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# Constitutionalism in the Viewpoint of Akhond Khorasani, Leader of the Iranian Constitutional Revolution

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**Abstract** - Despite the constitutional revolution of Iran being one of the most important social movements in Iranian history and it was then that modern concepts entered the Iranian political – social literature, there has been few efforts made to understand and grasp these concepts. This article intends to evaluate the viewpoint of the religious leader of constitutionalist, Akhond Khorasani in relation to the modern concepts of constitutionalism, i.e. lawful government. The dominant political system that presided the constitutional revolution was absolute monarchy and there always was a sole individual who ruled Iran in a complete dictatorial fashion as its king. The constitutional movement demanded for the first time a parliamentary or constitutionalist government. In this article, all the primary documents and sources such as announcements, letters, telegraphs, fatwas and answers to questions through which Akhond Khorasani expressed his views vis-à-vis the concepts constitutionalism are analyzed by means of the hidden content analysis methodology and by using the viewpoints of Habermas, the German sociologist who has respected views regarding the theory of modernity.

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# Constitutionalism in the Viewpoint of Akhond Khorasani, Leader of the Iranian Constitutional Revolution

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## I. INTRODUCTION

One of the most prominent transitions in the political history of Iran was the Constitutional Revolution (*Mashruteh*) which changed the political and social structures in Iran. Modern and traditional attitudes, social and political philosophy of thinkers and theologians (as subjective conditions), livelihood and economical conditions, social classes (as objective conditions) as well as the kind of exercising of authority by governors were the most important reasons which resulted in Constitutional Revolution and the consequent social and political changes. The occurrence of the constitutional revolution on 1906 resulted in acquaintance of Iranian thinkers and some

famous Iranian clergies with the modern western culture. At first, this revolution started with the aim of restricting the power of self-willed kings in controlling the country and increasing the role of the people by formation of a parliament with the leadership of Shiite clergies.

Some concepts such as constitutionalism, freedom, parliament, and justice entered Iran, whereas these concepts were not present in the political culture and literature of Iran, for this reason these concepts were transformed in to more fluid concepts. Clergies tried to adopt them to their own thoughts and as a result they were changed to familiar concepts. At the beginning of the revolution, due to being away from his homeland and not being in direct contact with the events surrounding the revolution and moreover due to lack of a reliable channel of information the Akhond Khorasani was not involved in the course of the revolution.

However, after trusting the news of the revolution given to him and becoming acquainted with the issues, he assumed the leadership of the revolution through expressing his views by means of announcements, letters, telegraphs, fatwas and answers to questions. His view point's regarding the modern concepts that entered the Iranian political literature has the potential of being a base for understanding and analysis of the modern concepts by the intellectuals and researchers involved the political-social evolution in Iran. As reviewed in the literature of few studies have attempted to evaluate the Akhond's views by considering the most important concept of the revolution which is constitutionalism. This study intends to fill this gap by analyzing the Akhond's views in relation to this concept.

## II. LITERATURE REVIEW

### a) *The Existing Circumstances in Iran before the Constitutional Revolution*

It is evident that time is of a great importance in any historical research and the events take priority considering the time of occurrence. To have a better understanding of time and its nature and role in relation with the occurrence of Constitutional Revolution, we will have a brief review of the continuity and order of events.

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Cultural and economic conditions in Iran had a transgress trend economic power was diminishing and political reputation of the government was being destroyed, no social reform was taken and the influence of foreign forces was at its maximum. Before the Constitutional Revolution (*Mashroteh*), King's Autocracy was in order, and all Imperial courts and populace were forced to obey the King's commands and they had no freedom for political partnership. In actuality, there were no specific codified laws in Iran and the King himself was considered law.

Amin Al Dowle was quoted as saying "each government has a certain style for conducting its own affairs. Either the King controls the ministries and deals with governmental issues, or an independent representative of the King controls all affairs, or there is a powerful House which does all these instead of chancellorship and no affairs are employed without the consent of the House, or ministries separately perform their duties and they will be castigated if they exceed their limits. At present there aren't any of these items" (Adamiyat, 1956).

#### b) *Despotism*

The absolute despotism, the increasing tyranny of rulers and agents of the king towards the people and their adverse consequences were the elements that made up the circumstances in Iran. There were no limits to the authorities of the government and the Iranian population was ignorant of citizenship rights and laws. The government recognized no right of the people and the king would be considered the shadow of God. He would be obeyed like God and his legitimacy originated from just the same idea (L. Ajodani, 2007).

Despotism was present at every aspect of life and freedom and authority of decision-making had been destroyed. Limited oppositions by some clerics were not able to bring essential and fundamental changes to power structure and neither did they prevent despotism (Ajodani, 2007).

Sir John Melcom writes about Iranian Court in the nineteenth Century, "Iranian Kingdom is the most despotic one in the world and no court does so much serious clinging to formalities and superficial ceremonies" (Kasraee, 2000).

#### c) *The Influence by Foreigners*

Another powerful element greatly influencing the political and socioeconomic structures in Iran was the influence by the great powers of the time; Russia and England, on Iranian policy. Russia Occupied Georgia, a part of Iranian territory, in 1801 and Iran had to begin a war to resist such a loss of parts of its territory.

However, it was defeated convincingly. The result from the defeat was the conclusion of *Golestan* peace convention in 1813 under which many parts of Northern Iran were separated from Iran and were annexed to Russian territories (Kasraee, 2000).

Ten years later, in order to take back the occupied areas, Iran got involved in a destructive war and was defeated again. Moreover, Russia occupied some other areas. The worst of all, Russia even occupied Tabriz. *Turkmanchai* Convention was the bitter fruit of that defeat in 1828 (Kasraee, 2000).

### III. CIRCUMSTANCES IN EUROPE AND THE WEST

It seems that a brief review of circumstances governing Europe in those days is required along with this short review of conditions in Iran. It may help us understand the differences between Iran and Europe under the conditions when Iranian People faced numerous problems. It may also help one understand the procedures resulting in the establishment of a relation between the two and the effects they had on each other. It is evident that the influence could not be on the part of Iran and that it was instead Europe and specially England and Russia that brought challenges to Iran.

Social and political movements had given rise to some changes in ideas especially in the west. Among them were constitutionalist and nationalist movements in Europe in the latter half of the nineteenth century. It was when the law of freedom of voting in elections and distribution of parliamentary positions were developed in England (1884). In 1850-1870 Italy created a union out of its seven separate areas and developed a constitutional law. Italian monarchy was established. Moreover, Denmark, Austria, Hungary, Germany and France developed their constitutional laws in 1864, 1869, 1871 and 1875 respectively. Egypt and India also developed their own constitutions respectively in 1866 and 1861. Constitutionalist movement in Japan also resulted in development of a constitutional law in 1889 (Kasraee, 2000). In addition to the ideological developments having created the grounds for other developments, Europe had its scientific and technological advancements ahead of Iran in those times. *Abdollahif Mousavi Shoushtari* gives in his "*Tohfah-ul-Alam*" (1801) some descriptions of London and the many services provided by the government including water installations, the system of avenues, urban and rural roads, schools and hospitals. He also speaks of democracy, freedom of press, equality of people before the system of law, the existence of consultative assembly and the right of election of deputies (Haery, 1999). Through the abovementioned conditions, some understanding of circumstances such as socioeconomic and cultural poverty, despotism in Iran, the advancements in the west and finally the social and political position of clerics, present in those days could be reached. Constitutional Revolution took place under the aforesaid conditions. The revolution occurred with the aim of finding access to modern western phenomena. It was a requirement for bringing some

reform to the political system and not for overthrowing it. It was a Movement for elimination of despotism, and the creation of parliament which was a Western phenomenon that had been missing in Iran.

Additionally there were some intellectuals from the clergy class. They had more influence on the people. Clergies such as Seyyed Mohammad Tabatabayi, Seyyed Abdollah Behbahani, Mirza Mohammad Hossein Naeeny, Akhond Mohammad Kazem Khorasani, Haj Sheikh Abdollah Mazandarany, and Sheikh Fazlolah Noory were persons that had more effectiveness on appearance and guidance of the Revolution.

Secular intellectuals with inspiration attained the western world were eager of reformations in social and political structures. They were also trying to reach the western political elements such as democracy, parliament, separated forces, freedom of speech, freedom of the press and department of justice. On the other hand the clergy had faced and were involved in these concepts for the first time.

It is evident that for the creation of social phenomena, a reason or some reasons are required. Therefore, the influence of the clergy was not an exception to this rule. Based on this rule, in the Constitution Revolution, development and expansion of clergy's influence on the people were also dependent on two reasons: the theoretical (subjective) element and the practical (objective) element.

#### IV. THE ELEMENTS OF THE CLERGY'S INFLUENCE

##### a) Theoretical (subjective) Element

This element refers to the Shi'i'a's attitude and approach to government. Shi'i'a's religious scholars believe that political leadership cannot be separated from religious leadership. They believe that in the period of the Holy Prophet *Mohammad* and even in the period of his successors, the Caliphs, politic affairs and religion were just like the two sides of a coin. It means government was a religious government and a religious leader was also a political leader. Such coincidences of political and religious leadership implied that the Holy Prophet has brought all political and religious rules for the people's life through the revelation and all governments must govern only based on those rules. In other words religious and political rules must be conformed to each other. There was the belief that the Caliphs continued the tradition of the Holy Prophet of Islam in politics, because they had lived with the Holy Prophet and had in their minds many religious rules. In other words, the government in period of the caliphs was politically and religious legitimate (M. a. Ajodani, 2007).

According to *Fun Gronbaum* "Islam is the government of God. God is the living truth to whom Islam owes its existence. God is the spiritual center and destination of Islam. God is the cause behind the

existence of such a government and He is the center of unity. God prepares the plan of life of both the human society and every individual living under his power and management" (Haery, 2002).

"Since Islamic system is a divine society and its governor is God so, there must be an executive power to represent God's commands on the Earth and the prophet of Islam was the most important and the last representative of God" (Haery, 2002).

According to this attitude Shi'a believes that after the Holy prophet, Imams are governors of the Islamic society. They inherited the leadership of Islamic society and had relation with revelation and knowledge sources and received god's grace. Actually Shi'a believes that prophecy and government will be continued by Imams after Holly prophet. So if governors to be Shi'a's Imams, government will be justly, otherwise it will be oppressive government (M. a. Ajodani, 2007).

Therefore, there theoretically existed grounds for the intervention of Shi'a's clergy in political affairs and opponents to this issue were actually considered as being in opposition to fundamentals of Shiism.

##### b) Practical (Objective) elements

Another reason behind the expansion and influence of clergy's authority which are mentioned in this study as the objective factor was the war between Iran and Russia in the age of Qajar.

This factor created a new social ground to increase the power of the clergy in order to control the government. *Fath Ali Shah* (a king of the Qajar dynasty) needed to be supported by the clergy to mobilize people against the Russian army. Guardian jurist (*vali e faqih*) supported the king by giving an order of *Jihad* (holy war) against the Russian army who were called unbelievers (M. a. Ajodani, 2007).

The war between Iran and Russia practically created the historical opportunity for the clergy to intervene in political issues and to begin a gradual progress in bringing the king and the political power within their scope of dominance and protection. It was through this same religious influence that the order of religious scholars was preferable to the orders of the king. It was because the government had to surrender to religious orders and any resistance against those orders would either result in profanity or revolt of populace (Algar, 1975).

In Iran political governance was meaningless without religious governance, because the clergy were always claimant of political government. Clerics and secular intellectuals were the leaders of the first social and political revolution of Iranian history.

The second important revolution in the social and political system of Iran resulting in the Islamic Republic of Iran was also headed by clerics and it is currently managed and directed by them. Constitutional Revolution took place when the west was speedily moving toward scientific and technological



advancement and Iran was seeking the opportunity to eliminate the overcoming circumstances and to understand the modern world. Clerics considered themselves representatives of religion and the public.

This article is concerned with the clergy's reaction to these western concepts, specifically freedom, constitutionalism, justice and parliament. This study will show us how was the status quo and the role of the clergy in the political issues of Iran. Obviously the clergy's political behavior overshadowed the rulers and populace, and their political power was in parallel of the king's power and their social class was lower than princes and higher than merchants, nobles and rich men.

Some contexts such as constitutionalism, law, freedom, parliament, and justice, entered Iran, whereas these contexts were not present in the culture and literature of Iran. For this reason these concepts were transformed in to more fluid concepts. Clergies tried to adopt them to their own thoughts and as a result they were changed to familiar contexts.

## V. THEORETICAL FRAMEWORK

Modernity is a theoretical way of thought regarding social, political, economical, cultural and artistic issues. Furthermore, because the German sociologist, Habermas, has designed the modernity project for the purpose of achieving sociological and political ideas and also believes that modern political elements such as Democracy, freedom and justice are necessary and vital to realize this ideals, the researcher, adopts his viewpoints in order to address the subject of this study.

Habermas believes that the modern age was inaugurated with Kant. Kant made tremendous efforts for the universal expansion and logical foundation of democratic institutions. Habermas, too, is in agreement with Kant and believes that such a foundation is necessary for creating democratic institutions. In other words Habermas points to this issue that a universal and rational base and foundation is needed for the creation of sociological institutions and this means re-rationalization (flyvbjerg, 1998).

Habermas invasions the formation of a logical and ideal society based on democracy. He looks for a constitution by which he is able to express the existential philosophy of forming the global society. A philosophy without which the society suffers from what Habermas considers dangerous: contextualize, relativism and nihilism. However Habermas believes that the problem with Kant and modernity intellectuals is not that they were mistaken in forming an ideal and logical society, but that they were mistaken in their ideas of how to reach the objective (flyvbjerg, 1998).

Habermas with the theory of communicative action and discourse ethics makes way for the formation of rational constitution in the modernity approach

according to Habermas, communicative action has a direct involvement in the processes of social life up to the point where the mutual understanding of individuals is a mechanism for the purpose of harmony in individual's actions. Moreover, Habermas believes that the social life is based on processes of mutual understanding which is the main and central experience in human social life. These processes, in Habermas's opinion, are universal and inevitable (flyvbjerg, 1998).

Communicative action is the result co-operation and understanding based on social norms and common values of which the most important according to Habermas are freedom, lawful democracy, equality, reasonableness and unity (Hove, 2007).

Habermas claims that human beings are defined as democratic beings. In other words, accordance among humans is reached without any compulsion as an example: all the participants in a practical discussion are able to freely accept or reject its result or side effects.

Habermas thinks of religion as being extraordinarily important, in the extent of considering religion as being the identity of a society. He believes that the society is in need of religion, because religious people can interpret a society and actively participated. Furthermore, the accordance between the religious majority and minority is an indication of a society being democratic. Indeed, if the liberal government does not show interest in participation and religious voices in political organizations, then it has separated itself from key resources that are identity and meaning. If the society understands the true meaning of religious expression, it has discovered a hidden part of itself. For instance, the true content of religious cooperate can be displayed in institutionalized activities of consultative and decision making organizations such as the activities of parliament representative in the public political domain (Habermas, 2006).

In Habermas's opinion, what is fair and just is for the political parties to learn to hear out and respect each other's viewpoint. In fact, it is with this method that the civil society is placed in a path leading to its goal which is democracy on the basis of council. Also, what constitutes fairness would be for the laws and regulations to be equal for governmental officials, politicians and other citizens. This happens only when the principle of separation religion and politics is implemented. If not, equality will only happen at the tip of the tongue. The main request of this principle is that the governmental institution administers and manages the society by being absolutely impartial and doesn't permit any group, court and organization to assume on lawful superiority. The government must stay away from any political position that could lead to religious pressure coercion and must not consider such positions in relation to its decision makings. Moreover, the government must persist on the following lawful

principles: firstly, all of the citizens have a fair share of citizenship rights and secondly, they can benefit from this lawful share and these can only be realized by implementing the principle of separation of religion and politics (Habermas, 2006).

## VI. CONSTITUTIONALISM

This concept was introduced initially after the constitutional revolution 1906. the word of constitution (mashroutah) has been used as an equivalent to constitution in English or constitution in French pronunciation.

The word of constitution relates to the verb 'to constitute' from the Latin *constituer* (to cause, to stand, to found, to establish). That which is set up is constituted; consequently the contents of that which is established can be referred to as the constitution. To constitute is the act of establishing, the constitution is the ordinance so established. The constitutional theory of the state was conspicuous in eighteenth century, although many of its elements and main arguments date back to the middle ages. The term constitution was employed to denote a constitutional form of government because such a government, as it was understood in Iran, rules conditionally within a certain limit assigned by the law (Vincent, 1987).

The central feature of the constitutional is that it is a theory first and foremost of limitation. Developing as it did in the context of absolutism this became an overriding preoccupation. Vincent states: "what is sought for in the constitutional theory is some diversification and thus limitation of authority" (Vincent, 1987).

An absolute state does not have any kind of limitations and one individual has complete authority. Thus this type of state ought to have certain defined limitations which can only be defined by law. In other words it is only the existence of law that has the ability of limiting the authority of an absolute state. The present of law means constitutionalism and constitutionalism means the limitation of one individual's authority by means of law. Based on this concept, a state is created and acts on the basis of the rule of law, and in itself, this is the meaning of constitutionalism, whereby limitations imposed on a state is because of law's authority.

The constitution is prior to any particular government; it defines the authority and gives to government the right to exercise its power. The constitutional laws are laws which govern the state, rather than laws by which the state governs. Thus the key emphasis of constitutional theory is on the state as the guardian of the constitutional order. This is what marks out the constitutional order (Vincent, 1987).

Constitutionalism is a form of political thought and action that seeks to prevent tyranny and to guarantee the liberty and rights of individuals on which free society depends.

### a) *Constitutionalism in Iran during the Constitutional Revolution*

In Iran before the age of constitutionalism, a state of absolute tyranny was the only type of governance in the political order. Iran has not seen anything but this type of government in its history, be it before Islam or after it.

After the coming of Islam the believes of Iranians got shaped on the basis of being both Iranians and Muslims. It was this type of thinking that led the governance to be embedded in religion and also caused the people to think of it as religious concept.

The king (shah) was the ruler of Iran who protected the Islamic territory. Moreover he was supported by Islamic clergies. The sovereignty of the king over an Islamic territory and its Muslim people along with the clergies' support made the king the representative and shadow of God on earth.

Power was in the hand of the king and more over he was not accountable in front of anyone or anything including the law. Furthermore the clergy was more involved in advising the king and was less involved in political matters.

The concept of constitutionalism became prevalent in Iranian political literature with the aim of limiting the king's authority on the basis of law and creates constitutional law for the first time. Because of the increase in internal dictatorship and the oppression of the people, and also the interference of external powers such as Russia and Britain, the qajar dynasty was faced with the lack of ability in controlling political sociological, economical and cultural affairs.

It was in this time that due to the somewhat limited relationship of Iranian intellectuals with western countries, a sense of awareness of the progress of modern societies and feelings anti tyranny and modernism was emerging.

The most important of the people's demands in the period of qajar was the denouncing of the despotism. The people, because of being fed up of all the oppressions and sufferings, demanded justice in their society. The constitutionalist movement wanted the limitation of the king's authority on the biases of law. So that the oppressions and corruptions get prevented (L. Ajodani, 2007).

The constitutionalist movement had obvious intensions of obtaining just this through an independent judiciary branch. Moreover they sought to have a parliament composed of people's representatives who would appoint government officials and overlook their actions. The movement was also after limiting the king's authority and the creation of independent institutions which have differentiated powers based on the constitutional law.

The people of Iran, because of the pressure exerted on them, were demanding a new type of state created on the basis of law which consists of political

and sociological institutions. In other words, a state which is based on the people will. Therefore the term constitution was a term that symbolized those demands. The concept of constitution was not clear among the people and thus was not understood by them in the same way, many people thought that constitutionalism means merely the creation of justice departments (*edalatkhane*) for some others, it meant progress and modernism in the same way as developed countries. There were also some who expected constitutionalism to be means of restoring the laws of Islam and their implementation. Also present were some people who only thought of constitutionalism as the limitation of the king's authority and power.

It is evident that the clergy had in mind the implementation and the prevalence of Islamic laws, whereas the intellectuals, who had become familiar with the advancement of Europeans countries, wanted progress and modernism from the movement.

These differences in understanding further added ambiguity to the concept of constitutionalism in such a way that freydoon adamiyat stated that "out of the 10000 people who took refuge in the England embassy not even 10 people knew what constitutionalism meant" (Adamiyat, 1956).

Ultimately in 1907 the word constitution (mashroutah) for the first time appeared in an official decree reluctantly issued by mohammad ali shah under pressure.

Since in the previous royal decrees the word constitution (mashroutah) was not used the new shah had to confirm the conversion of the Iranian old regime into a constitutional system by clearly using the word constitution (mashroutah). The shah, therefore, announced that,

"Since the day when the decree of the blessed king of kings (mozaffareddin shah), may God illuminate his proof, received the honor of issuance, and the establishment of the national consultative assembly was commanded, Iran has been included among the constitution (mashroutah) states which possess a constitution" (Haery, 2002).

The decree implies that Iran had begun to develop a constitutional institution in line with countries such as Belgium, England, French, where their own type of democratic systems were at work.

## VII. AKHOND KHORASANI

Without a leader, no revolution can take place and be successful. The constitutional revolution of Iran too is not an exception to this rule.

Mohammad kazem khorasani also known as akhond khorasani is considered as one of the most recognized leaders of the constitutional movement. Since he lived outside of Iran, in the city of Najaf (a holy city in Iraq) his role in the revolution has not been contemplated much. However he gave directions to

constitutionalists by means of letters and telegraphs for the purpose of the revolutions progress.

Akhond khorasani was born in mashad in the year 1838. His father, molla hosein was from the city of Herat but resided in the city of mashad. Akhond khorasani was the smallest of his family's five children. He began his education in Mashad and after six years he moved to Sabzevar and then to the Sadr school of Tehran. During this period he studied under the supervision of scholars such as Molla Hadi Sabzevari, Molla Hosein KHoei and Mirza Abolhasan Jelveh. After two years he left for the city of Najaf and in its religious academy (howzeye elmiye), became the student of Sheikh Morteza Ansari and Mirza Hasan Shirazi (the holder of the tobacco fatwa). After finish his education he began to teach in the same city. His classes were usually very crowded and at times it comprised more than a thousand people (Kefaei 46).

The following are some of Akhond Khorasani's published works: Dorarol Favaed, Favaedol Osoul, Tekmalatol Tabserreh, Kefayatol Osoul (kadivar, 2006).

His most important work is considered to be Kefayatol Osoul. This work is so recognize that because of it, Akhond KHORASANI is also known as the holder of Kefayah. From the date of its publish, in 1902, to this day this work is the most prevalent text book of the principles course thought in shiia religious academies (howzeye elmiye) (kadivar, 2006).

Akhond Khorasani was one of the clergies in agreement with constitutionalism and he guided and supported the constitutionalists by means of letters and telegraphs. He considered the constitutional order a mean of limiting oppression and believed that the participation of all Muslims in this movement is indispensable (Rajabi, 1989).

## VIII. FINDING AND DISCUSSION

Akhond Khorasani was a reformist who directed his attention to the manner of governing the people, the relationship between the government and people and moreover, how which one of them especially the government can perform their duties. In his view the monarchy is legitimate and accepted and does not have any contradiction with the religion of Islam.

The Shah (king) is an Islamic monarch and the general publics are a group of people who have been entrusted to him by god and preserving their rights is his duty. This viewpoint illustrates that Islam does not contradict monarchy so long as it, the monarchy, righteously upholds its duty of managing the society and the people. In a letter to Mozaffareddin Shah, while endorsing his monarchy, the Akhond expresses his worry regarding the unorganized condition of the society's management and further states that the position of monarchy is of high value and that the preservation of the people's rights who have been

entrusted to the Shah by god is very important. He goes on to say that despite the Shah's complete attention and high determination regarding the improvement and order in people's religious and governmental affairs, signs of weakness and deterioration of the foundation of the government and the pillars of the nation are increasing by the day.

The reason for this lack of appropriate administration of the society and is the increasing weakness of the government is also expressed in the views of the Akhond and is essentially the foundation of his opposition against the government. Also these are the reasons why he is drawn to the constitutional revolution and assuming the leadership of the constitutionalists. He blames this situation of weakness in the government and corrupt administration on those people who are in charge of political – social affairs but are incompetent or follow self – interests or are traitors who want the domination of foreigners in Iran. He writes in a letter to the Shah that it has become evident that most of the governmental affairs are riddled with errors and deception and that some of the ministers are not truly up to the task of preserving the dignity of the government and the order of the monarchy. The ever increasing of government weakness has no other reason but the fact that some of the governmental officials have taken their eyes of the people's rights and have followed their own personal objective and self interests. These are all deceptions and treasons on behalf of some of the government's ministers who seek the domination of foreign powers and the weakness of the government and the nation's foundations.

In the Akhond's opinion, those ruled Iran were either incompetent or traitors. In a fatwa, he condemns the premier to incompetence and attributes all the governmental corruption to him and furthermore forbids obeying his commands.

At the time, the nondemocratic society of Iran did not have any institution for major political – social decision makings. The society was controlled by a few numbers of individuals who in turn are not competent in management or were betrayer of their own country. It was in this type of situation that Akhond Khorasani finds it necessary for the society to have law and constitutionalism in order to be freed from personal decision makings which are truly the cause of absolute despotism. In order to grasp the worldview of the Akhond and the type of his vision regarding modern concepts, first we look at constitutionalism.

### ***Constitutionalism in the view of Akhond***

The Akhond considers constitutionalism to be the opposite point of despotism and self – will and this is what separates an absolute system of government from a democratic one. In his opinion, despotism means a government acting in a self – opinionated manner and detached from any accountability and is moreover the source of all decision makings and acts as it wishes in

all governmental bureaus, regardless of taking into account the law or the opinions of others, and most importantly does not consider any other way thought as its rival.

Constitutionalism is believed by the Akhond to be exactly the opposite of such a definition for despotism. He believes that constitutionalism means the limitation and constitutionalization of governmental bureaus based on the rule of law and that none of them transgresses and violate lawful limitations based on the official religion of the country. The realization of constitutionalism in Iran is in the government and the nation not violating laws that are in accordance to Islamic rulings (Sharia).

What can be understood from the Akhond's definition of constitutionalism is that he is utterly negates the concept of absolute despotism and demands the order of law and that the government acts according to that order. In one of his announcements to the Iranian nation he defines constitutionalism as the limitation of domination of individuals in charge of governmental affairs and reducing their authorities in terms of their self opinionated and oppressive actions. However, this limitation is set by governmental laws that are in accordance to the ruling of Islam as the official religion of Iran. More importantly, the Akhond considers anyone who assumes absolute power and considers himself the absolute authority to be a dissident and at least a heretic unless is a saint Imam or prophet absolute authority only belongs to a saint Imam or prophet in Islam .

Habermas emphasizes on the society being law – oriented, in a way that he believes the law is the source all the happenings that should occur in the society. Moreover, he considers the relationships of power for reaching logical and democratically laws, in other words it is the relationships of power that show the existents democracy or lack thereof. Power in a democratically society does not revolve around one individual and does not take an absolute form. The worries of Habermas too are rooted in this abuse of power where the assumption of power by one or a limited of number individuals leads to the heresy that was indicated by the Akhond. Constitutionalism shapes the relationships of power and prevents the accumulation of power and its being absolute.

In the process of modernity, Habermas believes direct relational action to be effective in social lives, to the extent that individual's actions are based on their mutual understanding. Furthermore, it is this mutual understanding that forms the central core of social life. In a non – constitutionalist government where relationship of power are not determined and it is the individual that holds absolute power, there is no relational action for the mutual understanding to happen and therefore what Habermas seeks, i.e. relational action, and what Akhond Khorasani demands , i.e. constitutionalism, are both appear and disseminate in



modernism. Otherwise, a central core of the human social life will be in crisis. In the Akhond believes constitutionalism meaning the rule of law to be the natural right of Iranian nation granted to them by the almighty God. Besides he does not believe this right to be in contradiction and opposition to religion rather believes that preservation of Islam's refulgence and the government's power and greatness are all based in constitutionalism and it is only constitutionalism that glorifies Islam and Muslims and its brilliant consequences will be manifested in the future. In addition, he states that because constitutionalism results in preservation of religion, therefore the struggle for realization is like performing Jihad in companionship of Imam Zaman (Shiia's messiah), thus even the smallest opposition to constitutionalism is in contradiction to being a Muslim.

The issue that not only the constitutionalist government does not contradict Islam but are exactly in parallel to it was greatly emphasis by the Akhond, in such a way that in a letter to the Shah, he describes this relationship in detail and finally concludes that in anyway, it is clear that preservation of Islam and independence of a Shiia government is related to not opposing the laws of constitutionalism, supporting those laws is a must and therefore obligatory for all Muslims especially the Shah himself.

It is this accordance between constitutionalism and religion that leads to the unconditional acceptance of the order of law by the Akhond. Not only he has no doubt, but he believes that the issue is very clear and it is not hidden to anyone with reason that a constitutional government is infecting a preserver of religion and if established, oppression and despotism will be eradicated and people's welfare and comfort will appear.

Furthermore, the important point is that the Akhond demands from the people not to accept anything but the constitutionalism which the permanent of Islam is based on it and a cause for the unity of Muslims and with it conflicts will be eliminated. And he also demands that all the people consider themselves servant and protectence of the Islamic society and constitutionalism.

Akhond Khorasani mentions other countries that achieved welfare and security through constitutionalism and in a letter to the Iranians residing in England states that "since you all live in a constitutional country and lead a peaceful and secure life under the umbrella of constitutionalism, so do not forget about the Iranian people who live under oppression and despotism" (kadivar, 2006).

In view of the fact that the Akhond believes constitutionalism to be in conformity with religion and reject the idea of their contradiction, he hopes that the Iranian constitutionalism also will be formed similar to other countries that are in possession of a constitutionalist order, and that the principal of

constitutionalism, which is the elimination of the despotism, occurs. In his description of constitutionalism, he elaborates that "so long as the constitutionalism and the freedom of other governments and nations of the world are based on their official religion, they will be completely stable and secure in Iran as well" (kadivar, 2006).

It is evident that those countries that implement the constitutional order are approved by the Akhond and that he does not believe the religion to be an obstacle for realizing constitutionalism. He does not intend to convert the entire world to Islam and does not prescribe Islamic constitutionalism for them and just the fact that the religion of any society and its constitutionalism do not contradict is sufficient for him. His universal claim is the lack of contradiction between in constitutionalism and religion and it is this viewpoint that is in accordance with the view of Habermas that is in order to reach a civil society managed and administrated on the basis of law, religious freedom is necessary for all the individuals residing in that society. Religious freedom and the order of law are both prerequisite of each other and the fact the Akhond mentions Shiism does not mean that only Shiias can possess a civil society, other societies also have the ability to achieve civilization and constitutionalism according to the all respecting religion. Certainly, it can be understood from the manner of the Akhond's statement that this has already happened in modern countries and that Iran should follow in their footsteps so that she too can reach constitutionalism and civilization.

Finally it can be said that Akhond Khorasani considers his ideal society to be a society with a constitutionalist order and for him constitutionalism is a government and nation's asset of prosperity leading to the country's improvement and progress. Moreover, if a discord is formed against constitutionalism in a country, it is not because of the wrongness of constitutionalism, but the Akhond believes that it is those corrupt individuals who have entered governmental affairs and through the abuse and misuse of their actions they have created a sense of distrust among the public and thus discredited constitutionalism.

## IX. CONCLUSION

Through the viewpoint of Akhond, constitutionalism is a political order based on which the society can attain security, welfare and prosperity. This definition does not have any contradiction to religion; rather it is the protector of religious interests in all countries with such order, and most importantly it has a constant opposition to despotism and absolute monarchy. The acceptance of this concept is not only effective in liberation from an autocratic government but is also effective in entering the new of modern era of democracy, in a way that people become aware of their own rights and demand them from their government and is response the government makes the effort of

delivering those rights. The Akhond's mentality regarding the concept of constitutionalism comprises a government based on collective intellect able to govern on the basis of law.

The Akhond's approach to constitutional law has a common aspect with that of Habermas, in such a way that Habermas believes constitutional law to be a framework for attaining a republic and the Akhond as well, believes it necessary for reaching constitutionalism that is in parallel with republicanism and emphasizes on implementing it. In Habermas's view, love of the nation is the result of the people's fondness toward constitutional law, in other words whoever loves his or her own homeland must respect its laws. The Akhond too proclaims that in order to protect the country and religion from the conspiracy of the foreign enemies, having constitutional law and complying with it is crucial. Thus, the concept of constitutionalism defined as the rule of law is emphasized by both individuals, even though in terms of time, the Akhond Khorasani precedes Habermas.

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