… Government, a primary commandment, takes precedence over all secondary
commandments, even praying and fasting and the hajj. Government can unilaterally abrogate
legitimate agreements which it has made with the people under circumstances in which they are
against the interests of the country or of Islam. Government may prevent any matter whether
or not it is to be unquestioningly accepted, should it be against the interests of Islam for
as long as this is the case.

1) Ayatollah Khomeini’s answer to the Guardian Council: “The government has the
right to restrain one or many individuals from consuming more than his rightful share
according to secular custom. Since these resources (oil and gas) are national and belong
to the current and future peoples who come into being in the course of time are not
private property, an Islamic government may extract from them.” [Sahifeye Nur, vol. 20, p. 155 (3/8/1366)]

2) Ayatollah Khomeini’s answer to the Minister of Labor concerning the
permissibility of making a ---- contract with a manager who is benefiting from
government service: “Whether in the past or in the present, the government may
establish obligatory stipulations.” [Sahife\'ye Nur, vol. 20, p. 163 (16/9/1366)]

3) Ayatollah Khomeini’s answer to a request for an interpretation by the Guardian Council of his response to the Minister of Labor: “The government may exact the price of utilization in all cases in which the people utilize government resources and services, under Islamic conditions and even without any conditions, and this pertains to all matters under government rule and is not specific to the cases mentioned in the Minister of Labor’s letter. Indeed, in the spoils of war that belonged to the government in the days of Islamic rule, it could use its authority over them without conditions or under obligatory stipulations.”

4) Statements by Ayatollah Khamenei, then Friday prayer leader of Tehran and president, about the letter by the Guardian Council and Ayatollah Khomeini’s opinion, from the Friday prayers of 11/10/1366 [January 1, 1988]: Allow me to refer to that same fatwa or decision which the Imam has recently issued in connection with issues related to labor, workers and managers, which is one of the more enlightened Islamic decisions. Fortunately, after the Imam was asked by the honorable secretary of the Guardian Council, he further clarified the matter and barred the way for all abuse of His Eminence the Imam’s statement.

The Imam declares that the state may establish obligatory stipulations in exchange for the services it provides. Thus, in the case of a manager who, in ordinary circumstances and without government supervision, may establish an unjust contract with a worker, may increase working hours, may lower the worker’s wages, may not provide the worker with needed health benefits and bring pressure to bear on the worker, the government may force the manager and require him to obey a series of obligations and duties. This is part of the Islamic state’s authority, that in exchange for those services which it provides, it tells the manager, “You use the electricity, water, asphalt roads, docks, ports, and various government resources and services. The condition for utilizing these services is that you must provide this help to the worker. Why should you be responsible to the worker under this stipulation? So that the worker not be oppressed, so that discrimination not become widespread and commonplace, to support the rights of the dispossessed.” This is one point, and a point of no less importance indicated in a discussion with His Eminence the Imam, which he has clarified, is that this work, this measure by an Islamic government does not mean smashing accepted Islamic laws and decisions, which is precisely the crux of the honorable secretary of the Guardian Council’s question. It seems that some want to use, or abuse, this fatwa of the Imam in this manner, and either out of incomprehension or not having mastered the Islamic sources and basic texts, have the Imam declare, “The government may stipulate
to the manager that you can use these services on the condition that you do this deed,”
even if these activities are against accepted stipulations and decisions and Islam. The
Imam declares, “No, these are rumors that people with an agenda have created. In other
words, there is no such thing in the Imam’s response. The Imam actually declared that
the government may place an obligatory stipulation upon the manager’s shoulder. This
is not just any condition. It is a condition within the accepted framework of Islamic
judgments and no further. This is a very important point in His Eminence the Imam’s
response. When the questioner who asked, “Some understand your declaration as
meaning that one can contradict the laws of mozare’eh and mosaqat [sharecropping
arrangements, the latter for irrigated systems] and the commandments of the sharia and
accepted fatwas and that the government may make stipulations contrary to Islamic
decisions,” the Imam declared, “No, this is a rumor.” In other words, nothing like this
was at all within the scope of the discussion between the Minister of Labor and the
Imam. See how the issue was so clear and complete. Of course, in Islamic society, the
accepted commandments are just as I say, i.e., the fatwa of the Valiye Faqih.

[Jamhuriye Eslami, 12/10/1366 [January 2, 1988], p. 9, “Friday Sermons by
Hojjatoleslam Sayyed Ali Khamenei”]

5) The reaction of Ayatollah Khomeini (God’s mercy be upon him!) to His
Eminence Khamenei’s Friday Prayer declaration.

In the name of God, the Merciful, the Compassionate
His Eminence Hojjatoleslam Khamenei
President of the Islamic Republic (May his virtues endure!)
Greetings and long life.

I am disinclined to engage in disputations at this delicate time. I believe that silence is
the best policy in these times. Of course, we should not imagine that someone has the
right to raise issues with nothing I say or do. Raising issues, indeed, leveling
accusations is a divine gift for providing people with guidance. But I do not consider it
proper to pass over in silence your noble letter and the questions you raise therein.
Therefore I will submit my thoughts in abbreviated form.

It seems from Your Eminence’s declaration in the Friday Prayers that you do not
consider proper the absolute velayat which was given by God to the Noble Prophet
(Peace and blessings be upon him!) and is the most important of divine commandments
and takes precedence over all commandments of the sharia. The interpretation that what
I had said is that government has authority within the context of the divine commands is
contrary to what Your Servant said. If a government’s authority was within the
framework of the secondary divine commandments, I must submit that turning over
divine government and the absolute velayat to the Prophet of Islam (Peace and
blessings be upon him!) is an empty and meaningless phenomenon and point out the
consequence of this, that no one has any need of it. For example, road builders who
need to take over a house or its yard are not within the framework of secondary
commandments. Compulsory military service and sending supplies to the front,
preventing the import or export of currency, indeed, preventing the import and export of
any manner of goods, preventing hoarding in other than two or three cases [منع احتكار
درا غير دو- سه مورد], customs and taxes, preventing price gouging and price fixing,
preventing the distribution of addictive substances, preventing the addiction to any form
of alcoholic beverages, bearing arms in any form, and hundreds of similar cases, which
are within government authority, are actually outside government authority according to
your interpretation. There are hundreds of other examples of this.

I must submit that government, which is a branch of the absolute velayat of the Prophet
of God (Peace and blessings be upon him!) is one of Islam’s primary commandments
and takes priority over all secondary commandments, even prayer, fasting, and hajj. The
ruler may demolish a mosque or a home which is in the way of a road and compensate
its owner with money. He may close mosques when necessary and demolish a mosque
which is troublesome should it not be removable without demolition. The government
may unilaterally dissolve legitimate treaties which it made with the people should they
be contrary to the interests of the country and Islam. It may prevent anything which is
contrary to the interests of Islam, whether it must be followed unquestionably or not, as
long as this is the case. It may temporarily prevent the hajj, which is an important divine
obligation, should it be against the interests of the Islamic country.

What has been said so far or will be said is a result of ignorance of the absolute divine
velayat. As to what has been called a rumor, that mozare’eh and mozarebeh [forms of
sharecropping for short-term loans] and the like will disappear with such authority, I
clearly submit, that should this be the case, this is within the government’s authority.
There are issues beyond this which I shall not trouble you with.

Exalted God willing, may God take Your Eminence, who has no other object than
service to Islam, under his protection.

Ruhollah al-Musavi al-Khomeini

تنکر آیت الله العظمی خمینی (ره) به آیت الله خامنه‌ای در مورد حدود انتخابات ویلی فقیه و سیر مراحل آن

حکومت چه یکی از احکام اولیه است و مقدم بر تمام احکام فرعیه حتی نماز و روزه و حج است. حکومت می‌تواند قراردادهای شریعی را که خود با مرم مسخته است، در موافقتی که آن قرارداد مخالف مصالح کشور و اسلام باشد یک جانبه لهو نماید. حکومت می‌تواند هر امری را چه عبادی و چه غیرعبایی، که جریان آن مخالف مصالح اسلام است از آن مادا مه کنن است جلوگیری کند.

1-پاسخ آیت الله خمینی به شورای نگهبان: "دولت حق دارد تا از تصرف بیش از حذ عرفي شخص و اشخاص جلوگیری نماید. این معنادن (نفت و گاز) چون ملی است و متعلق به ملتی حال و اینده است که در طول زمان وجود می‌گردد از نتیجه اعماله شخصه خارج است و دولت اسلامی می‌تواند آنها را استخراج کند." [صحیفه نور، ج. 20، ص 155 (مهر 1367/8)]

2-پاسخ آیت الله خمینی به وزیر کار درباره جواز قراردادن شرط‌الزامی نسبت به کارفرمایانی که از خدمت دولتی بهره می‌شوند:

"چه در گذشته، چه در حال، دولت می‌تواند شرط‌الزامی را مقرر نماید." [صحیفه نور، ج. 20، ص 163 (مرداد 1367/16)]

3-پاسخ آیت الله خمینی به استفسار شورای نگهبان درباره پاسخ ایشان به وزیر کار:

"دولت می‌تواند در تمام موارد که مردم استفاده از امکانات و خدمات دولتی می‌کند با شرط اسلامی و حتى بدون شرط قیمت مورد استفاده را از آن بگیرد و این جرای است در جمع موارده که تحت حکومت حکومت است و اختصاصی به مواردی که در نامه وزیر کار درک شده ندارد، بله در انتقال که در منابع حکومت اسلامی امروز، با حمایی است در توافت بدون شرط یا با شرط‌الزامی امروز را اجرا کند." [اصفهان، ج. 20، ص 165 (مهر 1367/26)]

4-پیشنهادات آیت الله خامنه‌ای، امام جمعه تهران و رئیس جمهور وقت درباره نامه شورای نگهبان و نظر آیت الله خمینی در تاریخ جمعه 11/10/1366:

"اشهره کنن به همین فتوا با حکمی که اگر آماده رابطه با مسائل مربوط به کار و کارگر و کارفرما بیان کردن که جزو روش‌شترین احکام اسلامی است و خوشبختیه نبوده اگر آن از طرف دیپر محرک شورای نگهبان سویی از آماده شد که وضع مطلب را بیشتر کرد و راه همه سوء استفاده‌ها از بیان حضرت امام را باست.

امام می‌فرمانده دوام می‌تواند در مقابل خدماتی که انجام می‌دهد شرط‌الزامی مقرر کند. به علت کارفرما که در شرایط عادی و بدون نظارت دوام می‌تواند با کارگر یا رابطه غیر عادلانه برقرار کند، می‌تواند از کار را افرایش دهد، مدرک کارگر را کاهش دهد، امکانات فعالیه لازم را به کارگر ندهد و فشار بر کارگر بیابدد. دوام می‌تواند کارفرما را اجبار و الامن کنند بر رعایت یک سیاست‌آزمایش از الزامات و وظایف. جنین چیزی از اختیار دوام اسلامی است، در مقابل آن خدماتی که به کارفرما
لا يمكنني قراءة النص العربي من الصورة. إذا كنت بحاجة إلى مساعدة في شيء آخر، فأخبرني بذلك.
امثال انها.

بايد عرض كنم حكومت، كه شعياه اى از ولايت مطلقة رسول الله- صلى الله عليه وآله و وسلم-
است. يكي ار احكام أوليه اسلام است؛ و مقدم بر تمام احكام فرعيه، حتى نماز و روزه و حج است.
حاكم مينوناد مسجد يا منزل را كه در مسير خيانات است حراب كند و پول منزل را به صحابه رد
كند. حاكم مينوناد مسجد را در موقع لزوم تعطيل كند.; و مسجد كه حراب باشد، در صورتي كه
رفع بدون تخريب نشور، حراب كند. حكومت مينوناد فرارداهادي شرعی را كه خود يا مردم بسته
است. در موقعی كه ان قرارداد مختلف مصالح كشور و اسلام باشد، يك جاتيه لغو كند. و مينوناد
هر امري را، جه عيادي و يا غير عيادي است كه جریان كه مختلف مصالح اسلام است، از أن مادی
كه كهنين است جلوگیری كند. حكومت مينوناد از حج، كه از قرارض مهم الهی است، در مواقيعي
كه مخالف صلاح كشور اسلامي دانست موقعنا جلوگیری كند.

ان شهاء الله تعالى خداوند امثال جنباعالي را، كه جز خدمت به اسلام نظری نداريد، در به خود حفظ
فرمانید.