



## Journal of Islamic Thought and Civilization (JITC)

Volume 10, Issue 1, Spring 2020

pISSN: 2075-0943, eISSN: 2520-0313

Journal DOI: <https://doi.org/10.32350/jitc>

Issue DOI: <https://doi.org/10.32350/jitc.101>

Homepage: <https://journals.umt.edu.pk/index.php/JITC>

Journal QR Code:



### Constitutional Economics under an Official Thought to be Divinely Guided: Implication on Islamic Republic of Iran

Article:

Muhammad Asim

Author(s):

Muhammad Akram Zaheer

Yasmin Roofi

Published:

Spring 2020

Article DOI:

<https://doi.org/10.32350/jitc.101.15>

QR Code:



Muhammad Asim

To cite this  
article:

Asim, Muhammad, Muhammad Akram Zaheer, and Yasmin Roofi. "Constitutional economics under an official thought to be divinely guided: Implication on Islamic Republic of Iran." *Journal of Islamic Thought and Civilization* 10, no. 1 (2020): 273–287.

[Crossref](#)

Copyright  
Information:

This article is open access and is distributed under the terms of Creative Commons Attribution – Share Alike 4.0 International License

Publisher  
Information:

Department of Islamic Thought and Civilization, School of Social Science and Humanities, University of Management and Technology, Lahore, Pakistan.

#### Indexing Partners



For more  
[please click  
here](#)

# Constitutional Economics under an Official Thought to be Divinely Guided; Implication on Islamic Republic of Iran

**Muhammad Asim\***

Department of Political Science,  
Government Fateh Jang College, Fateh Jang, Pakistan

**Muhammad Akram Zaheer**

**Yasmin Roofi**

Department of Political Science  
Islamia University, Bahawalpur, Pakistan

## Abstract

Constitutional economics is an interdisciplinary subject of constitutionalism and economics where political government tries to constitutionalize the economic activities within the state. Although, every political government tries to deal with all the economic aspects during constitutional engineering but, in theocratic states, the supreme religious institution performs the respective task because of having an official thought to be divinely guided. This study comprehensively describes the concept of Vilayat-e-Faqih (introduced by the Imam Khomeini) in Iran, by which, the entire political system including the economic and financial affairs of Iran has become the subjects of Supreme Leader and his Guardian Council. Similarly, articles 20, 21, 26, 27, 28, 29 and 31 of the Iranian constitution emphasize upon economic rights of the nation in general. On the other hand, articles 43, 44, 45, 46, 47 and 48 of the constitution define Iranian economic infrastructure, which is comprised of state, corporate and private sectors. At the same time, articles from 100 to 106 of the constitution focus on the power and authorities of “the councils” at the town, city, district and provincial levels. Moreover, this study also provides constitutional economic analysis of article 05, articles 107 to 112, article 150, and article 176 that exhibits hegemony of Supreme Leader (in consultation with Guardian Council and Revolutionary Guards) regarding looking after, controlling and directing all the economic activities within the state. Furthermore, the study also investigates how and why each constitutional provision is the subject of the post of Supreme Leader (also called *Vilayat-e-Faqih*; considered to be divinely guided).

**Keywords:** *Vilayat-e-Faqih*, *Vali-ul-Amr*, Mormonism, theonomy, Nontrinitarianism, *Majma Maslehat Andeshi Nizām*

## Introduction

Among the different schools of political economy, constitutional economics is referred to as the school that deals with constitutionalism and economics. The term “constitutional economics” can be defined as “the set of institutional legal rules defined in the constitution

---

\*Correspondence concerning this article should be addressed to Muhammad Asim, Department of Political Science, Government Fateh Jang College, Fateh Jang, at [ahmadst41@gmail.com](mailto:ahmadst41@gmail.com)

that frame the activities and choices of political and economic agents.”<sup>1</sup> This can also be elaborate as the economic analysis of constitutional laws. As this school has been categorized as the “practical approach,” constitutional economics is considered as the subject of political government that has a mandate to design economic infrastructure of the country by constitutional engineering whereas the prime motive of the political government during constitutional engineering is to legitimize the state for its actions in availing the best means of maximally determined efficiencies and utilities.<sup>2</sup>

On the other hand, the rapport between theocracy and constitutional economics can be traced back for centuries. Since theocracy is a sort of government where all the powers and authorities are exercised as per the directions of a religious institution, the history of theocratic governments started since the emergence of religion.<sup>3</sup> Although a theocratic government always declare its rule under the guidance of God, it never claims issuing any order according to the divine revelation. Examples of such governments are the Papal States, which were ruling through the different prince-bishops within the Italian peninsula from the 8<sup>th</sup> century upto 1870. Papal States were also called the States of the Church where administrative hierarchy of the religion was also used for the state administration. However, in several Papal States, there was difference between the administration and the clergy, yet administrative hierarchy was still a subordinate of the clergy in the respective states.<sup>4</sup>

During defining rapport between theocracy and constitutional economics, confusion among academia emerges as to what is the difference between theocracy and theonomy regarding elaborating constitutional economics. Theonomy is basically a hypothetical Christian form of government where a state is ruled by the divine law.<sup>5</sup> In fact, theonomy, according to Christian Reconstructionism,<sup>6</sup> is an idea that had also been described in the Bible where it is written, “God provides the basis of both; personal and social ethics.”<sup>7</sup> On the other hand, the term “theocracy” is used for a government having an official thought to be divinely guided. However, it does not practice divine laws as they are discussed in the religious teachings. Thus, rapport between theocracy and constitutional economics may be

---

<sup>1</sup>Geoffrey Brennan, *The Reason of Rules: Constitutional Political Economy* (London: Cambridge University Press, 2008), 2-3.

<sup>2</sup>Tony Prosser, *The Economic Constitution* (London: Oxford University Press, 2014), 1-2.

<sup>3</sup>Lila Perl, *Theocracy* (New York: Marshall Cavendish, 2008), 15-16.

<sup>4</sup>Sam Lucerne, *Theocracies* (Minnesota: ABDO, 2011), 15.

<sup>5</sup>Molly Worthen, “The Chalcedon Problem: Rousas John Rushdoony and the Origins of Christian Reconstructionism,” *Church History* 77, no 2 (2008): 399-437.

<sup>6</sup>Ibid.

<sup>7</sup>William S. Barker, *Theonomy: a Reformed Critique* (Michigan: Academie Books and Zondervan Publications, 1990), 78.

defined as “rules and regulations defined in the constitution as per the directions of supreme religious institution of the state regarding looking after economic activities.”<sup>8</sup>

Historically, respective rapport has been examined in Ancient Egypt (where pharaoh was assumed as an immediate descendant of the Sun-God), Japan (where emperor was considered as the offspring of Sun-Goddess), Roman Empire (followed Christianity), ancient Israeli tribes (followed ancient Hebrew religion/Judaism), Tibet (following Buddhism since 1642), Ancient Chinese dynasties (where sovereign was supposed as the Son of Heaven), Rashidūn Caliphate (followed *Sunni* sect of Islam), Byzantine Empire (followed Christian Orthodox Church), Geneva (followed ideology of John Calvin during 1509 to 1564; also called Calvinism under Protestantism), Zurich (followed ideology of Huldrych Zwingli during 1484 to 1531; also called Zwinglianism under Protestantism), State of Deseret (followed the “Church of Jesus Christ of Latter-day Saints” under Mormonism and Nontrinitarianism during 1849 to 1850)<sup>9</sup> and, ancient Persian Achaemenid Empire (followed Zoroastrianism).<sup>10</sup>

Although, currently there are several states with official state religions but such states cannot be counted as theocratic states. This is because governments in such states do not take any advice or direction from any divine authority or religious institution regarding exercising their powers. On the other hand, recent exhibition of correlation between theocracy and constitutional economics is found in the Holy See or Vatican City (following Catholicism within Rome, Italy), Mount Athos or Athonite State (following Eastern Orthodox Monasticism within the autonomous region in the northeastern Greece), Central Tibetan Administration or Tibetan Government in exile (following Tibetan Buddhism),<sup>11</sup> and, Iran (following Shia ideology as described by the Imam Khamenei).<sup>12</sup>

As Islamic Revolution of 1979 facilitated Iran to introduce the constitutional economics under an official thought to be divinely guided, this study firstly will investigate the factors behind installation of theocracy in Iran, and then, evaluate how constitutional economics is being influenced by the supreme religious institution there.

<sup>8</sup>Julie Ingersoll, *Building God's Kingdom: Inside the World of Christian Reconstruction* (London: Oxford University Press, 2015), 14-15.

<sup>9</sup>Richard Lyman Bushman, *Mormonism: A Very Short Introduction* (London: Oxford University Press, 2008), 1-2; Harold Gutteridge, *The Esoteric Codex: Nontrinitarianism* (New York: Lulu.com, 2012), 1-15.

<sup>10</sup>William S. Barker, *Theonomy: a Reformed Critique*, op.cit., 78.

<sup>11</sup>Jim Yardley, Edward Wong, “Dalai Lama Gives Up Political Role,” *New York Times*, March 10, 2011. <http://archive.nytimes.com/www.nytimes.com/2011/03/11/world/asia/11tibet.html> (accessed May 11, 2019)

<sup>12</sup>Kosar Abbas Najfi, June 18, 2016; Ran Hirschl, *Constitutional Theocracy* (Harvard: Harvard University Press, 2011), 21-49.

## 2. Factors behind Installation of Theocracy in Iran

By an official installation of theocracy, Iran converted its entire political system from a secular totalitarian monarchy to a theocratic democracy (based upon the *Shia* ideology as described by the Imām Khamenei). However, this installation of theocracy was not the phenomenon of a few moments. It took almost a century for exhibition; there were numerous factors that contributed in its respective installation. Some of the respective factors are being elaborated below:

- 1) As *Shia* clergy had availed a significant influence in Iran since 1500,<sup>13</sup> its first clear exhibition was highlighted during Tobacco Protest in 1891 when Qajar King Naseer-ud-Din Shah granted the permission to monopolize Iranian Tobacco industry. Against this grant, Ayatullah Mirza Hassan Shirazi issued a fatwa, by which, he declared the usage of tobacco manufactured by the British company as an equivalent to the fight against the twelfth Imam (Imām Mehdi).<sup>14</sup> This fatwa led to the huge protests across Iran. According to Vali Nasr, such protests not only forced Naseer-ud-Din Shah to cancel this grant but also conveyed a message that *Shia* clergy is the first line of defense against colonialism in Iran.<sup>15</sup>
- 2) In 1905, Qajar King Muzafar-ud-Din Shah imposed heavy taxes on Iranian people while, two merchants were also punished for overcharging in Tehran. This also led to a massive protest across Iran that was also supported by the Clergy. During these protests, government forces killed one of the Syed clergies in 1906 that caused a complete strike in Tehran, Tabriz, Qom and Urmia. The situation became critical when Iranian Cossack Brigade killed 22 more protesters.<sup>16</sup>
- 3) In the same year, Muzafar-ud-Din Shah also signed another contract with William Knox D'Arcy regarding delivering concessions and monopolistic control on oil exploration in Iran just upon the condition of 16 percent return of total profit. This contract once again forced Iranian people to raise their voices against Muzafar-ud-Din Shah regime.<sup>17</sup>

<sup>13</sup>Rosemary Stanfield Johnson, "Sunni Survival in Safavid Iran: Anti-Sunni Activities during the Reign of Tahmasp I," *Iranian Studies* 27, no. 1/4 (1994), 123-133.

<sup>14</sup>Hamid Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period* (California and New Jersey: University of California Press, 1980), 131-133; John Obert Voll, *Islam: Continuity and Change in the Modern World* (Colorado: Syracuse University Press, 1994), 105-107.

<sup>15</sup>Vali Raza Nasr, *The Shia Revival: How Conflicts Within Islam Will Shape the Future* (New York: W.W. Norton, 2016), 117.

<sup>16</sup>Qalb-e-Muhammad Shahani, June 18, 2016; Ran Hirschl, *Constitutional Theocracy* (Harvard: Harvard University Press, 2011), 21-49.

<sup>17</sup>Rosemary Stanfield Johnson, "Sunni Survival in Safavid Iran: Anti-Sunni Activities during the Reign of Tahmasp I," op.cit., 122-133.

- 4) Neutral foreign policy of Raza Shah was not acceptable for Britain and the Soviet Union. So, both countries invaded Iran and deposed Raza Shah while accusing him of supporting Nazi Germany. They also installed his son Muhammad Raza as the next monarch who not only favored the Soviet Union and Britain but also became a cause of Iran's disintegration in 1945 when Azerbaijan Peoples Government and Kurdish Republic of Mahabad were established in the northwestern region of Iran under Soviet Patronage. Formation of such new states generated a lot of anger against Muhammad Raza Regime. However, Iran recaptured respective territories in 1946.<sup>18</sup>
- 5) In 1953, Muhammad Raza left the country after a power struggle with Muhammad Musadiq. In fact, Muhammad Musadiq was the first elected prime minister of Iran by democratic elections. However, his policy of nationalizing British-owned Anglo-Iranian Oil Company in Iran motivated CIA and MI6 to design a military coup, by which, foreign powers once again restored Muhammad Raza regime.<sup>19</sup>
- 6) After the coup, Muhammad Raza ruled as a powerful monarch until 1979. During this era, he introduced several modernized policies for imposing western culture especially in the cities having religious or ethno-national orientations like Qom, Tehran, Mashad, Tabriz, Urmia, Mahabad and Gilan.<sup>20</sup>
- 7) Similarly, he established CIA-trained secret service; SAVAK (*Sazmaan-e-Itla'at va Amniyat-e-Kishwar*) in 1975. SAVAK operated until the Islamic Revolution of 1979, with the help of United States and Israel, while its basic objective was to target anti-US, anti-British, anti-Israel and anti-monarch sentiments in Iran.<sup>21</sup>
- 8) As Muhammad Raza considered clerics' demands for Islamic rules and regulations in the country as a threat against his regime, he ordered the army to open fire on religious gatherings in Tehran on September 08, 1978. Hundreds of killings in this incident triggered clerics' protests in entire of Iran. The lack of training to confront civil unrest marked more bloodshed in Qom and Tabriz which resulted in death of Khamenei's son. To see such cruel attitude of Muhammad Raza and his army, different religious and political parties including Tudeh Party announced anti-Shah march towards Tehran. On the other side, Muhammad Raza realized the future threats to his kingship. Therefore, he granted an amnesty to majority of political

---

<sup>18</sup>Hamid Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period* (California and New Jersey: University of California Press, 1980), 131-133; John Obert Voll, *Islam: Continuity and Change in the Modern World* (Colorado: Syracuse University Press, 1994), 105-107.

<sup>19</sup>Vali Raza Nasr, *The Shia Revival: How Conflicts Within Islam Will Shape the Future*, 117.

<sup>20</sup>Shahbaz Shahnavaaz, *Britain and South-West Persia 1880-1914: A Study in Imperialism and Economic Dependence* (London and New York: Taylor & Francis, 2002), 117; V. Martin, *Iran Between Islamic Nationalism and Secularism: The Constitutional Revolution of 1906* (London and New York: British Academic Press, 2013), 13-14.

<sup>21</sup>Martin, *Iran Between Islamic Nationalism and Secularism: The Constitutional Revolution of 1906*, 15-33.

prisoners including dissidents or protesters living abroad like Ayatullah Khamenei on October 02, 1978 but he could not satisfy major segments of the population. Therefore, he signed an agreement with longtime opposition leader, Shapour Bakhtiar, appointed him as a Prime Minister on January 16, 1979, and left Iran the next day. Shapour Bakhtiar tried a lot to calm down civil unrest by eliminating SAVAK and offering Khamenei to establish Vatican-like state in Qom city. He also promised free elections, and proposed a coalition government with the followers of Khamenei. However, Khamenei rejected all these offers, and, appointed his own interim government, headed by Mehdi Bazargan as prime minister, arguing that, “I will appoint a state and I will act against this (Shah’s designed) government with national support.”<sup>22</sup>

- 9) In February 1979, civil unrest got strength and converted into street fighting in major cities of Iran like Tehran, Qom, Mashhad, Tabriz, Urmia and Gilan. Pro-Khamenei revolutionary guerrillas and rebel soldiers gained power that forced Iranian army to announce its neutrality during civil unrest. Unrest prolonged until the April 1979 that forced Shapour Bakhtiar to abolish almost 2500 years Timeworn Iranian monarchy and declared Iran as a republic. Similarly, he called himself as first president of Iranian Republic while, he left Iran for Paris in the same month. On April 01, 1979, Iran declared as an Islamic Republic under the already announced interim government of Mehdi Bazargan. A New theocratic-republican constitution was approved whereby Ayatullah Khamenei became the first Supreme Leader of Iran in December 1979.<sup>23</sup>

### 3. Constitutional Economics under an Official Thought to be Divinely Guided in Iran

During analyzing Iranian constitution, the study finds the section, “Governance of the Just Jurisprudent (Faqih)” within the Introduction where there is written that “founded upon the sovereignty of the command of God (*Vilayat-e-Amr*) and *Imamat* (continuous religious leadership), the constitution articulates the background for the actualization of leadership by a competent jurisprudent who is recognized as the leader of the people” (Constitution of Iran 2011). Similarly, with mentioning a *hadīth* “administration of affairs should be by those scholars who are learned in regard to God and that which He has permitted and that which has forbidden”, there is further written that “this leadership

<sup>22</sup>Michael Roskin, James J. Coyle, *Politics of the Middle East: Cultures and Conflicts* (New York: Pearson/Prentice Hall, 2003), 183; Ismail Bey Zardabli, *The History of Azerbaijan: From Ancient Times to the Present Day* (London: Rossendale Publishers, 2014), 457-461.

<sup>23</sup>G. H. Adel, *The Pahlavi Dynasty: An Entry from Encyclopaedia of the World of Islam* (London: EWI Press, 2012), 15-16.

protects numerous institutions against deviations in fulfilling their authentic Islamic responsibilities.”<sup>24</sup>

Furthermore, very next section mentions “economy is a means not an end” where there is written that “in Islam, economy is a mean, and, mean is used in better and appropriate ways for reaching towards the goal. Furthermore, there is described that “economic plan of Islam is to provide suitable opportunities to the people regarding generating creativities. Therefore, it is the responsibility of an Islamic government to provide equal and appropriate opportunities and employment for all the people, to fulfill their needs, and, to remove hurdles in between the way of their progress.”<sup>25</sup>

By analyzing both sections within the introduction, it has become very clear that the entire political system of Iran is based upon an official thought to guided divinely whereas; such level of absolute guidance under *Vilayat-e-Faqih* looks after all the sphere of life including economy. Likewise, article 05 of the chapter 01 in the constitution once again endorse respective ideology, as “during the absence of Imam Mehdi, the sovereignty of the command of God and guidance of the Muslims in Islamic Republic of Iran is an obligation of a capable, courageous, efficient administrator, intellectual and pious Faqih as mentioned in the article 107.”<sup>26</sup>

Now, under such an official thought to be divinely guided, constitutional economic analysis of Iranian constitution moves this study towards chapter 03 (describing articles from 19 to 42) which concerns with nation’s rights. In the respective chapter, article 19 delivers equal rights to the entire Iranian nation without any discrimination of color, race, language or any other identification. Similarly, article 20 provides equal social, economic, cultural and political rights to all men and women under an equal protection of law. In addition, article 21 gives special privileges to women including special insurance for elderly women, widows and women without guardians. At the same time, article 22 ensures that the domicile, dignity, life, occupation and property will not be violated unless permitted by the law. Likewise, article 26 allows trade unions and other associations to be free for their activities until they do not violate the principles of Islamic criterion, foundation of Islamic Republic, national unity, freedom and independence whereas article 27 also grants the permission for marches and public gatherings until participants do not carry any weapon or violate the basic principles of Islam. Article 28 of the respective chapter also allows people to choose their profession freely as they wish. However, their profession should not be against the rights of others, public interests, or Islam. At this stage, this is also a fundamental duty of the government to provide equal opportunities for employment to all people. Furthermore, article 29 declares that everyone has the right to

---

<sup>24</sup>Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton and New Jersey: Princeton University Press, 1982), 419-446; Charles Kurzman, *The Unthinkable Revolution in Iran* (Boston: Harvard University Press, 2009), 201-205.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.



enjoy social security in case of retirement, old age unemployment, lack of guardianship, destitution, and, workers' compensation. Similarly, in case of an accident or any emergency, everyone has the right to avail health and medical facilities through insurance. At the same time, article 31 describes that every Iranian individual and family has the fundamental right to have the facility of residence. This is the prime duty of the government to manage the provision of the respective right to all the needy persons, especially peasants and workers.<sup>27</sup>

After chapter 03, this study looks towards chapter 04 of the constitution (covering articles from 43 to 55) which is totally related to "economic and financial affairs." Here, article 43 of defines certain principles for Iranian economy regarding securing economic independence of the society, uprooting poverty and deprivation, and, fulfilling human needs during the process of growth.<sup>28</sup> These principles are;

- To provide essential needs for all; such as education, medical care, health, clothing, food and housing<sup>29</sup>
- To provide opportunities for everyone regarding employment as per the skills and talent, to provide interest-free loans regarding protecting circulation of the wealth only in the hands of some specific people or groups, and, to determine public planning for national economic growth at each stage of progress.<sup>30</sup>
- To design country's economic plans in such a way that every person would get sufficient time (after job duration) for social, political and spiritual growth, for active participation in national affairs, and, for polish his skills and talent.<sup>31</sup>
- To respect freedom of every individual regarding choosing any occupation.<sup>32</sup>
- To ban all the activities that can damage others, like usury, hoarding, monopoly and several other invalid / forbidden connections.<sup>33</sup>
- To ban squandering and extravagance in all the fields of economy such as investment, consumption, production, distribution and services.<sup>34</sup>
- To train individuals as per the need of nation for national economic growth, and, to utilize their skills for the development of the country.<sup>35</sup>
- To prevent foreign monopolization of national economy.<sup>36</sup>

---

<sup>27</sup>Ibid.

<sup>28</sup>*Constitution of Islamic Republic of Iran* (Tehran: Alhoda International Publication and Distribution, 2011). [http://pwerth.faculty.unlv.edu/Const-Iran\(abridge\).pdf](http://pwerth.faculty.unlv.edu/Const-Iran(abridge).pdf) (Accessed on: June, 14, 2020)

<sup>29</sup>Ibid.

<sup>30</sup>Ibid.

<sup>31</sup>Ibid.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

<sup>34</sup>Ibid.

<sup>35</sup>Ibid.

<sup>36</sup>Ibid.

- To focus upon increasing industrial, agricultural and livestock productions that fulfill the common needs, to take country at the level of self-sufficiency, and, to protect the country from dependency.<sup>37</sup>

Similarly, article 44 defines Iranian economy system as based upon three sectors; state, cooperative and private where state sector consists upon national industries, major mines, foreign trade, banking, energy sources, insurance, radio and television, dams and large water irrigation networks, telegraph and telephone, post, navigation, aviation, railroads, roads, and, others which are under the state control and publically owned. On the other hand, a cooperative sector includes cooperative institutions and corporations of production and distribution, founded in the villages and cities as per the Islamic criteria. Moreover, private sector covers industries, animal husbandry, agriculture, trade and services which balance the state and cooperative economic activities. Article 44 further says that ownership of these three sectors will be protected as per the law until they follow Islamic laws.<sup>38</sup>

At the same time, article 45 explains the state ownership over abandoned/unclaimed land of deceased owners, lakes, rivers, seas, wastelands and public wealth, natural prairies, marshlands, forests, valleys, mountains, public bodies of water, wealth without any identified owner, unrestricted pastures, and, inheritance without heir. Islamic government has to determine how to utilize each of them. Similarly, article 46 does not allow anyone to eliminate or undermine business opportunity for other/others for the sake of his economic interests, whereas article 47 respects the private ownership by legitimate means. Moreover, article 48 discuss that there is no discrimination between provinces and various regions of the country regarding utilizing national income or extracting natural resources. In addition, with article 49 obliges government for seizing illegitimate wealth causing from gamble, theft, embezzlement, bribery, usurpation, usury, misuse of Islamic government contracts and transactions, misuse of Islamic government endowments, houses of ill repute, uncultivated lands and other belonging to the public, and, other illegitimate sources. Islamic government has right to pass this wealth to the rightful owner, whereas if the owner is not identified, such wealth has to be submitted in the public treasury. However, all such processes should occur after a fair investigation and research under Islamic laws.<sup>39</sup>

Furthermore, article 50 bans any economic activity which causes environmental population, whereas article 51 expresses that no tax of any kind will be implemented without permission of the law while tax reduction or exemption will also be determined according to the law. At the same time, article 52 determines the right of Islamic Consultative Assembly for making, reviewing, ratifying or amending annual budget. Likewise, article 53 orders to submit entire income of the government in the national treasury accounts. On the other hand, article 54 deals with the formation of National

---

<sup>37</sup>Ibid.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid.

Accountability Bureau which is working under the Islamic Consultative Assembly while, its offices will be situated in Tehran and the capitals of other provinces. In the meantime, article 55 allows National Accountability Bureau to audit the accounts of all the ministries, corporations and other institutions which facilitate by the annual budget of the country.<sup>40</sup>

Although chapter 05 of the constitution deals with “the right of national sovereignty and its ensuring power”, the article 59 of the respective chapter allows legislature to conduct a referendum in case of any emerging and crucial social, political or economic issue. However, conduction of respective referendum will be subjected to the approval by the 2/3 majority of parliament. Similarly, chapter VI discusses “the legislature powers” where article 81 of the respective chapter does not allow legislature to permit foreigners for establishing any company or institution related to agricultural, commercial, industrial, mining or any other services sector.<sup>41</sup>

7<sup>th</sup> chapter (consisting of articles 100 to 106) of the constitution focuses on “the councils” where article 100 allows to establish councils at each village, district, city municipality and province through the collaboration of people regarding launching or completing welfare-related cultural, developmental, educational, economic, public health and social programs as per the needs of respective territory. Moreover, members of the respective councils will be elected democratically by the locality, whereas law will not only determine the qualification, powers and responsibilities of councils but it will also ensure the acceptance/respect of the Islamic system of Iran, territorial integrity and national unity from the members of respective councils. Furthermore, article 101 establishes a Supreme Council consisting upon the members of the councils of provinces regarding preventing discrimination among provinces, to promote cooperation among welfare and development-based programs among provinces, and to supervise harmonious execution of respective programs, whereas the law will determine the formation, powers and responsibilities of Supreme Council of Provinces. In addition, article 102 gives the authority to Supreme council of Provinces to prepare the draft about any welfare or development based program, and present them in the Islamic Consultative Assembly (either directly or by the government) for getting approval (after evaluating through debates in the parliament).<sup>42</sup>

At the same time, article 103 defines the boundaries of the governors and other officials of the provinces, cities and districts regarding following the decisions (under the law) of the councils. Moreover, article 104 defines the purpose of establishing respective councils as for ensuring Islamic justice and confirming the harmonious relations between all the units of agriculture and industries, whereas respective councils will consist of representatives of employees, farmers, managers and other workers. On the other hand, article 105 warns that the decisions of councils should not be contradictory to the Islamic criteria and the laws of the country. However, councils can be annulled as article 106

---

<sup>40</sup>Ibid.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid.

defines. However, this annulment will occur in case of deviating from any legal responsibility. Moreover, if council has any objection to its dissolution, it will have the right to refer all the matters to the appropriate court where the court will be bound to look after them.<sup>43</sup>

After constitutional economic analysis of different articles under the chapters 03, 04, 05 and 07, this study moves towards chapters 08, 09 and 13. Although, chapter 08 discusses the “Supreme Leader and the Guardian Council”, chapter 09 focuses on “the executive powers” and chapter 13 emphasizes on “Supreme Council of National Security” but several articles under respective chapters facilitate this study that how the Iranian constitutional economic is looked after by the supreme religious institution.<sup>44</sup>

During analyzing constitutional economics under an official thought to be divinely guided in Iran, chapter 08 (consists upon article 107 to 112) compressively defines the role of Supreme leader and his guardian council regarding looking after not only economic but all the spheres of life as an absolute guardian of Muslims, having sovereignty of the command of God during the absence of Imam Mehdi (the twelfth Imām). Article 107 gives the responsibility of electing “Supreme Leader” as *Marja* to the experts appointed by the people, whereas the elected leader will be considered as “*Wali-ul-Amr*” (having charge of the sovereignty of the command of God), will fulfill all the responsibilities and be answerable before the law like other people. However, article 108 describes the number of the experts, qualification of the experts, and method for electing experts for the “guardian Council.” Although the first guardian council did all this by the approval of Supreme Leader, any type of amendment in any clause of respective articles is the mandate of current guardian council.<sup>45</sup>

Furthermore, article 109 defines the attributes and the qualification for the Supreme Leader, whereas article 110 illustrates about the authorities and responsibilities of Supreme Leader such as:

- Determining entire political scenario of Iran by consulting with the Expediency Council (*Majma Maslehat Andeshi Nizām*),
- Supervising effective and efficient implementation of the entire political policies,
- Conducting referendum,
- Commanding armed forces,
- Declaring peace, war or mobilization of forces,
- Appointing, dismissing or accepting the resignations of the jurists of Guardian Council, officials within judiciary, president of mass media in Iran, chief of general staff, commander-in-chief of Revolutionary Guards, and, supreme commanders of police and armed forces,

---

<sup>43</sup>Ibid.

<sup>44</sup>Ibid.

<sup>45</sup>Ibid.

- Solving issues between executive, legislature and judiciary,
- Resolving issues (that cannot be address by the simple means) in the system by the consultation of Expediency Council (*Majma Maslehat Andeshi Nizam*),
- Signing the appointment of the president of Iran when he will be elected by the public,
- Dismissing the president of Iran in the best interest of the country (only when if Supreme court will issue a ruling about his deviation from legal duties or if Islamic Consultative Assembly will cast vote for no confidence upon him),
- Reducing or pardoning the sentences of criminals / convicts within the context of Islamic criteria, and,
- Having the right to transfer some of his power to any other person<sup>46</sup>

Similarly, article 111 defines the criteria for dismissal of Supreme Leader if he will not be capable for performing his legal duties, whereas article 112 describes the reasons of establishing Expediency Council by an order of Supreme Leader such as resolving issues between Islamic Consultative Assembly and Guardian Council, consulting upon affairs which Supreme Leader will refer to the Expediency Council, or, other duties mentioned in the constitution.<sup>47</sup>

Likewise, article 150 of the chapter describes the reason of existence of Revolutionary Guards with declaring that the respective force will remain in effect in order to resume its role of protecting revolution-based ideology. Moreover, article 176 of chapter 13 discusses the reasons for establishing Supreme Council of National Security. Duties of this council are:

- Designing defense and security policies for the country under the direction of Supreme Leader,
- Coordinating socio-economic, political and cultural activities in context of defense and security concerns, and,
- Utilizing materialistic and spiritual resources of the country in case of having domestic or foreign threats.<sup>48</sup>

Furthermore, along with the heads of judiciary, executive and legislature, commander-in-chief of armed forces, two representatives elected by Supreme Leader, ministers of state, foreign affairs, and intelligence, and, highest leadership of Revolutionary Guards, there will also be the administrative officer of the budget and planning as the member of respective council.<sup>49</sup>

---

<sup>46</sup>Ibid.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

<sup>49</sup>Bayram Sinkaya, *Revolutionary Guards in Iranian Politics* (London, Routledge, 2015), 51.

#### 4. Critical Analysis

By analyzing article 05, articles 107 to 112, article 150 and article 176, this study examines that not only the economic affairs but all the socio-political, cultural, spiritual or other aspects of daily routine life are the subjects for looking after, investigating or controlling by the Supreme Leader and his Guardian Council with the help of Revolutionary Guards. As Iranian version of Shia Islam has discussed the religious worth of the post of “Supreme Leader” (*Vilayat-e-Faqih*) in the absence of Imam Mehdi, followers of the respective ideology believe that the entire political system is being divinely guided under the leadership of Supreme Leader where constitutional economics is one of its parts.<sup>50</sup> Moreover, the study analyzes that the entire constitution including all the articles related to the constitutional economics have been squeezed under the article 05, articles 107 to 112, article 150 and article 176. Therefore, this study concludes that post-revolution Iranian economy is experiencing an official thought to be divinely guided where Revolutionary Guards provide complete armed assistance to the Supreme Leader and his Guardian Council regarding looking after, controlling and directing economic activities within the state.

#### Bibliography

- Abrahamian, Ervand. *Iran Between Two Revolutions*. Princeton and New Jersey: Princeton University Press, 1982.
- Adel, G. H. *The Pahlavi Dynasty: An Entry from Encyclopaedia of the World of Islam*. London: EWI Press, 2012.
- Algar, H. *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*. California and New Jersey: University of California Press, 1980.
- Barker, William S. *Theonomy: a Reformed Critique*. Michigan: Academie Books and Zondervan Publications, 1990.
- Brennan, Geoffrey. *The Reason of Rules: Constitutional Political Economy*. London: Cambridge University Press, 2008.
- Bushman, Richard Lyman. *Mormonism: A Very Short Introduction*. London: Oxford University Press, 2008.
- Constitution of Iran*. Tehran: Alhoda International Publication and Distribution, 2011.
- Gutteridge, Harold. *The Esoteric Codex: Nontrinitarianism*. New York: Lulu.com, 2012.
- Hirschl, Ran. *Constitutional Theocracy*. Harvard: Harvard University Press, 2011.
- <https://www.nytimes.com/2011/03/11/world/asia/11tibet.html> (accessed May 11, 2019)

---

<sup>50</sup>Ahmed Vaezi, 'Shia Political Thought,' Al-Islam.Org (al-islam.org/shia-political-thought-ahmed- (Shahani and Najfi June 20, 2010)vaezi/what-wilayat-al-faqih) assessed March 08, 2010

- Ingersoll, Julie. *Building God's Kingdom: Inside the World of Christian Reconstruction*. London: Oxford University Press, 2015.
- Johnson, Rosemary Stanfield. "Sunni Survival in Safavid Iran: Anti-Sunni Activities during the Reign of Tahmasp I." *Iranian Studies* 27, no. 1/4 (1994): 123-133.
- Kurzman, Charles. *The Unthinkable Revolution in Iran*. London: Harvard University Press, 2009.
- Lucerne, Sam. *Theocracies*. Minnesota: ABDO, 2011.
- Martin, V. *Iran Between Islamic Nationalism and Secularism: The Constitutional Revolution of 1906*. London and New York: British Academic Press, 2013.
- Nasr, Vali. *The Shia Revival: How Conflicts Within Islam Will Shape the Future*. New York: W.W. Norton, 2016.
- Perl, Lila. *Theocracy*. New York: Marshall Cavendish, 2008.
- Prosser, Tony. *The Economic Constitution*. London: Oxford University Press, 2014.
- Roskin, M. G., and James J. Coyle. *Politics of the Middle East: Cultures and Conflicts*. New York: Pearson/Prentice Hall, 2003.
- Shahani, D. Q.-e. (June 18, 2019). Iranain Constitutional Economics. (M. Asim, M. Akram Zaheer Interviewers)
- Shahnavaz, Shahbaz. *Britain and South-West Persia 1880-1914: A Study in Imperialism and Economic Dependence*. London and New York: Taylor and Francis, 2002.
- Sinkaya, Bayram. *Revolutionary Guards in Iranian Politic*. London, Routledge, 2015.
- Vaezi, Ahmed. *Shia Political Thought*. <https://www.alislam.org/printpdf/book/export/html/17873> accessed March 08, 2010
- Voll, John O. *Islam: Continuity and Change in the Modern World*. Colorado: Syracuse University Press, 1994.
- Worthen, Molly. "The Chalcedon Problem: Rousas John Rushdoony and the Origins of Christian Reconstructionism." *Church History* 77, no 2 (2008): 399-437.
- Yardley, Jim. Edward Wong, "Dalai Lama Gives Up Political Role." *New York Times*, March 10, 2011.
- Zardabli, Ismail Bey. *The History of Azerbaijan: From Ancient Times to the Present Day*. London: Rossendale Publishers, 2014.