

Imam Khomeini and a Jurisprudential Defense of the Republic

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Abstract

This study aims to elucidate and defend Imam Khomeini's interpretation of the concept of "republic" within the framework of the "Islamic Republic" while critiquing two contradictory readings of this concept. The central issue of the research is the inconsistencies in prevalent interpretations of Imam Khomeini's thought, which either reduce the notion of the republic to a mere political slogan, thereby stripping Islamic governance of its democratic essence, or present an idealistic interpretation termed "pure republic," contingent upon specific conditions such as the people's spiritual purity. These two readings are not only incompatible with the authenticity of Imam Khomeini's thought but also overlook the potential of his theory for engaging in global dialogue on the compatibility of Islam and democracy. The primary question of this study is: What is the authentic interpretation of the republic in Imam Khomeini's thought, which he defended through jurisprudential reasoning? The research employs a documentary method, analyzing Imam Khomeini's statements and those of his close interpreters, particularly Ayatollah Moteahhari, during the early years of the Islamic Revolution. The findings reveal that, grounded in jurisprudential principles, Imam Khomeini defended the republic in its conventional, democratic sense, viewing it not as a political tactic but as an inseparable component of his governance theory. According to him, the Islamic Republic is a form of government in which the people determine their destiny through direct participation via mechanisms such as elections, referendums, and public oversight. Furthermore, the study demonstrates that Imam Khomeini's theory of the Islamic Republic, despite certain theoretical and practical challenges, represents a significant advancement beyond the constitutionalist framework, offering substantial opportunities for Iran's political development. These opportunities include strengthening legal formalism, expanding oversight mechanisms, partially recognizing minority rights, and striving to balance independence and freedom. However, challenges such as prioritizing independence over freedom in cases of conflict, ambiguity in defining the "nation" and its relation to the

Cite this article: Dalir, B. (2025). Forati, A. (2025). Imam Khomeini and a Jurisprudential Defense of the Republic. *Islamic Political Studies*, 7(2), pp. 119-138. <https://doi.org/10.22081/jips.2025.79151>

Received: 2025/03/15 ; **Received in revised form:** 2025/04/29 ; **Accepted:** 2025/05/18 ; **Published online:** 2025/07/10

Article type: Research Article

Publisher: Islamic Sciences and Culture Academy

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<http://jips.isca.ac.ir/>

"ummah," and lack of clarity in articulating the relationship between sharia and national will are also analyzed. In conclusion, the study emphasizes that the authentic interpretation of Imam Khomeini's thought reflects a principled, jurisprudential defense of the republic, positioning it as a viable model for global discussions on Islam and democracy. Reductionist or idealistic interpretations are not only inconsistent with his thought but also foster authoritarian discourse, weakening the theory of the Islamic Republic. Therefore, reviving this authentic interpretation and pursuing innovative *ijtihad* are essential for reinforcing the foundations of democracy in Iran.

Keywords

Republic, Islamic Republic, guardianship of the jurist (*vilāyat-i faqīh*), pure Islam, pure republic, democracy.

1. Introduction

The theory of the Islamic Republic is a significant effort to reconcile Islam with democracy. Rooted in Imam Khomeini's thought, this theory builds considerably on the experience of constitutionalist theories in Iran. The Constitutional Revolution (1906–1911) marked the first major attempt by Iranians to establish the rule of law and limit absolute monarchical power. Shiite scholars such as Akhund Khorasani and Mirza Naini played a pivotal role in legitimizing this movement. Shiite constitutionalist theory, particularly Mirza Naini's works (1860–1936), was grounded in a negative approach to governance, rejecting the political authority of jurists during the occultation of the infallible Imam. In contrast, Imam Khomeini's thought, which forms the basis of the Islamic Republic, explicitly adopts an affirmative approach to governance, emphasizing the political authority or guardianship of the jurist (*vilāyat-i faqīh*)—a Shiite jurisprudential theory that grants governance legitimacy to just and knowledgeable jurists in the absence of the infallible Imam. Consequently, his theory is referred to as the “Islamic Republic based on *vilāyat-i faqīh*.” This theory sparked extensive debates among Shiite jurists, leading to numerous works on the subject. Ayatollah Montazeri and other later scholars dedicated significant efforts to deriving and elaborating the foundations of this theory from religious texts. Conversely, jurists like Dr. Mehdi Haeri emphasized the inherent contradictions within the Islamic Republic, describing it as an unresolved paradox in contemporary Iran. While Imam Khomeini's approach was in line with the intellectual tradition of Mullā Aḥmad Narāqī and the author of *Jawāhir al-kalām*—accepting the political authority of jurists—it distinctly differed by embracing the concept of the republic and restoring authority to the people. According to Imam Khomeini, “Monarchy and hereditary succession are precisely what Islam has nullified, dismantling their foundations in early Islam in Iran and Eastern Rome” (Khomeini, 2008, p. 21). He further stated, “Monarchy is fundamentally a form of governance that does not rely on the people's will but is imposed through force, perpetuated hereditarily within a family.”

For this reason, on October 14, 1978, upon arriving in Paris, Imam Khomeini first proposed the Islamic Republic as an alternative to monarchy. When asked, “What is the direction of your actions, and what regime do you intend to replace the Shah's regime with?” he introduced the Islamic Republic as the model for the future political system (Khomeini, 1996, vol. 2, p. 36). In clarifying his understanding of the Islamic Republic, he explicitly stated, “The Islamic Republic is a republic in the same sense as republics elsewhere; it is a

republic like other republics” (Khomeini, 1996, vol. 2, p. 351). Notably, earlier, during the Reza Shah era, when the issue of a republic was raised and prominent clerics like Ayatollah Seyyed Hassan Modarres—a well-known scholar and opponent of Reza Shah’s authoritarianism—opposed it, Imam Khomeini was among the few jurists who considered Modarres’s opposition mistaken. He believed that Modarres should have allowed Reza Shah to establish his version of a republic:

During Reza Shah's time, there was Modarres in the parliament who prevented Reza Shah from establishing a republic, although it was against the interests, and it would have been better if it had been realized. However, their intentions were malicious back then. Reza Shah, who had not yet attained monarchy, wanted to become president and then pursue other agendas. It was Modarres who stood in his way and prevented this from happening. (Khomeini, 1996, vol. 8, p. 199)

Indeed, according to Imam Khomeini, despite Reza Shah’s malicious intentions, it would have been in the best interest for the clergy not to oppose the establishment of a republic, even if it were to be shaped by Reza Shah. The reason was clear: in a republican system, even if imperfect or shaped by a figure like Reza Shah, reforms could be implemented more effectively than in a monarchical system. This is because monarchy is hereditary, whereas in a republic, the people choose their leader. However, Imam Khomeini’s defense of the republic in Paris carried a jurisprudential dimension unprecedented in Shiite jurisprudence. Thus, the question persistently arose: What did he mean by "republic," and what meaningful relationship existed between it and the Islamic nature of the system?

2. What Imam Khomeini Meant by Republic

Undoubtedly, Imam Khomeini was not the first jurist to discuss the political authority or guardianship of jurists. This concept had been debated earlier, with both supporters and opponents, and his proposal was not an entirely novel contribution. Ten years before Imam Khomeini addressed *vilāyat-i faqīh* in Najaf in 1969, Grand Ayatollah Seyyed Mohammad Reza Golpaygani (1899–1993) had reached similar conclusions. However, the concept of the "republic" was uniquely introduced by Imam Khomeini, lacking any precedent in Shiite jurisprudential discussions. The crucial question was what he meant by this term. In response, Imam Khomeini himself did not provide a detailed explanation, stating simply that his understanding of a republic was the same

as that found elsewhere. Perhaps his intended meaning of "republic" can be discerned through those close to him. Undoubtedly, Ayatollah Morteza Motahari was among those whose words Imam Khomeini trusted and whose interpretations of the Islamic system he endorsed. On March 30, 1979, two days before the Islamic Republic referendum, Motahari appeared on television and was asked: What is the Islamic Republic, and what system does it signify? Does the "republic" component in the Islamic Republic acknowledge the sovereignty of the people? If not, how can it be called a republic? In response, he stated:

The Islamic Republic consists of two components: "republic" and "Islamic." The term "republic" specifies the form of the proposed government, while "Islamic" defines its content. We know that governments, both in the past and at present, have taken various forms. One such form is the government of the people, meaning a system in which the right to choose is granted to all people, regardless of gender, race, or beliefs. The only valid conditions here are maturity of age and intellectual capacity, nothing else. Moreover, this government is temporary, requiring renewal every few years. This means that if the people wish, they can re-elect the leader for a second or possibly third or fourth term, as permitted by their constitution, or choose another individual they deem more suitable if they are dissatisfied. As for the term "Islamic," as mentioned, it describes the content of this government, proposing that it be administered according to Islamic principles and operate within the framework of those principles. Islam, as a religion, is also a school of thought and an ideology, providing a comprehensive framework for all aspects of human life. Thus, the Islamic Republic refers to a government whose form involves the election of a leader by the general populace for a temporary term, and whose content is Islamic. Therefore, the Islamic nature of this republic in no way contradicts national sovereignty or democracy in general. Democratic principles never require a society to be devoid of an ideology or system of thought. (Motahari, 1989, pp. 79–83).

In this statement, Motahari articulates that the "republic" pertains to the form of government—a notion frequently echoed during that period, including in Imam Khomeini's own statements. However, a critical question remained: Does the republic merely denote a structural framework, serving only as a

shell or container without implications for the type of governance? According to Motahari, the republic inherently entails a form of democracy and signifies the people's right to sovereignty. This sovereignty means that the people have the right to determine their own destiny. In fact, Imam Khomeini introduced the core idea of the republic, while Motahari elaborated on its details. As Motahari stated, a republic is a government of the people, meaning the right to choose such a government belongs to the populace, regardless of race, gender, or religion. Furthermore, a republic is a temporary government, renewed periodically by the people, who elect, retain, or replace the leader for specific terms. This idea of temporariness was even proposed for the position of the Guardian Jurist (*Valī-yi Faqīh*) during the 1989 Constitutional Review Council, when Ayatollah Ebrahim Amini suggested that the logic of temporariness should apply to the Guardian Jurist as well. However, this proposal faced significant opposition. Without hearing further details from Imam Khomeini regarding the specifics of the republic, the people relied on Ayatollah Motahari's statements—given his position as the head of the Revolutionary Council at the time—and voted in favor of the Islamic Republic based on this understanding. By the time the Constitution was being drafted, Ayatollah Motahari had been martyred, but other close associates of Imam Khomeini, such as Ayatollah Beheshti, were present and provided further details about the concept of the republic.

3. Relation between Islamic and Republican Components

Gradually, discussions about the Islamic Republic extended to the curricula of religious seminaries, where the question of the relationship between the guardianship of the jurist and the Islamic Republic was examined. Was the Islamic Republic identical to an Islamic government, or had Imam Khomeini shifted from the concept of an Islamic government to the Islamic Republic? Here, an Islamic government refers to a general form of governance based on Islam, which could be defined under various theories, such as the guardianship of the jurist or others. In response to these questions, two main perspectives emerged: one concerning the concept of the republic and the other regarding its legitimacy.

1. Some prominent jurists have proposed an interpretation of the Islamic Republic that is devoid of popular sovereignty. According to them, the jurist is divinely appointed and holds responsibility for the people's destiny, with the people's role being to support him. Their aim in advancing such arguments was to move beyond the concept of a republic toward an Islamic government.

From their perspective, a republic is a structure based on elections, whereas in Islam, there is no concept of elections or ballot boxes, nor has it ever been heard of an Islamic ruler being chosen through elections. They view elections as an imported concept from the West, lacking any basis in Islamic traditions or hadiths: "As for the latter opinion, it is even more contrary to the practice of our community than the second, for we have not heard from any of them about resorting to elections to establish the ruler of the Muslims. Elections are a modern innovation of recent centuries, borrowed from Western lands, with no trace or mention in our narrations or Islamic history, as previously noted. How, then, can it be said that the only way to appoint a ruler is through this method?" (Makarem Shirazi, 1990, Vol. 1, p. 547). If concepts like elections lack authenticity in religion, then why did Imam Khomeini speak of an "Islamic Republic" rather than an "Islamic government"? Their response was that Imam Khomeini's advocacy for the Islamic Republic was a form of precautionary dissimulation (*taqiyya khawfiyya*). They argued that if the Islamic system did not conform to democratic principles, Western critics would accuse it of authoritarianism, thereby weakening the foundation of Islamic governance. For this reason, they accepted the republic and its mechanisms, such as the establishment of a consultative assembly and elections, as a secondary ruling to support the ruling jurist. This acceptance was seen as necessary to prevent the Islamic ruler from being accused of despotism and to avoid societal unrest. The roots of this view can be traced to a more authoritarian tradition in Islamic jurisprudence and the political conditions following the revolution, including the war and the perceived need for centralized power.

2. The second reaction offered a different interpretation of the republic, which some refer to as the "pure republic." Here, "pure" does not denote a specific political structure but rather the spiritual and faithful purity of the people. This perspective is primarily promoted among certain intellectual circles within the seminaries and some conservative political groups. According to them, Imam Khomeini, during his political life, successfully articulated the concept of "pure Islam" but did not have the opportunity to elaborate on the "pure republic" in contrast to Western or American republics. They believe it is now their responsibility to fill this gap in his absence. By "pure republic," they mean a populace that has reached a state of complete faith in God, profound understanding of divine truth, and total submission to divine commands. A society that has not yet attained such absolute surrender cannot be considered a "pure republic," and without being a pure republic, it

cannot stand alongside Islam to form an Islamic Republic. The combination of an Islamic Republic can only materialize when the people have reached this level of faith and understanding. Thus, they argue, it is not possible to speak of an Islamic Republic in the present era (Fakhrabadi, 2023).

An important point, relevant both to scholarly discussions and current circumstances, is that Imam Khomeini had the opportunity to clarify what constitutes "pure Islam" versus "American Islam." However, there remains a need to discuss what constitutes a "pure republic" versus an "American republic," what an Islamic democracy entails, what a Western democracy is, and what a truly people-centric system looks like. These questions must be addressed within the framework of the "pure republic" discourse. The roots of this view can be traced to a form of religious perfectionism and a reaction to Western pressures for rapid democratization, leading to an excessive emphasis on moral and religious prerequisites for achieving democracy.

4. Imam Khomeini and Faithfulness to Republicanism

Despite the various interpretations of the republic emerging in religious seminaries, Imam Khomeini consistently upheld its importance. He not only viewed elections as stemming from the people's rights but also considered public consent a crucial factor in legitimizing an Islamic government based on the guardianship of the jurist. In his view, although the ruler is appointed by the Sacred Lawgiver (*shā'ri*), he cannot impose himself on the people or establish a government without their consent. This stance did not signify a departure from the guardianship of the jurist, as Imam Khomeini repeatedly demonstrated his commitment to this principle during the Islamic Republic era. Nevertheless, his belief in the republic was not merely a political slogan but was grounded in jurisprudential reasoning, firmly within the realm of Islamic jurisprudence. In fact, he offered an interpretation of "guardianship" (*vilāyat*) that is compatible with the republic, asserting that an Islamic government cannot be realized without the republican component. In other words, if guardianship exists but lacks the support of the people's vote and consent, it does not qualify as an Islamic government. A jurist cannot assume governance solely based on his qualifications without the people's approval.

In response to an inquiry from the Secretariat of Friday Prayer Leaders regarding the conditions under which a qualified jurist holds guardianship over the Islamic society, Imam Khomeini stated:

Guardianship exists in all circumstances. However, assuming leadership of Muslim affairs and forming a government depend on the

votes of the majority of Muslims, as stipulated in the Constitution, and in early Islam, this was expressed through the pledge of allegiance (*bay'a*) to the leader of the Muslims. (Khomeini, 1999, Vol. 20, p. 459)

The question posed to Imam Khomeini as a formal inquiry for his fatwa indicates that the concept of the republic was his innovation within Islamic jurisprudence, firmly rooted in Islamic jurisprudence (*fiqh*) and not merely a political slogan. His use of the phrase “depends on” in his response reflects a jurisprudential foundation, unprecedented in the statements or fatwas of earlier jurists (Khomeini, 1999, vol. 20, p. 459). While Mirza Naini, in his constitutionalist theory, acknowledged the role of the people in civic agreements, he remained constrained by the framework of monarchical order. He was unable to reconcile his concept of the guardianship of the jurist, as discussed in his works *Munyat al-ṭālib* and his marginalia on Shaykh Anḍārī's *al-Makāsib*, with the principle of popular consent. Consequently, Naini was compelled to address the people's role in political order regardless of the issue of the guardianship of the jurist, in his seminal work *Tanbīh al-umma wa-tanzīh al-milla*. In contrast, Imam Khomeini transcended this framework, placing the jurist within a democratic structure. Thus, the theory of the Islamic Republic is his unique innovation, lacking any rival theory grounded in Islamic jurisprudence. Nevertheless, this idea remains in a state of profound marginalization, often reduced to mere rhetoric and veneration.

5. The Potentials and Challenges of the Theory of the Islamic Republic

Undoubtedly, the theory of the Islamic Republic, which incorporates many elements of a democratic system, is a more progressive idea than the constitutionalist model. Although this theory and model, like constitutionalism, has numerous shortcomings and gaps, it can prevent the deviations of constitutionalism and provide significant opportunities for advancing Iran's political development, fulfilling the aspirations of Iranian society after a century and a half of striving to democratize power. This indicates that the Islamic Republic model is more advanced than the constitutional model for Iran's political progress and does not stand in opposition to it. Pitting them against each other might lead to seeking refuge in constitutionalism to escape the challenges of the Islamic Republic, which is dangerous. Constitutionalism, particularly due to its reliance on monarchy and its shortcomings regarding women's rights, has deficiencies that have been addressed in the Islamic

Republic model. Reverting to constitutionalism would weaken certain aspects of political development. However, the Islamic Republic model also possesses both potential and challenges, requiring the reinforcement of its strengths and the resolution of its flaws.

a) Potentials of the Islamic Republic Model

As the theory of the Islamic Republic is in continuity with the constitutionalist model, it has somewhat expanded national sovereignty and the public rights articulated in constitutionalism, resolving some of its ambiguities. This demonstrates that the Islamic Republic largely continues the aspirations of the Constitutional Revolution, meaning that the return to the rights of the people has been preserved and not abandoned. For instance, in the Constitutional Revolution's framework, the methods of exercising national sovereignty were limited to the election of representatives to the National Consultative Assembly and the Senate, as well as representatives to provincial and local assemblies. In contrast, the Islamic Republic encompasses a broader range of mechanisms, including determining the type of political system, drafting and revising the Constitution, deciding on major economic and political issues through referendums, electing the Leader, choosing the President, selecting members of the Islamic Consultative Assembly, electing members of Islamic councils in villages and cities, and overseeing government officials. These mechanisms reflect a significant expansion of political participation (Badiei Azandahi et al., 2020, p. 358).

1. In contrast to the theory of Islamic government articulated during President Mahmoud Ahmadinejad's tenure, the Quran is not the Constitution itself but one of its sources. For this reason, the theory of the Islamic Republic, like constitutionalism, requires a constitution. It relies solely on the Constitution to judge the conduct of rulers, embodying a form of philosophical formalism that prevents politicians and government officials from deviating from constitutional and ordinary laws. This formalism holds intrinsic value, as it can block violations. Consequently, whenever someone deviates from the Constitution for any reason or pretext, the media, public opinion, and other available mechanisms provide reminders and prevent the continuation of such violations. This demonstrates that, in the theory of the Islamic Republic, the Constitution serves as a standard for critique.

2. The right to public oversight, both individually and institutionally, over power is one of the most effective mechanisms for ensuring individuals' ability to determine their own destiny, without which a democratic political system cannot endure. According to the Constitution of the Islamic Republic

of Iran, the people can exercise oversight over officials in two ways. First, through indirect supervision via participation in elections and the selection of representatives. Second, through direct supervision by practicing the ruling of enjoining good and forbidding evil, which is explicitly emphasized in Article 8 of the Constitution. Additionally, the structure of the Islamic Republic's political system is designed to allow certain parts of the government to oversee others, aiming to prevent corruption and deviation from the primary duties and missions of various governmental sectors. This includes, for instance, the oversight of the Guardian Jurist over the three branches of government, as outlined in the Constitution's preamble and Article 57. Furthermore, the separation of powers, a crucial condition for moderating power, combating government authoritarianism, protecting legal freedoms, and upholding democracy, is also enshrined in the Constitution, as referenced in Articles 57, 84, 87, 88, and 89.

3. According to the Constitution of the Islamic Republic of Iran, sovereignty belongs to the people, and they must actively and effectively participate to exercise this right. Through political participation, citizens seek to elect political officials at various levels and influence the country's major policies. Naturally, this participation and influence involve competition—competition to impact power and the public administration of the country.

4. Political and social freedoms are fundamental pillars of political development. Without freedom, neither political participation nor public oversight can take shape. Freedom serves as the primary foundation for the establishment of all political indicators, and without it, even the process of raising awareness cannot be sustained. According to the Constitution of the Islamic Republic of Iran, ensuring political and social freedoms is achievable through freedom of expression and belief, freedom of political parties and organizations, and freedom of political activities. Article 26 emphasizes the freedom of parties, associations, and organizations as long as they do not contradict Islam or the law, while also prohibiting both the prevention of their formation and forced participation in them. Additionally, the freedom of assemblies and demonstrations is articulated in Article 27.

5. The theory of the Islamic Republic divides citizens into Muslims and non-Muslims. Articles 13 and 26 of the Constitution of the Islamic Republic of Iran recognize only Jewish and Christian minorities as official religious minorities, granting them freedom to perform religious ceremonies and engage in political, social, and professional activities. In response to a journalist who categorized Sunni Muslims as a religious minority within the Islamic

Republic, Imam Khomeini firmly stated, “Our Sunni brothers are by no means a religious minority” (Khomeini, 1999, vol. 5, p. 292). Regarding the rights of non-Muslim minorities, he further elaborated: “Islam respects them [religious minorities]. We grant them all their rights. They have the right to have representatives in the parliament and are free to engage in political and social activities and to freely conduct their religious affairs. They are Iranians and, like other Iranians, will live under the protection of the Islamic government with complete security” (ibid.). Imam Khomeini repeatedly emphasized that “Islam respects religious minorities. They have the right to vote and to elect representatives.” Article 65 of the Constitution allocates five seats in the Islamic Consultative Assembly for religious minorities. This perspective and legal framework allow non-Muslim minorities to participate in representation and legislation within the Islamic Republic. However, the theoretical basis for the presence of minorities in the Islamic Consultative Assembly, as articulated in Mirza Naini’s *Tanbīh al-umma wa-tanzīh al-milla*, has not been fully elaborated in the context of the Islamic Republic’s theory (Feirahi, 2003, p. 267). Furthermore, while non-Muslim minorities are active in local affairs and regional and religious matters under the Islamic Republic’s framework, they do not participate in the country’s macro-level policies or hold key governmental positions. Their involvement is primarily limited to elections and representation in the Islamic Consultative Assembly on this basis.

b) Challenges of the Islamic Republic Model

1. The historical developments of contemporary Iran reveal that the Constitutional Movement was primarily driven by the priority of combating despotism, with Mirza Naini seeking to eliminate autocracy through constitutionalism. However, as the issue of colonialism gained prominence during the Pahlavi era, anti-colonialism took precedence over anti-despotism, and national independence became the foremost foundation of a people-centric order. It is evident that the theories and strategies for change and reform underwent transformations in response to this conceptual shift. A comparison between the Constitution of the Constitutional Revolution and its supplement with the Constitution of the Islamic Republic clearly illustrates this shift of concepts. The preamble to the Islamic Republic’s Constitution speaks of dismantling all imperialist plans, relations, and institutions while striving to break away from the system of despotism and entrust the people’s destiny to their own hands. This dual mission is reflected in Article 9, which establishes a balance between freedom and independence. The text of Article 9 reads:

In the Islamic Republic of Iran, freedom, independence, unity, and

territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority has the right to infringe, even slightly, on the political, cultural, economic, or military independence or territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abolish legitimate freedoms, even through the enactment of laws and regulations, under the pretext of preserving the independence and territorial integrity of the country.

Although Article 9 of the Constitution strives to establish a balance between freedom and independence, ensuring neither is sacrificed for the other, it is evident that in policymaking and implementation, these two cannot perpetually remain on equal footing, and one must, in principle, take precedence over the other. This necessity sparked debates between freedom and independence during the 1979 Assembly of Experts for the Constitution. A review of the assembly's sessions reveals three prevailing viewpoints:

1. The belief that conflict between freedom and independence is unlikely.
2. The acknowledgment of potential conflict, with the necessity of prioritizing freedom.
3. The acknowledgment of potential conflict, with the necessity of prioritizing independence.

The third perspective garnered the most support. Ayatollah Rabbani Amlashi, during discussions on Article 3, stated: "The issue is the prioritization of these principles. In my view, some principles take precedence over others. For example, independence is paramount over other principles. Moreover, many of these principles can only be implemented when the country enjoys independence" (Rabbani Shirazi, 1985, p. 286).

Ayatollah Beheshti, despite defending freedom, ultimately leans toward prioritizing independence, stating: "Under normal circumstances, these two [freedom and independence] are inherently interconnected. However, in extraordinary and exceptional conditions, freedoms may be restricted. This is a common practice in societies and countries during exceptional circumstances. In such times of emergency, things that are permissible under normal conditions may be prohibited" (Beheshti, 1985, p. 422).

Ultimately, Ayatollah Seyyed Mohammad Ali Mousavi Jazaeri, another member of the Assembly of Experts, considers independence a condition and limitation on freedom, adding:

One point is that freedom is respected and must be preserved. Another point is that the country's independence is also respected and must be preserved. Now, we come to situations where these two conflict. The reality is that in cases of conflict, preserving independence is a condition for preserving freedom, but freedom is not a condition for preserving independence. In general, we say that freedom is respected and protected, except where it harms the country's independence. But can we say that the country's independence is respected except where it harms individual freedom? Absolutely not. The reality is that everyone is free, but only to the extent that it does not harm the country's independence. However, if the country's independence is at risk, should we restrict the freedom of a journalist? Thus, this condition exists: independence is a limitation on freedom, but preserving individual freedoms cannot be a limitation on independence. (Mousavi Jazaeri, 1985, pp. 426–427)

This reasoning was not a marginal perspective but reflected the view of a broad spectrum of the members of the Assembly of Experts for the Constitution. The prevailing thought was that, in comparing independence and freedom, independence must take precedence over freedom (Rabbani Amlashi, 1985, p. 429). Undoubtedly, one cannot undermine the country's independence in the name of freedom, as independence is fundamentally a guarantee for the exercise of legitimate freedoms. A government that is inherently dependent or under the domination of another lacks the capacity to provide the conditions for its people's freedom. Conversely, one cannot abolish the nation's legitimate freedoms in the name of preserving independence and territorial integrity. Despite the emphasis on this relationship and the assertion that independence is a prerequisite for achieving freedom, in cases of conflict, priority is given to the country's independence (Ghotbi & Bahadori Jahromi, 2016, p. 67). However, the word "must" in the statements of the Assembly members should be taken seriously, as it forms the basis for policymaking regarding public freedoms in the Islamic Republic of Iran. This perspective, which prioritizes independence and leans toward the interests and priorities of the state, may, under various justifications arising from the country's political and security conditions, lead to the erosion of civil liberties, thereby delaying political development.

2. The concept of nationality, which forms the foundation of the modern state, is acknowledged in the theory of the Islamic Republic, and elections in the Islamic Republic take place within national borders. This is contrary to

socialist systems where someone from one place might govern elsewhere. For instance, during one presidential election, Seyyed Jalaluddin Farsi was a candidate, but upon rumors that he was not Iranian, he was entirely excluded from the political race. This illustrates that the modern concept of nationality is present in the Islamic Republic, yet it remains shrouded in ambiguity. There is still no clear explanation of it in the relevant constitutional articles. The Constitution adheres to the Sykes-Picot Agreement's definition of nationality but weakens the concept by emphasizing *ummah* (Islamic community) in other provisions, without establishing a mechanism to define the relationship between *nation* and *ummah*.

To elucidate, the preamble of the Constitution uses the term *nation* (*millat*) 14 times, sometimes paired with "Muslim" or interpreted as "Muslim people." Various constitutional articles, such as Articles 1, 67, 121, 15, and 19, refer to terms like "the Iranian nation" or "the Iranian people" depending on the context. The citizens of the Islamic Republic, as subjects of the state, are the primary beneficiaries of the rights and responsibilities outlined in the Constitution. An analysis of these articles suggests that the Constitution recognizes the superficial, conventional meaning of *nation*, as the basis for enjoying citizenship rights and duties is the relationship between individuals and their respective government. However, this does not equate to a full acceptance of the concept of *nation* with all its components and principles in constitutional law. In fact, one key component of the nation is the recognition of citizenship, which is acknowledged in Iran's Constitution. However, accepting this component does not necessarily entail embracing all other aspects of the concept of nation. The foundation of the modern state in the social sphere is the substitution of the concept of religion with nation, prioritizing national identity over religious identity and emphasizing the separation of religion from politics and the ideological neutrality of the state. A state claiming such neutrality cannot have a nation whose constitution is governed by religion. Undoubtedly, the spirit of the Islamic Republic's Constitution is the religion of Islam and Shiite denomination, as reflected in many of its articles. The national identity in this Constitution is not merely contractual but is derived from a collective faith in Islam and Shiism. Furthermore, the modern concept of *nation* is at odds with the aspirations outlined in the Constitution, such as the pursuit of universal human happiness and global justice, as explicitly stated in Article 154. Modern states, by their own claims, not only have no duty to engage in such pursuits but are obligated to avoid interference in these areas. This indicates that the concept of *nation*,

with its specific components and principles, is not only inconsistent with but also in conflict with the goals and foundations of the Islamic Republic as embodied in its Constitution (Nikoonahad & Salah, 2024, pp. 1–27).

3. Although the theory of the Islamic Republic establishes a relationship between sharia and the rights of the nation, articulating and explaining this relationship remains challenging. Those with democratic leanings argue that all laws stem from the national will, while those with authoritarian tendencies equate the law with sharia rulings. This tension also existed in the Constitutional era, with divisions persisting among both factions. Some modernists, such as Mirza Yusef Khan Mustashar al-Dowleh and Mirza Malkam Khan, viewed the modern concept of national rights as compatible with sharia, whereas others, like Mirza Fathali Akhundzadeh (Mirza Fatali Akhundov) and Abdul'Rahim Talibov, considered them irreconcilable. Conversely, sharia-oriented scholars like Akhund Khorasani and his students, Mahallati and Mirza Naini, played a pivotal role in localizing modern concepts, endorsing constitutionalism with certain conditions. However, scholars like Sheikh Fazlollah Nuri deemed the general principles of constitutionalism incompatible with Islam. This divide has persisted among these two groups to the present day and remains without clear resolution, even within the theory of the Islamic Republic.

4. Article 5 of the Islamic Republic's Constitution states that during the occultation of the Infallible Imam, governance is entrusted to the jurist. Article 6 asserts that affairs are managed based on public votes, while Article 8 emphasizes the role of councils, and Article 9 addresses the duty of enjoining good and forbidding evil. Additionally, Article 56 underscores that absolute sovereignty over the world and humanity belongs to God, who has also granted humans authority over their own destiny. The question remains: who truly holds this sovereignty? Does the jurist's approval legitimize the president, or does the people's vote legitimize the jurist? This issue remains unresolved in our public discourse.

The Iranian Constitution was drafted in a short period, and it requires further discussion. However, the conditions of war, assassinations, and other challenges delayed meaningful dialogue about the Constitution. If the core principle is that sovereignty belongs to the people, why appoint someone to the highest position in the Guardian Council who does not believe in this principle? The problem lies in the philosophical formalism embedded in the Islamic Republic's system, which also leaves room for evasion. Thus, political development in Iran demands a clear articulation of governance principles,

which currently remain ambiguous. Without a clear intellectual framework, the questions of what development entails, who it serves, and for whom it is intended become meaningless. Therefore, we must revisit our historical and intellectual foundations to understand how we have approached escaping political backwardness. By studying history, we may avoid repeating past mistakes.

6. Conclusion

Our analytical examination in this article reveals that Imam Khomeini's defense of republicanism was not a temporary political tactic but a significant jurisprudential innovation grounded in clear theoretical principles. By integrating the doctrine of the guardianship of the jurist (*vilāyat-i faqīh*) with democratic mechanisms, he introduced a novel framework in Shia political thought, seeking to bridge divine and popular sovereignty. This theory, lacking direct precedent in prior Shia jurisprudential traditions, advanced the concepts of the Constitutionalist Movement by moving beyond monarchical structures and endorsing popular sovereignty within a modern state framework. This approach provides a compelling and significant contribution to global discussions on the compatibility of Islam with democratic principles.

Through a critique of two competing interpretations, this article demonstrates that approaches reducing republicanism to a mere dissimulative slogan or conditioning it on the realization of an idealized, perfectionist republic diverge from the essence of Imam Khomeini's thought and tend toward a form of authoritarianism that contradicts his repeated emphasis on the people's vote and consent. His key statement that the formation of government depends on the votes of the majority of Muslims represents a pivotal jurisprudential turning point, linking religious legitimacy (guardianship) with popular acceptance (republicanism).

Despite its significant potential for political development, the theory of the Islamic Republic remains an unfinished project marked by structural challenges and ambiguities. Tensions between concepts such as independence and freedom, uncertainty regarding the relationship between nation and *ummah* (Islamic community), and a lack of clarity in determining the ultimate source of legitimacy (divine or popular) in the Constitution are indicative of unresolved contradictions. These ambiguities have opened the door to authoritarian interpretations, hindering the full realization of the theory's democratic potential.

In conclusion, the concept of the Islamic Republic in Imam Khomeini's

thought, while a significant theoretical advancement, requires ongoing scholarly innovation and continuous dialogue to clarify its ambiguities and strengthen its democratic institutions to avoid being weakened or marginalized, as was the fate of the Constitutionalist theory. A critical re-examination of this experience is essential not only for Iran's political future but also for all societies seeking to reconcile religious tradition with modern governance.

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