faqih" (Rahbar or supreme leader) which is unelected institution but more powerful than elected president. In practice, the clergy has heavy influence on political institutions of the Iran. (Thaler, 2010)

Meanings of Political Theory

Modern word theory derives from the ancient Greek word 'Theoria' which another meaning is contemplation'. Greek philosopher Aristotle referred 'Theoria' to contemplation of the cosmos. It contrasted with praxis from which

our word 'practice' derives. Praxis for the Greeks referred to human beings 'way of acting' and conducting their lives on this earth, in the immediate everyday world. (Simpson, 2012)

According to David Held, political theory is a "network of concepts and generalizations about political life involving ideas, assumptions and statements about the nature, purpose and key features of government, state and society, and about the political capabilities of human beings". Andrew Hacker defines it as "a combination of a disinterested search for the principles of good state and good society. As a discipline, political science is much more comprehensive and includes different forms of speculation in politics such as political thought, political theory, political philosophy, political ideology, institutional or structural framework, comparative politics, public administration, international law and organizations etc." Political theory is a set of values and society embraces as its ideal to know the political reality or any change is required, and it helps the government institutions to obtain the state goals. (Djeudo, 2013)

Meanings of Theocracy

Flavis Josephus (circa 37-100 A.D.), Inventor of the term "Theocracy" has defines the form of Government as one under which the people connect ion with God and considers that God is author of all things. Flavis Josephus said that "The God does not descend the direct Rule on the person in general. His representatives requesting help through the divine mandate to state authority. The control given to another has been claimed by beings' person and families of religion trained in the law of the religion." (Schultz, 1975)

The Islamic Republic of Iran delivers a high-quality development study that is ideologically demarcated as conveying Islam with democracy with equivalent privileges. The Islamic Revolution 1979 was devastated the Pahlavi's administration and abolished the monarchy that was the 2500 years old institution. In the result, revolutionary constitution established the Islamic Republic of Iran on the base of Islamic ideologies and norms, absolute values and honest ambitions of the Islamic Ummah.

Vilayet-e Faqih Theory

The concept of 'Vilayet-e-Faqih' derived from the Imamate doctrine which is known as the milestone of Shiite sect of Islam. The 'Vilayet-e-Faqih' well-versed institution as the guardianship holds the political system and the system confidently depends on a proficient Jurist 'Faqih' who lead the government system on the behalf of 12th infallible Imam in his absence. The concept of

"Vilayet" and its meanings having some typical aspects which roots ties with history of twelve Imams. Basically 'Vilayet' is an Arabic word driven from "Vilayet" as defined as concern with Power or Rule over someone, in other word it's described as Supremacy or sovereignty and Faqih means 'jurist' the government of the jurist. This has been proved through Hadith the Guardianship of the Islamic Jurist as The Prophet Muhammad is reputed to have said "The best inheritors of the Prophets are Ulama.

The imam's character in political system of Shi'as is very essential and it is originated in nineteenth century, which is commonly known as twelve Shiism. The Imams are considering real successors of Prophet (PBUH) in Shia religion and they believe that Almighty Allah nominate them by Prophet. Allah has chosen them due to their superiority and obedience to Allah. The Imamate indicated from Imam Ali Iban-Abu-Talib who was the first caliph of Shia religion. The conception of "Shiism" declares that political legitimacy has always been through lines of the '12 Imams' these divinely ordained lines started with Ali Ibn Abi Talib and will end with Imam Mahdi who is last Imam and alive but in absence, they believe that one day he (Imam Mehadi) will appear to fight against the evils of the world. (Mneimneh, 2009)

The "Shiite" acknowledge the Imam Ali Ibn-e- Abu Talib has the first right to ruler after Prophet Muhammad (PBUH) which is expressed by Prophet on "Ghadir Khumm" the event when on the returning back from hajj the Prophet assembled all people and raised the hand of Imam Ali as his successor and advised everyone to pledge adherence to Ali and Shias considers it official appointment of Imam Ali as Prophet Successor. (Halm, 1999)

Ali Ibn Abi Talib is the first Imam and other eleven are his ones coming after. The complex about Twelfth (12th) Imam, Shiites have belief that the last Imam Muhammad-Al-Mahdi never come to death who one day return and lead the Shia's in a battle against the forces of evil. It is their belief that Imam Mehdi when appear will restore the true Islam and justice on the earth. Imam Mehdi is still alive and again appeared before the end of the world.

Shia commentators refer to the Imams, who's Vilayet was instituted through their appointment by the Prophet.

The Twelve Imams are as following:

- 'Imam Ali Ibne Abu Talib'
- 'Imam Hasan Ibne Ali'

- 'Imam Husain Ibne Ali'
- 'Imam Ali Ibne Husain or Zain-ul-Abedin'
- 'Imam Muhammad Baqir'
- 'Imam Jafar Sadiq'
- 'Imam Musa Kazim'
- 'Imam Ali Riza'
- 'Imam Taqi Jawad'
- 'Imam Ali Naqi'
- 'Imam Hasan Askari'
- 'Imam Muhammad Mahdi'

The vilayet of the Mujtahids is formed from the Imamate of Hidden Imam Mehdi (A.S). And the Imamate of hidden Imam Mehdi (A.S) has formed from Risalat, the mission of Holy Prophet Muhammad (PBUH). The mujtahids are the successors and representatives of the divine power of Holy Prophet and his descendants. In 1996 by the amendment of the panel the office of Vilayet-e-Faqih made stronger in Iran and reinforced the holiness of this office. More, it is declared that any contempt of the principle of Vilayet will be considered equal to disrespect of Holy Prophet and the Holy Imams and contempt punishment will be death. (Algar, 2015)

Due to the unknown about of the presence of twelfth imam, a top-ranking cleric or a Vali-Faqih rule the Shiite community until his reappearance. According to Khomeini's interpretation, however, "a high-ranking Shi'ite theologian or faqih enjoys the same authority enjoyed by the Twelfth Imam". The statement of the Ayatollah Khomeini empowered the faqih and advocated that state should be run under the clergy rule. (Moghaddam, 2014)

Theoretical Contribution of Ayatollah Khomeini

History has many theories regarding Islamic political thoughts but the theory of Imam Khomeini 'Vilayet-e-faqih' is a novel and modern theory. Most of those theories failed to run the societies but the Imam Khomeini was succeeded to build Islamic Republic of Iran according to sharia.

Ayatollah Khomeini known as the significant character of the Shi'ite in history and considers the most important personality of the twentieth century. He played important role to lead the Iranian revolution that was the important revolution of the history and he build the morals of the nation and convince them for cultural and socio-political independence in a postcolonial age. (Kadivar, 2015)

After the revolution of 1979 Ayatollah Khomeini formed the Islamic government which was formed according to the Sharia. He introduced the theory which is based on Islamic Shi'ite principles and he advocated that there is no difference between government and religion in an Islamic Republic. Ayatollah Nuri was a famous cleric also favored the idea of clerical government who rumored the leadership from Prophet (PBUH) through the Imams. According to the theory fuqaha (cleric) perform their duties as the trustees of the Prophet that means all responsibilities that assigned to Prophet by the God that also be rewarded by the fuqaha. Imam Khomeini advocated that fuqaha designated by the Imam to lead the both functions regarding government and judgeship. Ayatollah Khomeini became the highest ranked cleric of Shi'ism who developed the clerical rule in Iran and after revolution he became the first Supreme Leader of Iran.

The book named Kashf al-Asrar which was written by Ayatollah Khomeini, was a meticulous book in which he criticized the tract that were against the religion and he also mentioned the liberal policies of Reza Shah that were against the Sharia and criticized some clergy groups who were under influence of Pahlavi monarch. This book was considering first statement of Imam Khomeini in favor of constitutionalism and the Islamic state. (Mahdavi, 2014)

The theory of Vilayet-e Faqih is also called Najaf theory as when Imam Khomeini was exiled in Najaf he propounded this theory and claimed that by the implementation of this theory Iranian problems can be solved. The clerics started to hold their influence in 1970s against the Pahlavi rule. Khomeini favored the interim government of clerics in the absence of Imam Al- Mehdi who is alive and will come before the Day of Judgment, so clerics use their power in his absence. This Islamic theory of Imam Khomeini applied with strong influence and the Iranian political system that is running successfully and clerics of the country got the strong position in society after revolution 1979. (Krieger, 2001)

Imam Khomeini became more prominent character when he started to criticise the reforms of Shah's government that are totally againt to religion as Shah was to modernize the country on western style. Khomeini was exiled to Najaf because Shah wanted to climinate his position and during this period his activist life

started, and he stressed on an Islamic government and then steering of Islamic revolution in 1977-1979. During his stay in Najaf he delivered Islamic lectures and devoted his time to teaching, Najaf a city is known as strong Shia community. Ayatollah Syed Mohsen Hakim and Ayatollah Abulqasem Khoei has ostensibly virulent experience of their ways during constitutional revolution were opposed to stay away of political participation. (Moghaddam, 2014)

After the successful revolution 1979 the Ayatollah Khomeini was succeeded to introduce his theory "vilayet e faqih" and he developed the state political system according to this theory. His theory Vilayet-e-faqih theory is in fact Shias doctrine of Imamate and according to this theory the last Imam Al-Mehdi is in absence and God knows when he will appear. In his absence this power will be used by the naib of Imam through elective and consultative methods. In the period of occultation of Imam, the Imam Khomeini assumed the leadership of the country after revolution as first supreme leader or faqih.

'Vilayet-e-Faqih' Foundation of Iranian Constitution

Imam Khomeini is the only founder of theory 'Vilayet-e-Faqih'. It's purely reflection of Khomeini's thought and was revolute constant theory which has change to entire thought of Muslim thinkers and revivalists and they encouraged to replace the monarchical regime. In fact, the efforts become success in shape of revolution and the theory 'Vilayet-e-Faqih' actual assumed a legal shape in the form of Articles put into the papers. These articles are called the constitution of Islamic Republic of Iran. The political system of Iran is developed and running according to this theory of 'Vilayet-e-Faqih'.

After the Islamic revolution in Iran in 1979, theocratic rule was established by clerics without the domination of foreign power and any emerging regional power. In the new political system after the revolution aqih and clergy became the roots of Islamic government and country's rules and laws are developed according to the Sharia. By the referendum of December 1979, the constitution of Iran was ratified. Imam Khomeini succeeded to develop a system according to his Islamic theory. (Lasensky, 2011)

After the revolution the theory of Vilayet-e-faqih became sole foundation of IRI and the structural change in Iran became very hard in the presence of Vilayet-e-faqih. According to the theory of Vilayet-e-faqih is the supreme leader for Muslim ummah and all functions done with his consent and his function is considers thus equal to Imam.

Ayatollah Khomeini brought a new Islamic state and improved all the previous system for brighter future. A new set up for the new Islamic Republic of Ayatollah Khomeini had already started a group of reforms designed to clean out the system, to adjust it to new conditions for applying it for better future. Iran is based on a new constitution, which was recognized in 1979 and reapplied in 1989. (Hosen, 2007)

Now Iran's political system is working according to the theory of Vilayat-e-faqih and became the first nation state in history in this sense who has applied absolute Vilayet-e-Faqih in government. Supreme leader who is the most powerful character of the country wand must be a cleric (faqih) but not just supreme leader there are many other institutions of the political system whose members are clerics like Assembly of Experts which is consisted on clerics, half of member of Guardian Council are also cleric and the courts. Supreme Leader appoints the leaders of Friday prayers. Ayatollah Mesbah Yazdi argues that "government of vilayet-e-faqih is the manifestation of the government of God on earth and government of God can only be presented by vali-e-faqih. He explains the law passed by the specialists in the legislative, judiciary, and executive (branches of the government) can gain their legitimacy from the head of the government, the Vali-e-faqih, without whose confirmation these laws lack legitimacy." (Suwaid, 1996)

After the death of Imam Khomeini on 4 July 1989, ad hoc revision committee prepared 46 amended articles list with two more new articles ratified by referendum on 28 July and on the same day took the office of president. The new institution of Expediency Council was created in the constitution of 1989 which play the role of mediation between Parliament and the Council of Guardians, member of this council is elected by the leader.

From the Islamic revolution of Iran 1979 there is only two supreme leaders who performed their duties as Vali-e-faqih or supreme leader, Imam Khomeini first Vali-e-faqih and founder of Islamic revolution and second who is his successor Ayatollah Khamenei and still in power. The institution of supreme leader is selected by the assembly of Experts and assembly has the power to ask him if the assembly found him indulges in wrong activities. But such never happened. (Nader, 2011)

The institution of supreme leader or Vali-e-faqih made the secure in the amended constitution of 1989 and gave him the high authority in new amended constitution. It is declared in constitution that supreme leader (Vali-e-faqih) is

chose for lifetime who exercises the ultimate political and religious authority. According to the Imam Khomeini, the Supreme Leader is an executive whose power is grounded on his mastery of spiritual practice and law and no policy would be implemented without his consent. (Kaminski, 2017)

Besides the institution of Vali-e-faqih there many other political institutions in Iran which are under influence of clergy. The Assembly of Experts is consisted on eighty-six members who are clerics; they chose the supreme leader and supervise the election of supreme leader. According to the constitution Assembly of Experts is answerable for the general policies of the Iran including all facets of domestic and foreign policy. He has the authority to work as the Commander-in-Chief of the Iranian armed forces. (Katzman, 2010)

The president of Iran is elected by the direct votes of people and second highest in rank. Vali-e-faqih is unelected and first ranked institution and has more power than president. It is narrated in article 115 "The President must be elected from among religious and political personalities. The candidates for president office are approved by the council of Guardian, which is consisted on twelve members and half of its members are senior clerics. (IBP, 2015)

In 1988 the Expediency Council was formed by Ayatollah Khomeini on the demand of officials who had complaint against the unnecessary interference of guardian council in legislative system. The expediency council play a role of moderator when any issue created between Guardians council and the Majlis. He spiked it thirteen clerics, president, the speaker of the majlis, the chief judge, and 6 jurists from the Guardian council.

Iran is the single state where's the armed forces are not under the executive. Supreme leader (vali0e-faqih) has the control on all affairs of foreign and domestic security. Article 110 specified "the powers held by the Faqih, which included the power to select and remove the heads of the armed forces, as well as judicial officials. The Faqih could also remove political candidates who were not sufficiently religious. The Faqih also had the power to appoint members of the Supreme Defense Council and declare peace or war, based on the recommendations of this Council". (Shahin, 2016) Top of Form Bottom of Form

Consultative Assembly (parliament) consist on 270 members and can be upsurge twenty members after every ten years and term was fixed as 4 years on nonparty basis. The members of Islamic Consultative Assembly elect directly by the people

and secret ballot system and approved by the Council of Guardians. (DPADM, 2004)

According to Article 72, "The Islamic Consultative Assembly cannot enact laws contrary to the usul and ahkam of the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred, in accordance with Article 96". (IBP, 2015)

After the revolution judiciary became the independent institution of the state on the principle of 'separation of power'. It is declared in the constitution of 1979 that judiciary will be free and protect the individual and social rights. The supreme leader appoints and supervises the head of the judiciary and he is responsible for all matters concerning the judiciary, administration, and execution of the judicial system. It shows the executive intervention in the affairs of judiciary. (Nayyer, 2014)

The Iranian political system is a mixture of both democratic and theocratic doctrines. On the one hand it gave the right to people to choose who will govern them, existence of legislative (Majlis-e-Shura) and the institution of President are represent the democracy as these are elected institutions. But on the other hand, it limited the people will to the clerical institution by the institution of vilayet e faqih, Guardian Council, Assembly of experts but leader or Rahbar has the final decision in all elected or unelected institutions to run the affairs of the state. (Tapper, 2006)

The theory of Vilayet-e-faqih of the Islamic state has been central theme of Imam Khomeini and continues and the rhetoric of the Islamic Republic as it is sued to establish the base of the new Iranian political system. The clerical establishment effectively became the central ideological apparatus of the state. Today, the Syed Ali Khamenei successor of Ayatollah Khomeini working as supreme leader and all clerics are by rank just below him. The faqih or supreme spiritual political leader dominates the political, social and economic life of the Islamic republic.

Conclusion

After the demise of Pahlavi government by the revolution of 1979 and that was one of the most important revolutions of the 20th century. The name of Ayatollah Khomeini one of those who brought revolution successfully and the new constitution of the Islamic Republic of Iran drafted according to the theory of Imam Khomeini 'Vilayet-e-faqih' but with the element of democracy. His theory also called the "absolute guardianship of the jurist" as it is codified in the Iranian

constitution and system of government based on it with the strong clerical establishment. According to this theory the jurist will use the all power of hidden Imam in his absence as based on Shi'ite faith and Khomeini argued that the "nature of the vilayet exercised by the just faqih was no different than that of the Prophet, in terms of governing". Ayatollah Khomeini in his modern theory used 'the expediency of the regime' in spite public Interest and sued that rather than the state; the jurist ruler or faqih regulates the public interest. The theory of Vilayete-faqih is considers more unique and there is no doubt that it is more functional than other muslins theories. The faqih (supreme leader) who is not directly elected but he has the strong influence on all elected or unelected institutions of the government and he is only answerable to God on the day of judgment. The principle of separation of power is adopted between the legislature, executive and judiciary but the faqih (supreme leader) have the authority above all these institutions.

It may be concluded that Iran's political system is unique and complex system in its sense as it is consisted on the modern constitutional Islamic theocratic and democratic principles but Iran does not have the unpretentious democracy like in western sense but it has many democratic edifices like right to vote, right to contest election, right to make political groups, elected religio-political institutions and consistent intermittent elections. It was feared that the position of the Vilayet-e faqih would be decline in Iranian political system after the death of the Imam Khomeini. However, it has not only survived but also it became the more strong and influential in the Post-Khomeini era in Iran.

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