



A Comparative Study on the Concept of Political Legitimacy in Imam Khomeini and Jurgen Habermas's Thoughts

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Abstract: Political legitimacy is one of the basic and major concepts of political science especially political thought. Different views of the meaning and the concept of political legitimacy go back to the roots of political legitimacy. In this article by using a comparative style, the author will attempt to compare the concept of political legitimacy in Imam Khomeini and Jurgen Habermas's thoughts. Imam Khomeini and Jurgen Habermas have their special definitions for the concept of political legitimacy which are not similar to one another. Imam Khomeini's thought was based on religious ideas in terms of the Quran, while Habermas's thought has been shaped in western cultures which criticize the contemporary capitalist society. It is no wonder that in some cases they have common views which are the subject of this article.

Keywords: Legitimation origin, Political legitimacy, Imam Khomeini, Jurgen Habermas.

Introduction

Legitimacy in English and "Mashrooeyat" in Persian have roots in Latin like *legitimus* which means to be legal, legitimate, regular and lawful. This word in Persian and Arabic means something which conforms to religion, and religion confirms these ideas. (Amid, Farhang-e amid, vol2) While morality is only one of the meanings of legitimacy, the meaning of the term of "legitimacy" much more expanded. In political science, legitimacy and legality mean conscious and voluntary acceptance and obedience of the people to the government and power.

In political terms, legitimacy and legality mean "the only one being to power, the leaders and rulers with ideas and beliefs of all or a majority of people at a certain time and place. The belief that the right of leaders is to demand responsibility for

the community members or citizens (Abolhamd, 1991: 244-245).

From this writing we can understand that legitimacy is a base of power, that on the one hand gives the government the duty of sovereignty and on the other hand it shows to people the concept of legality (Estrenberger, 1999:299). Some western thinkers authored works about legitimacy, for example John Locke, Max Weber, Robert Dahl and Jurgen Habermas. But many of them, when talking about power and government, have to talk about legitimacy of government and political legitimacy. Many of political thinkers say: There is an important relationship between power and legitimacy and when that when power has legitimacy; they call it "Authority" (Leeds, 1998:96).

This concept is usually between political sociologists where political thinkers thought about the origins of legitimacy which is very important for

them. This article will focus on the discussion about the origins of legitimacy.

Source of legitimacy

In general there are two viewpoints about the source of legitimacy, among western thinkers, or in the west:

1. Theological legitimacy

This legitimacy has its origins beyond humanity, like the church governed legitimacy, Empires of middle ages and after that western kingdom and etc. In this opinion legitimacy has its origins beyond humanity and is designated for God or super powers and as such, the people have to obey it. Sometimes paying attention to religion and intellectuality defines legitimacy.

2. Humanity legitimacy

This legitimacy has human origins and pays attention to materials, welfare, interests and general happiness. Legitimacy through the preservation of national boards, sovereignty and security of the country and its people are considered after the French Revolution and the republic in the form of systems.

Muslim scholars, in turn, consider several sources for legitimacy. These thinkers pay attention to origins and sources of legitimacy as follows:

1. Theological legitimacy

Some Shiites Muslim scholars in particular have emphasized the theological legitimacy. They say the base of sovereignty belongs to God and rulers who have just executed the God's rules; therefore their legitimacy is theological.

2. Theological-Human legitimacy

Some Muslim thinkers believe in binary or compound legitimacy, which means Theological-

Human legitimacy. But until now nobody from Shiites Muslim scholars is believed to have popular legitimacy, as seen in the west. Of course the correct interpretation of the divine sovereignty and the rule of humanity brings that the theological legitimacy is the human legitimacy in the politics, social or cities. And human legitimacy, in the cities of God, believes people aren't anything outside of theological legitimacy. "Therefore, talking of human legitimacy is in line with theological legitimacy and finds its roots in divine legitimacy. And in this idea theological legitimacy is the base of humanity legitimacy as with theological sovereignty"(Jamshidi, 2005:639).

To quote from the martyr Sader: "The idea of absolute sovereignty of God is that the man is free and nobody, no class or no group has any sovereignty of humanity. This sovereignty is especially reserved for God. This principle destroys every kind of exploitation and domination of man over man (Keshishyan, 2010:20).

God is the foundation of legitimacy based on human legitimacy, meaning that the foundation of divine law is created by people as no one but people have the right to form laws. The rule is quite universal in the sense that they all share in its production. And this is their natural rights of the people, in the sense that they are all involved in the development thereof but as God has given everyone this ability as an equal right; the government also has divine legitimacy which also encompasses human legitimacy. Therefore, the government has a divine sense of legitimacy, and this is the base of human legitimacy.

Accordingly, a detailed look at the conflict and the duality between the legitimate means to fulfill God's absolute sovereignty, in the human sense of legitimacy and sovereignty of man which is self-determination is described. In this case, the second one can only exist in queue to the first(Jamshidi, 2005: 637).

Of course the human sources of legitimacy in a number of factors, including traditions, customs,

law and rationality have been effective. And the dominant power in any society to legitimize the validity of the command and obedience, dependent on one or a combination of parts, has been a source of legitimacy.

In order to determine the type of government in a society, the source of the legitimacy of the power needs to be examined in the first place. According to the principle of legality and legitimacy of origin, there raises the question that:

- If power is applied, what are the guarantees of the acceptance of such legitimacy?
- What is the reason for the created hierarchy of command and obedience among fellow humans when in creation and essence, all mankind is equal?
- Why do people voluntarily take command of their rulers?

Question to be addressed is why political scientists, each according to his beliefs and thoughts to the origin and source of legitimacy of the government and in every community of nations based on a variety of reasons, have to obey the ruling power. Hence the origins of legitimacy express whether the ruling power is viewed to be legitimate or not. In the following sentences we will have reviews about the opinions of Imam Khomeini and Jurgen Habermas on legitimacy.

Imam Khomeini's view of legitimacy

To analyze and explain the term "legitimacy" as an important material we need to provide further clarity:

First, consistency, and indeed the absolute sovereignty of God which eradicates human rule, "La Hula va La Ghovata Ella Beulah" which means that all things take place with the willingness of God.

Second, the acceptance of the higher law of God for mankind and the consideration of the equality of human beings and the society. Because this law is in the public interests of human subjects and

does not give preference to any specific person, group, class or faction and is identical for all.

Third, the law of God cannot be implemented unless one realizes that democracy means government by the people. This means that the government establishes its legitimacy in terms of getting people in their community but in terms of purpose and necessity, its aim is to implement divine law or Islamic law.

So it can be seen that both types of legitimacy are accepted without any contradiction or conflict between them. This means that the popular legitimacy of the government, in order to fulfill the divine law, creates the sovereignty of God (the divine legitimacy) and its ability to execute and implement the law.

Based on this realization no popular legitimacy is virtually without divine legitimacy and no popular legitimacy achieves its goals without divine legitimacy. (Jamshidi, 2005: 643-644)

In a book on Islamic States named "Velayate Faghih", Imam writes: "An Islamic state is the state of legality. In this way of ruling, sovereignty is reserved for God and the law is the rule of God. Islamic logic or rule of God has totality regarding everything and every rule". (Khomeini, 1997: 44-45).

He states in the sum of his discussion: "Islamic states should be based on the votes of the people, so that all citizens have to choose the person or persons who should take the responsibility and power. The ruling person should make decisions which are unanimous for all those in the parliament and to consult regularly with representatives and lawmakers and should a situation arise in which they cannot agree a decision cannot be made based on one person's favor." (Khomeini, 1382, vol5: 436)

Imam Khomeini also writes in his book Sahifeh: "We follow the votes of our citizens. We have not been given the power, by God and the prophet of Islam, to impose on our nation a specific act" (Ibid, vol11:34).

Habermas's view of legitimacy

Jurgen Habermas has some special viewpoints about political legitimacy. He used legitimacy in two meanings: one is political systems legitimacy and the other is legal democracy's legitimacy. According to him, the expression of legitimacy gives rise to two different results. On the one hand it's characterized by common discourse of western thinkers and on the other hand it can show the relationship between the western culture and other cultures.

When he wants to explain about legitimacy, first of all he explains about political legitimacy. He begins the explanation on legitimacy by exploring political legitimacy and elaborates as follows: "The government is a reflection of the strength of the social structure. It can only prove its legitimacy by the strength of its social support, and the government can do this by setting out laws so that its political strength will be reflected in its constitutional strength. This will mean that the constitution will need more than simple recognition by the society. It will need the political backing of the government" (Habermas, 2005:165).

According to Habermas, the criteria of a modern government indicate that the political strength must be in the form of a law which has been passed by parliament. According to the political theory, in Habermas's opinion, political legitimacy has two possible answers. The first of which is the social sovereignty and the second is the human rights. As far as the former is concerned, the implementation depends on the democratic institution of the laws of the country to provide for political legitimacy. For this to be possible, the society must be able to have open discourse and participation to ensure citizens security with the right to vote in a public space. In direct contradiction with this theory, classical human rights dictate that political legitimacy is achieved by mere legal sovereignty. This concept secures the life and personal freedom of the citizens. The basis of social sovereignty and human

rights are two normative perspectives according to which one can justify the legitimacy of the vehicle for civil and private autonomy.

In Habermas's opinion, political theory has not yet been able to provide a balance between social sovereignty and human rights or old and new freedoms. From Habermas's teachings, one can deduce that legitimacy is in very close relation to legality so that it draws close to the paradigms of some scholars.

In the lexical definition of legitimacy, some scholars equate it with legality and even use them synonymously, keeping in mind however, that they maintain their separate meanings.

According to Leeds, the legitimacy of the ruling power in every society is based on the attitude and customs of a nation and in the event that the people of a society accept their leader, laws and constitution with satisfaction, this can be viewed as a legitimate state (Leeds, 1998: 28-29). It is therefore possible to equate legitimacy to acceptability and accept the notion that a legitimate government is one which encompasses acceptability. However, with some further insight, one can decipher that there exist differences between legitimacy and acceptability as well.

In fact, legitimacy is a category of political philosophy and political thought in which the main question arises as to the political sovereignty of a state and who rules this sovereign government hence the discussion is surrounding the legitimacy and type of the ruling power. Moreover, acceptability finds its roots in sociology where the main question is whether the government is efficient, durable and satisfactory.

Under the category of acceptability, the legitimacy arises from the people's acceptance of a ruling power, be it secular or otherwise. This relates to peoples satisfaction of a ruling power and not that power's right to be ruling, as under legitimacy.

The comparison between the views of Imam Khomeini and Habermas regarding political legitimacy

According to Imam Khomeini, the sovereignty of a nation and the different aspects of their lives are governed first and foremost by a higher power; God. This is due to the belief that all creation and existence is in His hands and therefore possession of anything within this sovereignty in the first place belongs to him. This therefore implies that ruling over the land is a power bestowed upon one by God. This does not mean that the satisfaction of the people does not interfere with the legitimacy of an Islamic government. In fact according to Imam Khomeini, an Islamic government also requires the satisfaction of the people to ascertain its legitimacy.

To answer the question of who may be in a ruling position depends upon the fulfillment of religious criteria. And to answer why the people must follow such a ruler is that it is dependent on the will and desire of the people. In other words, an Islamic government is not imposed on the people, purely for its position as an Islamic government. In conclusion it can be said that in Imam Khomeini's opinion the legitimacy of a power is a combination of the will of God and the will of the people (Khalleghi, 2006: 54).

On the other side, Habermas emphasizes the importance of legality of a government for legitimacy and explains this as follows: "The powers which rule must do so in such a way as to bind themselves to the laws and possess such competencies. But the decision makers are part of the ruling power and we can only depend on them if they see the law as binding on their conscience. Also, the authorities of the system encompass this legitimacy." For example, in a fascist regime, the legality of the administrative actions in the best possible scenario can cover up the realities. Should we want to make acceptable decisions, it will need special support to ensure the enforceability of the laws and ensure

that the people who are to enforce the laws and the legislators are to remain as separate and independent powers. Legal procedures will, indirectly and with reference to the decision makers, who by their position will be recognized, find legitimacy. Therefore the written Bourgeois laws consist of a list of fundamental rights which by the nature of the severe changes have become static. Their written constitution in turn, can have legitimacy only when it is in relation with the ideology of the authority. Their legitimacy is not through the independent procedures of the organizations which are responsible for the legislation and enforcement of the laws but rather the general interpretation of support for their authority. The bourgeoisie's theory in relation to the support of the principles of parliamentary and ruling over the people, forms part of this ideology.

In the legal paradigm which places utmost importance on decision makers who are charged with being ideologists, rely on the incorrect notion that the validity of legal norms only has roots in decision making. However the simple claims regarding the validity of norms of action refer to a position where free discourse is present if the mandatory decisions are legitimate.

In other words if we can, without compulsory identical actions and away from the use of preventive measures, arrive at decisions and are able to use these decisions in an orderly fashion, even against those who will be negatively affected by these decisions, we can declare that the legal norms have found their place in the system. Validity of norms is based on the assumption that when necessary it can be defended against criticism and will be confirmed. This assumption did not develop on its own but rather as an offspring of commentary which accepts consensus and confirms it. In other words, this is a global attitude which accepts authority as legitimacy. (Habermas 2002: 212-213)

In conclusion, it can be said that Imam Khomeini accepts legitimacy as a confirmation of religion

and satisfaction of people. Whereas Habermas views legitimacy as an equivalence to legality which has been confirmed by the people. With regards to their views on the origins of legitimacy, this difference is acceptable.

Conclusion

This article discusses the views of two important contemporary thinkers, i.e. Khomeini and Habermas. An important concept of political legitimacy has been assessed and compared in the views of these two thinkers. The author's reasoning for choosing these two thinkers on whom to conduct a comparative study has been firstly their valuable and well known stance within the realm of their own authority, their contemporary position, the common denominator in their respective studies, their pioneering impact on society and their novel ideas, the impact of their ideas within their own society and the changes which they have implemented in their respective societies. It was intended to find common grounds between their studies. The conclusion of this comparison has been that even with the existence of certain basic differences in their studies, having different starting points in their line of thinking which provides certain differences in their opinion; similarities can be found in their works. Their extra focus on the people has been common in their ideas. Their criticism of the society and of contemporary capitalism is yet their other commonality of their opinion.

Both writers are critics of their own society. Khomeini was a critic of the capitalist Pahlavi regime and Habermas was a scholar of the critical theory. Khomeini criticizes the capitalist Pahlavi regime and discusses the problems which arose from this regime, for the people. Habermas, keeping in mind that at times he has defended modernity, is in fact a critic of modernity. He subscribes the modern critical theory and is a leader of the new generation of this theory.

Khomeini is a strong critic of the contemporary society in which he finds himself and makes sug-

gestions for the reformation of the society. Habermas also criticizes contemporary capitalism and provides solutions for the society. In fact critical thinking is the basis of the thoughts of these two scholars and the criticism of the contemporary capitalist society is the specialty of these two scholars, one from an Islamic perspective and the other from a Western one.

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