

1 Constitutionalism in the Viewpoint of Akhond Khorasani, Leader 2 of the Iranian Constitutional Revolution

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5 *Received: 30 September 2011 Accepted: 24 October 2011 Published: 6 November 2011*

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7 **Abstract**

8 Despite the constitutional revolution of Iran being one of the most important social
9 movements in Iranian history and it was then that modern concepts entered the Iranian
10 political â???" social literature, there has been few efforts made to understand and grasp these
11 concepts. This article intends to evaluate the viewpoint of the religious leader of
12 constitutionalist, Akhond Khorasani in relation to the modern concepts of constitutionalism,
13 I.e. lawful government. The dominant political system that presided the constitutional
14 revolution was absolute monarchy and their always was a sole individual who ruled Iran in a
15 complete dictatorial fashion as its king. The constitutional movement demanded for the first
16 time a parliamentary or constitutionalist government. In this article, all the primary
17 documents and sources such as announcements, letters, telegraphs, fatwas and answers to
18 questions through which Akhond Khorasani expressed his views vis-à-vis the concepts
19 constitutionalism are analyzed by means of the hidden content analysis methodology and by
20 using the viewpoints of Habermas, the German sociologist who has respected views regarding
21 the theory of modernity. In the political culture of Iran, which is completely mixed with
22 religion, there still is a challenge for understanding modern concepts and therefore making
23 sense of the views held by the leader of the Iranian constitutional revolution, who looked at
24 political issues through the lens of religion, can be a first step in better understanding how
25 religion plays out its role in the Iranian political culture.

26

27 **Index terms**— Constitutionalism, Iranian history, Modernity theory, Religion, Politic.

28 **1 INTRODUCTION**

29 ne of the most prominent transitions in the political history of Iran was the Constitutional Revolution (Mashruteh)
30 which changed the political and social structures in Iran. Modern and traditional attitudes, social and political
31 philosophy of thinkers and theologians (as subjective conditions), livelihood and economical conditions, social
32 classes (as objective conditions) as well as the kind of exercising of authority by governors were the most important
33 reasons which resulted in Constitutional Revolution and the consequent social and political changes. The
34 occurrence of the constitutional revolution on 1906 resulted in acquaintance of Iranian thinkers and some famous
35 Iranian clergies with the modern western culture. At first, this revolution started with the aim of restricting
36 the power of self-willed kings in controlling the country and increasing the role of the people by formation of a
37 parliament with the leadership of Shiite clergies.

38 Some concepts such as constitutionalism, freedom, parliament, and justice entered Iran, whereas these concepts
39 were not present in the political culture and literature of Iran, for this reason these concepts were transformed
40 in to more fluid concepts. Clergies tried to adopt them to their own thoughts and as a result they were changed
41 to familiar concepts. At the beginning of the revolution, due to being away from his homeland and not being

42 in direct contact with the events surrounding the revolution and moreover due to lack of a reliable channel of
43 information the Akhond Khorasani was not involved in the course of the revolution.

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

52 2 II.

53 3 LITERATURE REVIEW

54 a) The Existing Circumstances in Iran before the Constitutional Revolution

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

58 4 O

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

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

69 5 b) Despotism

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

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

78 Sir John Melcom writes about Iranian Court in the nineteenth Century, "Iranian Kingdom is the most despotic
79 one in the world and no court does so much serious clinging to formalities and superficial ceremonies" (Kasraee,
80 2000).

81 6 c) The Influence by Foreigners

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

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

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

91 7 III.

92 8 CIRCUMSTANCES IN EUROPE AND THE WEST

93 It seems that a brief review of circumstances governing Europe in those days is required along with this short
94 review of conditions in Iran. It may help us understand the differences between Iran and Europe under the
95 conditions when Iranian People faced numerous problems. It may also help one understand the procedures
96 resulting in the establishment of a relation between the two and the effects they had on each other. It is evident

97 that the influence could not be on the part of Iran and that it was instead Europe and specially England and
98 Russia that brought challenges to Iran.

99 Social and political movements had given rise to some changes in ideas especially in the west. Among them
100 were constitutionalist and nationalist movements in Europe in the latter half of the nineteenth century. It was
101 when the law of freedom of voting in elections and distribution of parliamentary positions were developed in
102 England (1884). In 1850-1870 Italy created a union out of its seven separate areas and developed a constitutional
103 law. Italian monarchy was established. Moreover, Denmark, Austria, Hungary, Germany and France developed
104 their constitutional laws in 1864, 1869, 1871 and 1875 respectively. Egypt and India also developed their own
105 constitutions respectively in 1866 and 1861. Constitutional movement in Japan also resulted in development
106 of a constitutional law in 1889 (Kasraee, 2000). In addition to the ideological developments having created the
107 grounds for other developments, Europe had its scientific and technological advancements ahead of Iran in those
108 times. Abdollah Mousavi Shoushtari gives in his "Tohfat-ul-Alam" (1801) some descriptions of London and the
109 many services provided by the government including water installations, the system of avenues, urban and rural
110 roads, schools and hospitals. He also speaks of democracy, freedom of press, equality of people before the system
111 of law, the existence of consultative assembly and the right of election of deputies (Haery, 1999). Through the
112 abovementioned conditions, some understanding of circumstances such as socioeconomic and cultural poverty,
113 despotism in Iran, the advancements in the west and finally the social and political position of clerics, present in
114 those days could be reached. Constitutional Revolution took place under the aforesaid conditions. The revolution
115 occurred with the aim of finding access to modern western Global Journal of Human Social Science Volume XI
116 Issue IX Version I reform to the political system and not for overthrowing it. It was a Movement for elimination
117 of despotism, and the creation of parliament which was a Western phenomenon that had been missing in Iran.

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

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

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

130 IV.

131 9 THE ELEMENTS OF THE CLERGY'S INFLUENCE a) 132 Theoretical (subjective) Element

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

143 According to Fun Gronbaum "Islam is the government of God. God is the living truth to whom unity. God
144 prepares the plan of life of both the human society and every individual living under his power and management"
145 (Haery, 2002). "Since Islamic system is a divine society and its governor is God so, there must be an executive
146 power to represent God's commands on the Earth and the prophet of Islam was the most important and the last
147 representative of God" (Haery, 2002).

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

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

155 10 b) Practical (Objective) elements

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

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

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

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

170 The second important revolution in the social and political system of Iran resulting in the Islamic Republic of
171 Iran was also headed by clerics and it is Islam owes its existence. God is the spiritual center and destination of
172 Islam. God is the cause behind the existence of such a government and He is the center of currently managed and
173 directed by them. Constitutional Revolution took place when the west was speedily moving toward scientific and
174 technological advancement and Iran was seeking the opportunity to eliminate the overcoming circumstances and
175 to understand the modern world. Clerics considered themselves representatives of religion and the public. This
176 article is concerned with the clergy's reaction to these western concepts, specifically freedom, constitutionalism,
177 justice and parliament. This study will show us how was the status quo and the role of the clergy in the political
178 issues of Iran. Obviously the clergy's political behavior overshadowed the rulers and populace, and their political
179 power was in parallel of the king's power and their social class was lower than princes and higher than merchants,
180 nobles and rich men.

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

185 V.

186 11 THEORETICAL FRAMEWORK

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

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

197 Habermas invasions the formation of a logical and ideal society based on democracy. He looks for a constitution
198 by which he is able to express the existential philosophy of forming the global society. A philosophy without which
199 the society suffers from what Habermas considers dangerous: contextualize, relativism and nihilism. However
200 Habermas believes that the problem with Kant and modernity intellectuals is not that they were mistaken in
201 forming an ideal and logical society, according to Habermas, communicative action has a direct involvement
202 in the processes of social life up to the point where the mutual understanding of individuals is a mechanism
203 for the purpose of harmony in individual's actions. Moreover, Habermas believes that the social life is based on
204 processes of mutual understanding which is the main and central experience in human social life. These processes,
205 in Habermas's opinion, are universal and inevitable (flyvbjerg, 1998).

206 Communicative action is the result co-operation and understanding based on social norms and common values
207 of which the most important according to Habermas are freedom, lawful democracy, equality, reasonableness
208 and unity (Hove, 2007). Habermas claims that human beings are defined as democratic beings. In other words,
209 accordance among humans is reached without any compulsion as an example: all the participants in a practical
210 discussion are able to freely accept or reject its result or side effects.

211 Habermas thinks of religion as being extraordinarily important, in the extent of considering religion as being
212 the identity of a society. He believes that the society is in need of religion, because religious people can interpret a
213 society and actively participated. Furthermore, the accordance between the religious majority and minority is an
214 indication of a society being democratic. Indeed, if the liberal government does not show interest in participation
215 and religious voices in political organizations, then it has separated itself from key resources that are identity
216 and meaning. If the society understands the true meaning of religious expression, it has discovered a hidden part

217 of itself. For instance, the true content of religious cooperate can be displayed in institutionalized activities of
218 consultative and decision making organizations such as the activities of parliament representative in the public
219 political domain .

220 In Habermase's opinion, what is fair and just is for the political parties to learn to hear out and respect each
221 other's viewpoint. In fact, it is with this method that the civil society is placed in a path leading to its goal which
222 is democracy on the basis of council. Also, what constitutes fairness would be for the laws and regulations to be
223 equal for governmental officials, politicians and other citizens. This happens only when the principle of separation
224 religion and politics is implemented. If not, equality will only happen at the tip of the tongue. The main request
225 of this principle is that the governmental institution administers and manages the society by being absolutely
226 impartial and doesn't permit any group, court and organization to assume on Global Journal of Human Social
227 Science Volume XI Issue IX Version I but that they were mistaken in their ideas of how to reach the objective
228 (flyvbjerg, 1998).

229 Habermas with the theory of communicative action and discourse ethics makes way for the formation of
230 rational constitution in the modernity approach lawful superiority. The government must stay away from any
231 political position that could lead to religious pressure coercion and must not consider such positions in relation
232 to its decision makings. Moreover, the government must persist on the following lawful principles: firstly, all of
233 the citizens have a fair share of citizenship rights and secondly, they can benefit from this lawful share and these
234 can only be realized by implementing the principle of separation of religion and politics .

235 **12 VI.**

236 **13 CONSTITUTIONALISM**

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

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

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

249 An absolute state does not have any kind of limitations and one individual has complete authority. Thus this
250 type of state ought to have certain defined limitations which can only be defined by law. In other words it is
251 only the existence of law that has the ability of limiting the authority of an absolute state. The present of law
252 means constitutionalism and constitutionalism means the limitation of one individual's authority by means of
253 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
254 meaning of constitutionalism, whereby limitations imposed on a state is because of law's authority.

255 The constitution is prior to any particular government; it defines the authority and gives to government the
256 right to exercise its power. The constitutional laws are laws which govern the state, rather than laws by which
257 the state governs. Thus the key emphasis of constitutional theory is on the state as a) Constitutionalism in Iran
258 during the Constitutional Revolution

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

262 After the coming of Islam the believes of Iranians got shaped on the basis of being both Iranians and Muslims.
263 It was this type of thinking that led the governance to be embedded in religion and also caused the people to think
264 of it as religious concept. The king (shah) was the ruler of Iran who protected the Islamic territory. Moreover he
265 was supported by Islamic clergies. The sovereignty of the king over an Islamic territory and its Muslim people
266 along with the clergies' support made the king the representative and shadow of God on earth.

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

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

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

277 The most important of the people's demands in the period of qajar was the denouncing of the despotism.

14 VIII. FINDING AND DISCUSSION

278 The people, because of being fed up of all the oppressions and sufferings, demanded justice in their society.
279 The constitutionalist movement wanted the limitation of the king's authority on the biases of law. So that the
280 oppressions and corruptions get prevented (L. .

281 The constitutionalist movement had obvious intensions of obtaining just this through an independent judiciary
282 branch. Moreover they sought to have a parliament composed of people's representatives who would appoint
283 government officials and overlook their the guardian of the constitutional order. This is what marks out the
284 constitutional order (Vincent, 1987).

285 Constitutionalism is a form of political thought and action that seeks to prevent tyranny and to guarantee the
286 liberty and rights of individuals on which free society depends. actions. The movement was also after limiting
287 the king's authority and the creation of independent institutions which have differentiated powers based on the
288 constitutional law.

289 The people of Iran, because of the pressure exerted on them, were demanding a new type of state created on
290 the basis of law which consists of political and sociological institutions. In other words, a state which is based
291 on the people will. Therefore the term constitution was a term that symbolized those demands. The concept of
292 constitution was not clear among the people and thus was not understood by them in the same way, many people
293 thought that constitutionalism means merely the creation of justice departments (edalatkhane) for some others,
294 it meant progress and modernism in the same way as developed countries. There were also some who expected
295 constitutionalism to be means of restoring the laws of Islam and their implementation. Also present were some
296 people who only thought of constitutionalism as the limitation of the king's authority and power.

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

300 These differences in understanding further added ambiguity to the concept of constitutionalism in such a way
301 that freydoon adamiyat stated that "out of the 10000 people who took refuge in the England embassy not even
302 10 people knew what constitutionalism meant" (Adamiyat, 1956).

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

305 Since in the previous royal decrees the word constitution (mashroutah) was not used the new shah had to
306 confirm the conversion of the Iranian old regime into a constitutional system by clearly using the word constitution
307 (mashroutah). The shah, therefore, announced that, "Since the day when the decree of the blessed king of kings
308 (mozaffareddin shah), may God illuminate his proof, received the honor of issuance, and the establishment of the
309 national consultative assembly was commanded, Iran has been included among the constitution (mashroutah)
310 states which possess a constitution" (Haery, 2002).

311 The decree implies that Iran had begun to develop a constitutional institution in line with countries such as
312 Belgium, England, French, where their own type of democratic systems were at work. constitutionalists by means
313 of letters and telegraphs for the purpose of the revolutions progress.

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

322 The following are some of Akhond Khorasani's published works: Dorarol Favaed, Favaedol Osoul,Tekmalatol
323 Tabsereh, Kefayatol Osoul ??kadir, 2006).

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

328 Akhond Khorasani was one of the clergies in agreement with constitutionalism and he guided and supported
329 the constitutionalists by means of letters and telegraphs. He considered the constitutional order a mean of
330 limiting oppression and believed that the participation of all Muslims in this movement is indispensable (Rajabi,
331 1989).

332 14 VIII. FINDING AND DISCUSSION

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

337 Global Journal of Human Social Science Volume XI Issue IX Version I VII.

338 15 AKHOND KHOASANI

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

341 Mohammad kazem khorasani also known as akhond khorasani is considered as one of the most recognized
342 leaders of the constitutional movement. Since he lived outside of Iran, in the city of Najaf (a holy city in Iraq)
343 his role in the revolution has not been contemplated much. However he gave directions to The Shah (king) is
344 an Islamic monarch and the general publics are a group of people who have been entrusted to him by god and
345 preserving their rights is his duty. This viewpoint illustrates that Islam does not contradict monarchy so long as
346 it, the monarchy, righteously upholds its duty of managing the society and the people. In a letter to Mozaffaredin
347 Shah, while endorsing his monarchy, the Akhond expresses his worry regarding the unorganized condition of the
348 society's management and further states that the position of monarchy is of high value and that the preservation
349 of the people's rights who have been In the Akhond's opinion, those ruled Iran were either incompetent or traitors.
350 In a fatwa, he condemns the premier to incompetence and attributes all the governmental corruption to him and
351 furthermore forbids obeying his commands.

352 At the time, the nondemocratic society of Iran did not have any institution for major political -social decision
353 makings. The society was controlled by a few numbers of individuals who in turn are not competent in
354 management or were betrayer of their own country. It was in this type of situation that Akhond Khorasani
355 finds it necessary for the society to have law and constitutionalism in order to be freed from personal decision
356 makings which are truly the cause of absolute all governmental bureaus, regardless of taking into account the
357 law or the opinions of others, and most importantly does not consider any other way thought as its rival.

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

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

371 Habermas emphasizes on the society being law -oriented, in a way that he believes the law is the source all
372 the happenings that should occur in the society. Moreover, he considers the relationships of power for reaching
373 logical and democratically laws, in other words it is the relationships of power that show the existents democracy
374 or lack thereof. Power in a democratically society does not revolve around one individual and does not take an
375 absolute form. The worries of Habermas too are rooted in this abuse of power where the assumption of power by
376 one or a limited of number individuals leads to the heresy that was indicated by the Akhond. Constitutionalism
377 shapes entrusted to the Shah by god is very important. He goes on to say that despite the Shah's complete
378 attention and high determination regarding the improvement and order in people's religious and governmental
379 affairs, signs of weakness and deterioration of the foundation of the government and the pillars of the nation are
380 increasing by the day.

381 The reason for this lack of appropriate administration of the society and is the increasing weakness of the
382 government is also expressed in the views of the Akhond and is essentially the foundation of his opposition
383 against the government. Also these are the reasons why he is drawn to the constitutional revolution and assuming
384 the leadership of the constitutionalists. He blames this situation of weakness in the government and corrupt
385 administration on those people who are in charge of political -social affairs but are incompetent or follow self
386 -interests or are traitors who want the domination of foreigners in Iran. He writes in a letter to the Shah that
387 it has become evident that most of the governmental affairs are riddled with errors and deception and that
388 some of the ministers are not truly up to the task of preserving the dignity of the government and the order of
389 the monarchy. The ever increasing of government weakness has no other reason but the fact that some of the
390 governmental officials have taken their eyes of the people's rights and have followed their own personal objective
391 and self interests. These are all deceptions and treasons on behalf of some of the government's ministers who seek
392 the domination of foreign powers and the weakness of the government and the nation's foundations. despotism.
393 In order to grasp the worldview of the Akhond and the type of his vision regarding modern concepts, first we
394 look at constitutionalism.

395 16 Constitutionalism in the view of Akhond

396 The Akhond considers constitutionalism to be the opposite point of despotism and self -will and this is what
397 separates an absolute system of government from a democratic one. In his opinion, despotism means a government
398 acting in a self -opinionated manner and detached from any accountability and is moreover the source of all

399 decision makings and acts as it wishes in the relationships of power and prevents the accumulation of power and
400 its being absolute.

401 In the process of modernity, Habermas believes direct relational action to be effective in social lives, to
402 the extent that individual's actions are based on their mutual understanding. Furthermore, it is this mutual
403 understanding that forms the central core of social life. In a non-constitutionalist government where relationship
404 of power are not determined and it is the individual that holds absolute power, there is no relational action
405 for the mutual understanding to happen and therefore what Habermas seeks, i.e. relational action, and what
406 Akhond Khorasani demands, i.e. constitutionalism, are both appear and disseminate in modernism. Otherwise,
407 a central core of the human social life will be in crisis. In the Akhond believes constitutionalism meaning the rule
408 of law to be the natural right of Iranian nation granted to them by the almighty God. Besides he does not believe
409 this right to be in contradiction and opposition to religion rather believes that preservation of Islam's refulgence
410 and the government's power and greatness are all based in constitutionalism and it is only constitutionalism
411 that glorifies Islam and Muslims and its brilliant consequences will be manifested in the future. In addition, he
412 states that because constitutionalism results in preservation of religion, therefore the struggle for realization is
413 like performing Jihad in companionship of Imam Zaman (Shia's messiah), thus even the smallest opposition to
414 constitutionalism is in contradiction to being a Muslim.

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

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

424 Furthermore, the important point is that the Akhond demands from the people not to accept anything but
425 the constitutionalism which the permanence of Islam is based on it and a cause for the unity of Muslims and with
426 it conflicts will be eliminated. And he also demands that all the people consider themselves constitutionalism,
427 which is the elimination of the despotism, occurs.

428 In his description of constitutionalism, he elaborates that "so long as the constitutionalism and the freedom
429 of other governments and nations of the world are based on their official religion, they will be completely stable
430 and secure in Iran as well" ??kadivar, 2006).

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

443 Finally it can be said that Akhond Khorasani considers his ideal society to be a society with a constitutionalist
444 order and for him constitutionalism is a government and nation's asset of prosperity leading to the country's
445 improvement and progress. Moreover, if a discord is formed against constitutionalism in a country, it is not
446 because of the wrongness of constitutionalism, but the Akhond believes that it is those corrupt individuals who
447 have entered governmental affairs and through the abuse and misuse of their actions they have servant and
448 protectiveness of the Islamic society and constitutionalism.

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

453 In view of the fact that the Akhond believes constitutionalism to be in conformity with religion and rejects
454 the idea of their contradiction, he hopes that the Iranian constitutionalism also will be formed similar to other
455 countries that are in possession of a constitutionalist order, and that the principle of creating a sense of distrust
456 among the public and thus discredited constitutionalism.

457 17 IX.

458 18 CONCLUSION

459 Through the viewpoint of Akhond, constitutionalism is a political order based on which the society can attain
460 security, welfare and prosperity. This definition does not have any contradiction to religion; rather it is the
461 protector of religious interests in all countries with such order, and most importantly it has a constant opposition
462 to despotism and absolute monarchy. The acceptance of this concept is not only effective in liberation from an
463 autocratic government but is also effective in entering the new of modern era of democracy, in a way that people
464 become aware of their own rights and demand them from their government and is response the government makes
465 the effort of delivering those rights. The Akhond's mentality regarding the concept of constitutionalism comprises
466 a government based on collective intellect able to govern on the basis of law.

467 The Akhond's approach to constitutional law has a common aspect with that of Habermas, in such a way that
468 Habermas believes constitutional law to be a framework for attaining a republic and the Akhond as well, believes
469 it necessary for reaching constitutionalism that is in parallel with republicanism and emphasizes on implementing
470 it. In Habermas's view, love of the nation is the result of the people's fondness toward constitutional law, in
471 other words whoever loves his or her own homeland must respect its laws. The Akhond too proclaims that in
472 order to protect the country and religion from the conspiracy of the foreign enemies, having constitutional law
473 and complying with it is crucial. Thus, the concept of constitutionalism defined as the rule of law is emphasized
474 by both individuals, even though in terms of time, the Akhond Khorasani precedes Habermas.^{1 2 3 4 5}

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