

# The Position of the Vilayat-e Faqih and Moving Beyond Monarchical Thought in the Political- Social Thoughts of Jurists in the Qom Seminary over the Last Century

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## Abstract

One of the most important concerns in the realm of political thought among Jurists has been to explain their views on the establishment of an Islamic government and the Vilayat-e Faqih. Regarding the unfavorable political climate in previous eras, some Jurists could not explicitly articulate these views. Therefore, the present study aims to answer the question of 'How the position of the Vilayat-e Faqih and the movement beyond monarchical thought has been presented in the political-social thoughts of Jurists from the Qom seminary over the last century?' Using the theoretical framework of historical realism based on Strauss, content analysis, and library research methods, the political thoughts of three prominent Jurists in recent centuries are examined: Shaykh Abdul Karim Haeri, as the founder of the Qom seminary; Ayatollah Boroujerdi, as the stabilizer of Qom's seminary in the social sphere; and finally, Imam Khomeini (RA), who guided Qom's seminary from the social arena to the political one. Ultimately, in response to the above question, the findings of the research suggest that "Undoubtedly, the activities of these three great Jurists in the last century have been one of the most significant events in the re, liberating the Shia community from centuries of monarchical oppression and emphasizing the establishment of an Islamic government based on the Vilayat-e Faqih. Imam Khomeini continued the path of great jurists such as Shaykh Abdul Karim Haeri and Ayatollah Boroujerdi and other Jurists since the time of occultation." alm of political and social thought within the Shia community. Their structured and uniform activities, despite differing methods, have brought about a tremendous transformation in the political and social landscape of Islamic Iran

**Keywords:** Political Thought, Qom Seminary, Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, Imam Khomeini (RA), Islamic Government, Vilayat-e Faqih and Monarchical Thought.

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### Introduction

Studying the political thoughts of Jurists during the era of occultation is of special importance, as this matter has been challenging in the Muslim world and has significantly impacted other dimensions of Islam. In the 14th Hijri century, Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA) were influential figures whose actions in the realm of politics had a significant impact.

They adopted a political approach considering the conditions, necessities, and requirements of the time, which, if understood, would lead to the dynamism of Shia political jurisprudence and clarify new horizons in political behavior, theories of governance, Vilayat-e Faqih, and interaction and influence in this field.

In examining the indicators of a political thought, understanding the temporal and spatial conditions, as well as the scientific and practical conduct and awareness of various necessities, is essential. These three great Jurists are figures who have influenced the rise of Islamic and anti-imperialist movements in Iran and other Islamic countries. The study of the political thought of these three figures is significant from several perspectives: First, it was during Shaykh Abdul Karim Haeri's time that the seminary became the origin of all political and social transformations. The changes continued during Ayatollah Boroujerdi's era, when these transformations entered the social domain and the Qom seminary was solidified.

Ultimately, during Imam Khomeini's time, the Qom seminary took a more decisive step, transitioning from a social domain to a political one, culminating in the establishment of the Islamic Revolution centered on the Vilayat-e Faqih. Second, different conditions prevailed in the societies of these three figures, leading to varying reactions and approaches in addressing issues. From another perspective, delving into their texts and scholarly works is important for clarifying their theories regarding governance, Islamic government, and the Vilayat-e Faqih.

This article, based on the research question and considering the political thoughts and actions of the three great Jurists, aims to study and analyze their legal opinions, taking into account various considerations and referring to Islamic sources to explain their political thought regarding the position of the Vilayat-e Faqih and moving beyond monarchical thought.

It should be noted that a distinction must be made between political thought and political action; although political behavior usually stems from thought, circumstances do not always provide the opportunity to manifest ideas in practice. Therefore, a deep

understanding of the political thought should be governed by the studied approach (Lak Zaei, 1999 AD/1378 SH: 84; Golpayegani, 1985 AD/1364 SH: 366-369; Manzur, 2000 AD/1379 SH: 336; Ja'fariyan, 2003 AD/1382 SH: 130).

### ۱. Clarifying the Issue

One of the most important issues in the realm of political thought in the last century is the approach of Jurists and religious scholars, particularly the religious authorities, toward the establishment of an Islamic government and the governance by the Vali-e Faqih during the era of occultation.

Consequently, various opinions have emerged in this field, and numerous books and articles have been written about it. Some authors have interpreted and elucidated the legal theories of the Jurists in different ways. One of the main issues addressed in this article is clarifying the theories of the three great Jurists (Ayatollah Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA)) regarding Islamic governance and the guardianship of the jurist. This article aims to examine their political opinions by referring to their works.

Regarding the background of the present research topic, it can be said that many books and articles have been written from various perspectives on the subject of this article. For example, the book "Analysis of the Discourse of the Vilayat-e Faqih in the Political System of Iran" by Fa'iz Dinparast (Dinparast, 2010 AD/1389 SH), and articles such as "The Idea of the Vilayat-e Faqih in the Age of Occultation in the Political Thought of Imam Khomeini (RA)" by Noorollah Qaysari and Elaheh Khani Arani (Qaysari and Khani Arani, ۲۰۱۱ AD/۱۳۹۰ SH); "Vilayat-e Faqih in Political Wisdom" by Alireza Sadra (Sadra, 2004 AD/1383 SH); "

The Hegemonic Process of the Discourse of Political Islam from June 1963 to June 1981" by Naser Pour Hasan and Behnam Jalili (Pour Hasan and Jalili, 2018 AD/1397 SH); "The Political Thought of Shaykh Abdul Karim Haeri" by Morteza Tavakkoli Mohammadi and Morteza Motahhari Fard (Tavakkoli Mohammadi and Motahhari, 2015 AD/1394 SH); and finally, the article "Political Vilayat in Shia Jurisprudence" by Gholamhossein Moqimi (Moqimi, 2001 AD/1380 SH) should be noted.

The difference between the above writings and the present article is that these works primarily examine the Vilayat-e Faqih in general or its characteristics in the contemporary era. In contrast, the current article focuses on the Vilayat-e Faqih, its position, and necessity

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within the political thought of the three Jurists in the past century, who themselves have been the source of significant transformations in the intellectual and political spheres of Iran.

Additionally, this article aims to discuss the three periods: The establishment, the entry of the Qom seminary into the social arena, and finally, its entry into the political sphere.

Furthermore, the present article intends to employ a theoretical framework of true historical understanding, gathering and annotating data and information through a documentary study on the discussions of the Vilayat-e Faqih by Shaykh Abdul Karim Haeri, Ayatollah Borujerdi, and Imam Khomeini (RA). This data will be qualitatively interpreted and analyzed using Strauss's interpretative method.

Strauss introduces the method of "True Historical Understanding," which means understanding the thoughts of past writers exactly as they understood their own thoughts. According to Strauss, classical texts should be understood "Text with Text" and "Author with Author." The historian and thinker's task is to interpret the thoughts of past thinkers precisely as the authors themselves would have interpreted them (Strauss, 1986: 208).

From his perspective, neglecting this important and vital task is tantamount to abandoning the sole practical ownership of realistic thinking in the history of thought.

For understanding philosophical texts of the past, Strauss delineates prerequisites and points to consider. He believes that if researchers seek to understand and interpret the texts of past thinkers accurately, they must first take a genuine interest in those texts and the thoughts of that thinker. Additionally, the researcher should approach the texts and opinions of the author through the central questions and issues raised, to grasp the overall spirit governing their works and strive, as much as possible, to avoid biases and imposing predetermined opinions, in search of understanding the signs and guidance that led the author to their answers.

For this purpose, the researcher must find the lines between the texts and explore its hidden dimensions so that their research embodies "True Historical Understanding" (Strauss, 1986: 208-214). As for applying Strauss's interpretative method, the researcher should undertake the following steps:

**Step One:** In addition to the familiarity with the works and jurisprudential discussions of Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA), after forming the research problem, the researcher has revisited and annotated the relevant works.

They have made an effort to revisit the opinions of Shaykh Abdul Karim

Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA) on jurisprudential discussions concerning the Vilayat-e Faqih without introducing potential preconceptions.

**Step Two:** By centering the main and pivotal questions regarding the opinions of Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA) on the Vilayat-e Faqih-which aim to uncover the position and functions of the guardianship within the social realm--the driving factors of history are analyzed. The roles of political elites and thinkers in the Islamic world, with a focus on political Islam, have also been examined in the progress of contemporary history.

**Step Three:** The works and jurisprudential discussions of Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini (RA) regarding the Vilayat-e Faqih have been redesigned and analyzed, taking into account their fundamental intellectual foundations in socio-political issues.

## ۲. Conceptology

The present paper aims to articulate the jurisprudential foundations of the theory of the Vilayat-e Faqih while examining its role and significance in the political thought of Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi, and Imam Khomeini. Therefore, before delving into the discussion, it is essential to define a few key concepts used in this article:

۲.۱. **Political Thought:** Political thought is essentially a comprehensive and overarching plan for the political life of individuals and society. It does not focus on parts but rather the entirety of political life, aiming to explain disparate political phenomena in a way that maintains their organic relationships (Bashiriyeh, 1999: 97-98).

Leo Strauss believes that "What we mean by political thought is reflection on political opinions or the provision of an interpretation of them, and by political opinion, we mean the thought, concept, or any other matter that engages the mind for contemplation and is also related to the fundamental principles of politics". (Strauss, 2008: 5)

۲.۲. **Jurist (Faqih):** A jurist is a scholar who possesses the necessary scientific, practical, belief-related, and ethical conditions for authority. The legitimacy of many jurisprudential actions, as well as interventions in financial, judicial, and political affairs, depend on their presence and command. In jurisprudential texts, characteristics such as justice, awareness of Islamic rules (Faqahat), and sound management are considered essential for such a jurist. Without these, holding

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positions and responsibilities particular to such a jurist would not be possible (Mousavi Khomeini, 1989 AD/1368 SH: 2, 646; Mousavi Khomeini, 1977 AD/1356 SH: 51).

۲,۳. **Vilayat-e Faqih:** The term "Vilayat" originates from the root "Vali," which fundamentally means closeness and proximity, used both with a *Kasrah* and with a *Fathah* (Jawhari, 1983 AD/1404 AH: 6, 2528). Various meanings have been attributed to Vilayat, including guardianship (Jawhari, 1983 AD/ 1404 AH: 6, 2530).

According to some, Vilayat is associated with three elements: Management, power, and action (Ibn Manzur, 1955 AD/1375 AH: 15, 407). The term Vilayat and Vali are applicable in different sciences, such as mysticism (Ibn Arabi, 1975 AD/1396 AH: 1, 150), theology (Tusi, 2003 AD/1382 SH: 2, 10-17), and jurisprudence. In jurisprudence, "Vilayat" is used in the same literal sense of control and guardianship over a person or something (Meshkini, 2013 AD/1392 SH: 572), and discussions have been held regarding the guardianship of various individuals, one of whom is the jurist (Faqih) (Naraqi, 1996 AD/1375 SH: 529).

A precise definition of the Vilayat-e Faqih refers to the leadership and authority of the jurist in managing societal affairs. This definition can be inferred from the statements of some who have established the position and responsibilities of rulers for the "Vilayat-e Faqih." (Nai'ini, 1992 AD/1413 AH: 334-335)

According to Imam Khomeini, the Vilayat-e Faqih means governance, managing the country, and executing religious laws. This guardianship is a contractual and legal matter, not of the divine ontological type known among mystics and certain philosophers (Imam Khomeini, 1989 AD/1368 SH: 2, 646; Imam Khomeini, 1977 AD/1356 SH: 51).

۲,۴. **Sovereignty:** Sovereignty is also defined as power, dominance, possession, kingship, ruling, and commanding. In a monarchical system, the head of state is a king or queen or their equivalent. Aristotle defined sovereignty as the rule of one person, considering "Tyranny" (oppression, despotism) as its corrupt form.

This type of government is usually hereditary and is formed through force and domination, resulting in a despotic regime. People submit to it out of fear of violence (<https://fa.wiki.khomeini.ir>).

### ۳. Vilayat-e Faqih and Religious Governance in the Political Thought of Shaykh Abdul Karim Haeri

The dual actions of Reza Khan during the political and social collapse of the Qajar dynasty, which aimed at the theatrical revival of the

rituals of the Ahl al-Bayt (AS) while simultaneously imposing a ban on religious practices, led to extensive activity by the Tudeh Party in Iran and ultimately pushed the Shia society in Iran toward an identity-religious crisis (Najafi and Faqih Haqqani, 2005 AD/1384 SH: 426-411; Modani, 2014 1393 SH: 239-249).

In this tumultuous period, Shaykh Abdul Karim Haeri decided to revive the religious body and rituals in Iran, asserting that the Qom seminary should strongly support the religious and social affairs of the Shia Muslims of Iran. Consequently, the Qom seminary was revitalized by him and marked the beginning of subsequent movements in Islamic Iran, culminating in the success of the Islamic Revolution and the establishment of a jurist-led government in Iran. He regarded the existence of a state and authority as necessary to secure social life essentials, preserve the foundations of Islam, protect the lives, honor, and properties of Muslims, and eliminate any corruptions affecting them:

"The preservation of the Islamic community and the prevention of corruption from its people, along with the protection of their lives, honors, and properties, depend on the existence of an authority that can control and provide for the people within that area, allowing them to live under its protection and to thrive in its sufficiency and leadership; the aforementioned necessity in these times, meaning the times of absence [of the impeccable Imam], is unquestionable, as it applies in the time of presence as well." (Araki, 1992 AD/1413 AH: 93)

He considers certain governmental matters, such as judgment, the implementation of legal penalties, and guardianship over minors, to be among the functions of the jurists. However, he does not believe that the preservation of the boundaries of the Islamic community and the management of economic affairs are exclusive to the jurists. Nonetheless, he asserts that the jurist should be prioritized over others as a matter of certainty, stating:

"What is the function of the jurist who is comprehensive in conditions includes the execution of legal penalties, issuing religious rulings (Fatwas), administering justice, and guardianship over minors and the mentally incompetent; this also includes overseeing the preservation of the Muslim community from the encroachments of sinners and infidels and managing their livelihoods, as well as protecting their community and removing the hands of infidels from their heads." (Araki, 1992 AD/1413 AH: 94)

Regarding the guardianship of the jurist, he states: "As for governance in the sense that it has been established in the Prophet and

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the Imams (AS), it is firmly established that it is not applicable to them. They are not infallibly obeyed nor do they have authority over all matters, both general and specific; this is clear. However, it is certainly established that the offices of issuing fatwas and administering justice belong to them.

The discussion concerns matters related to presidency and dealing with political issues, such as the legitimacy of forcibly taking money, weapons, and means of transportation from people to fight the enemy or to kill or strike someone, or other forms of punishment or dissolving marital relations, if the political situation necessitates that. This aims to prove a particular distinction for them that set them apart from others, but preserving the Islamic community, protecting lives, and promoting good are duties for everyone to the best of their abilities.

For instance, if a certain prohibition necessitates that the use of tobacco be forbidden, then if the prohibition does not entail any wrong, it would not be sinful for an individual to secretly consume it as long as no one discovers it; this is because it would not strengthen disbelief at all. However, if someone from God's side is appointed to a position of leadership, then the necessary implication would be that the prohibition becomes legitimate. If it is prohibited for every individual, it becomes specifically prohibited for him even if no corruption arises from it. The same applies to the judgment regarding the legality of conditional agreements or despotism, or the ruling on the sighting of the new moon in Ramadan and Shawwal.

Then, about the evidence for establishing this office for them, in the second discussion regarding the condition of referring to them in tasks, no objection remains; since it is the president's role to be the authority to which such matters are referred. However, if the evidence falls short of establishing the first position, there is no leader to refer to regarding what is supposed to be directed to a leader. Yes, referring to him is from the standpoint that he is the certain minimum, which is another matter unrelated to establishing the office for him with evidence. Regardless, the important matter is to consider the evidence in this regard. So we say: with the help of God..." (Araki, 1992 AD/1413 AH: 95-96)

In his view, performing these important tasks depends on the existence of capable individuals with broad authority, and without them, the livelihood system of the people would be disrupted and descend into chaos. These responsibilities do not belong to a specific group; rather, anyone capable of fulfilling them is obligated to do so.

He believes that if the ruler is a Shia, not an absolute tyrant, and has some good qualities, and demonstrates the necessary efficiency in



managing the affairs of the people and preserving Islam, he will no longer be considered oppressive; this is because during the period of occultation, unlike the presence of the Imams (AS), governance cannot be achieved through the usurpation of authority. Rather, since the hand of the impeccable Imams (AS) is inevitably removed from governance, assuming power is classified outside the realm of usurpation (Araki, 1992 AD/1413 AH: 95).

He makes no distinction between jurists and non-jurists concerning the management of certain governmental and societal affairs, such as border security and the economic matters of the people. It is worth noting that he permits the assumption of governance only for the management of societal affairs, and not beyond that; thus, he obliges the ruler to refrain from matters that are exclusively the prerogative of kings, as he believes that occupying a position of power and command (such as minting coins in one's own name) is reserved for someone appointed by God. Anyone who undertakes this role without the permission of the Imam of the Age (may Allah hasten his return) is infringing upon his rights, and this situation is akin to the tyrannical caliphs who usurped the caliphate during the presence of the infallible Imam, regardless of whether their actions are good or bad (Araki, 1992 AD/1413 AH: 94).

In summary, he considers non-impeccable governance during the presence of the Imam to be tyrannical, and the ruler to be a usurper, whether his governance is good or bad. During the period of occultation, he deems governance permissible under certain conditions, limited to the management of affairs and not more.

Therefore, a "Shia" ruler who is willing to relinquish power to the Imam of the Age (may Allah hasten his return) upon his emergence and who seeks to manage the Islamic community and defend Islamic territories from foreign aggressors is not considered oppressive and has not usurped authority (Araki, 1995 AD/1415 AH: 13-24).

Ultimately, from Shaykh's perspective, a powerful Shia ruler who avoids oppression and manages the affairs of Muslims while ensuring community security does not embody the qualities of a tyrant or usurper and does not see the formation of government as restricted to a specific class. It is clear in his statements that whoever brings more goodness has more entitlement to assume and manage the community.

However, he considers specific duties such as issuing rulings, enforcing legal penalties, providing religious opinions, and supervising public affairs to be exclusively within the purview of the jurist. He defines engagement with a tyrannical government based on the necessary considerations of public interest and harm-such as

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alleviating hardship, preserving Islam, and upholding the dignity of believers-and applies all four categories of rulings: Obligatory, prohibited, recommended, and disliked to it. His behavior towards Reza Shah was also based on Taqiyya (dissimulation) to preserve the seminary, maintain Islam, alleviate hardship for Muslims, prevent the bloodshed of innocents, and protect the dignity of all Muslims. Some have deemed his focus on preserving the Qom Seminary as the most significant reason for his avoidance of many political events and confrontation with the government.

In their view, Ayatollah Haeri consciously and wisely refrained from engaging in matters related to governance; he believed that taking a stance against Reza Shah Pahlavi in those circumstances would result in nothing but the dismantling of the religious seminary. Therefore, through foresight, wisdom, and patience, he ensured the continuation of the seminary, and indeed of religion and faith, in Iran (Sharif Razi, 1953 AD/1332 SH: 29-30).

Overall, the late Ayatollah Haeri endorsed the guardianship of the jurist (Vilayat-e Faqih) and considered involvement in certain governmental affairs, such as the enforcement of legal punishments, judicial matters, and public welfare, to be specific responsibilities of the jurist. However, he did not limit the management of livelihoods and the protection of borders to the jurist alone; he believed that, in certain clear cases, the capable jurist should be prioritized over others.

#### 4. Vilayat-e Faqih and Islamic Governance in the Political Thought of Ayatollah Boroujerdi

After Shaykh Abdul Karim Haeri, Ayatollah Boroujerdi assumed the religious leadership of the Shia world during the second Pahlavi period. As long as he was alive, he took specific positions and actions regarding the established regime due to the existing political and social atmosphere and the extensive activities of communists in Iran. His efforts were directed at strengthening the newly established Qom seminary and preventing the religion from declining in Iran.

Therefore, in some instances, he collaborated with the government. However, in the realm of political thought and Islamic governance, as well as the Vilayat-e Faqih, he held anti-monarchical views, believing that governance is the right of the jurist. Nonetheless, regarding the lack of resources and the unpreparedness of society for establishing a government based on Islam, he deemed it inappropriate to implement such governance. In this section, his political thought concerning Islamic governance and the guardianship of the jurist will be examined:

#### ۴.۱. The Necessity of Governance

Ayatollah Boroujerdi argued for the necessity of governance as follows:

"Indeed, in society, there are matters that are not the responsibilities of individuals but are general societal issues that are essential for maintaining the order of society, which is related to the governance of cities; rather, they are the responsibilities of the guardians of society." (Montazeri, 1990 AD/1369 SH: 73)

He also distinguished between individual and public social matters and stated:

"There is no doubt or uncertainty that the matters which need to be carried out by members of society fall into two categories: The first, those which can and should be undertaken by anyone, such as agriculture, trade, tailoring, carpentry, and similar types of earnings and industries and actions that do not require a person with superiority over others. The second, which cannot be done by just anyone, is the organization of military affairs. The person who undertakes these actions is called an Imam or Sultan." (al-Ishtihardi: 2, 253)

One of the features of Ayatollah Boroujerdi's discussion on the Vilayat-e Faqih is the explanation of society's need for governance. He argues that there are matters in society that fall outside the decision-making and authority of individuals, and at the same time, it is not permissible for these matters to be left unattended. Therefore, these matters are part of the leadership responsibilities of the community:

"Indeed, there are matters whose resolution do not rest with individuals ... And were it not for the involvement of the governor, the caretaker, and the leader of the nation, the affairs of the nation and the subjects would lead to punishment and disorder." (Safi: 1, 91)

To prove the Vilayat-e Faqih, Ayatollah Boroujerdi, in addition to using rational arguments, considers the framework of Islamic rulings to be political and governmental. He adds that, after the passing of the Prophet (AS), the necessity of having a ruler was agreed upon by all Muslims, and the common people also believed in it.

#### ۴.۲. Proving the Vilayat-e Faqih

Ayatollah Boroujerdi accepts the narration of Umar ibn Hanzalah and similar ones, which indicate the appointment of Imams (AS), and he discusses the authenticity and implications of these narrations (Istifta'at: 2, 478).

Regarding the implications of the *Maqbulah*, he attempts to determine the scope of the Vilayat-e Faqih by using external evidence. He explains:

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"Considering that political matters are of necessity and concern to the general populace and since the general public at that time had significant dominance, they referred these issues to the rulers of their time and those appointed before them-including governors, judges, and others - who would address their needs.

The Imami, who, according to the principles of their faith, did not accept a monarchy and government for themselves, indeed referred in public matters to the pure Imams (AS) and asked for guidance on how to act in their times of need. The responses to these matters were certainly issued by them, and considering the widespread issues, the scholars of the Imami sect recorded these fatwas..." (Istifta'at: 2, 479)

With this evidence, his firm conjecture is that questions similar to Umar ibn Hanzalah's were posed by the companions of other Imams as well and that the Imams provided answers that have not reached us (Montazeri, 1990 AD/1369 SH: 78).

This evidence can even be utilized as an independent argument, and by adding a premise, it can be presented as a new proof. Because Shia Islam does not recognize the legitimacy of tyrannical rulers, there is a need for another authority to address their essential matters, such as judgment, since it is certain that they did not appoint positions for anyone other than the jurists:

"It is agreed upon that they did not designate a position for anyone other than the jurists; because after reviewing the traditions and reports, we do not see that they, peace be upon them, delegated these matters to anyone other than the jurists, and had they delegated the matter to someone other than the jurists, it would have reached us, and would not have been hidden from us." (Tebyan al-Salat: 1, 94)

Therefore, if the Imams did not remain silent regarding the necessary and essential matters of society for the Shia, and if they designated a competent and worthy authority to address these matters, it is certain that among the various individuals, such authority belongs to the jurist:

"And there is no doubt that a non-jurist is not appointed by the Imam (AS) during the period of occultation. The matter revolves around either a complete lack of designation or the appointment of a jurist, with no intermediary. Since we asserted that neglecting the creation is not permissible, it must be that the jurist is appointed." (Borujerdi: 2, 254-255)

Thus, Vilayat-e Faqih can be established even without the *Maqbulah* of Umar ibn Hanzalah:

"Even if there were no *Maqbulah* of Umar ibn Hanzalah, nor the narration of Abu Khadijah, nor any others, we can assert that the

matters such as judiciary, issues of occultation, and any matters that cannot be left unresolved revert to the jurist." (Tebyan al-Salat: 1, 95) "The jurist's justice is designated by the Imams (AS) for such important general matters, and we do not need the *Maqbulah* of Ibn Hanzalah to prove this; the utmost it can serve is as corroborating evidence." (Montazeri, 1990 AD/1369 SH: 79)

In his outside class on Friday prayers, Ayatollah Boroujerdi briefly addressed the transmission and rational arguments for the Vilayat-e Faqih, but before delving into the main discussion, he discussed the necessity of intertwining Islam with politics in a brief introduction. He stated regarding the conjunction of political and social rulings of Islam with individual and worship-related rulings:

For anyone who examines the laws and regulations of Islam, there remains no doubt that Islam is a political-social religion, and its rulings are not limited to mere acts of worship, whose goal is the individual's development and achieving happiness in the hereafter; rather, most of its rulings pertain to political affairs, organizing society, and ensuring the worldly happiness of people. In other words, Islam is a religion of both this world and the hereafter, encompassing both realms.

This is clearly evident when considering the rulings on transactions, policies, and penal codes, such as the limits and retribution (*Qisas*), blood money (*Diya*), judicial rulings, and taxes such as *Khums* and *Zakat*, which are essential for maintaining an Islamic state. For this reason, both special and general scholars agree that within the Islamic environment, the existence of a statesman and leadership to manage the affairs of Muslims is necessary and even among the essentials of Islam, although there are differing opinions regarding their attributes, qualifications, and whether their designation comes from the Holy Prophet (PBUH) or through public election.

The Holy Prophet (PBUH) personally managed the affairs of Muslims and set policies for them, and the Muslims referred to him to resolve their disputes. He appointed governors and officials for the provinces and levied taxes such as *Khums* and *Zakat* from them (Montazeri, 1988 AD/1409 AH: 1, 457; *ibid*, 1990 AD/1369 SH: 53).

Ayatollah Boroujerdi, prior to entering into a rational argument for the necessity of the Vilayat-e Faqih, affirmed with certainty the basis of negation (resistance against tyranny) in Islamic political thought, recognizing the tyrannical nature of all forms of government other than those under the Vilayat-e Faqih and not authorized by a jurist during the era of occultation. Using an exceptional analogy, he demonstrated the need for the Vilayat-e Faqih. In the view of Ayatollah Boroujerdi, the Vilayat-e Faqih is so clearly established through rational argument

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that there is no need for narrations, including the *Maqbulah* of Umar ibn Hanzalah, which is only used as corroborative evidence (Montazeri, 1990 AD/1369 SH: 52; Montazeri, 1982 AD/1361 SH: 248-250).

**۴.۳. Powers of the Vilayat-e Faqih**

Among the remaining works of the late Boroujerdi is a collection of his responses to inquiries, in one of which the questioner asks about the scope of the powers of the Vali-e Faqih and inquires: 'How do you respond to the objections raised against the transmitted evidence, including the hadith of Abu Khadijah regarding its weak chain of transmission and the *Maqbulah* of Umar ibn Hanzalah concerning its weak chain?' (Boroujerdi, 2009 AD/1388 SH: 2, 476-479)

In his response, Ayatollah Boroujerdi acknowledges the extensive powers of the jurist during the era of occultation, writing:

"One of the established matters in Islam, according to the consensus of Islamic scholars, indeed from the necessities of the religion, is the government, which possesses specific duties such as executing legal punishments, safeguarding borders, maintaining order, resolving disputes, and related matters—all of which are within the purview of a leader in all nations. The validation of these duties for the ruler of the Muslims, appointed by the Sultan of Islam, is unanimously acknowledged by both factions.

The actions of the caliphs and governors have also been based on this acknowledgment, and many narratives address these issues in various instances, evidencing their acceptance. For example, Hafs bin Ghiyath asked Abu Abdullah (AS): 'Who establishes the punishments: the Sultan or the judge?' The Imam replied: The implementation of punishments falls to the one from whom the order is given. And Amir al-Mu'minin (AS) instructed Shurayh: Imprison those who refuse to fulfill the rights and debts of the people and exact the rights of the people from them; thus, the establishment of these positions for the one who holds authority (in judgment) is well-known." (Boroujerdi, 2009 AD/1388 SH: 2, 476-479)

Therefore, Ayatollah Boroujerdi analyzed the narrations regarding the Vilayat-e Faqih with regard to the essence of Islamic laws and the role of the Vali-e Faqih in implementing religious rulings, holding a serious belief in the guardianship of the jurist and the formation of an Islamic government. However, in his time, for various reasons, he did not pursue the establishment of an Islamic government, instead focusing his efforts on solidifying the Qom seminary and integrating the seminary into social issues as a stronghold of the Shia world,

thereby preparing the foundations for the great transformation and Islamic revolution in Iran.

### ◦. Vilayat-e Faqih and Islamic Government According to Imam Khomeini

The establishment of an Islamic government and a system based on the Vilayat-e Faqih is provable through both rational and traditional means. Under the assumption of its feasibility, one acknowledges that a government based on Islamic law should be formed, with a leader who has a precise understanding of the law and the ability to guide society according to it.

Therefore, Imam Khomeini, following many of the past jurists, considered Islamic government and the Vilayat-e Faqih as fundamental tenets of Shia belief during the period of occultation, and he did not acknowledge the principle of *Taqiyyah* (dissimulation) regarding its establishment. He believed that efforts must be made to establish an Islamic government in order for the government described in the traditions to take shape.

Thus, Imam Khomeini (may his soul rest in peace) took the initiative to provide a comprehensive explanation of Islamic government and the Vilayat-e Faqih theoretically, articulating the Shia perspective on how to manage the country and, for the first time, establishing a system based on the guardianship of the jurist in the real world.

#### ◦, ۱. Arguments for the Proof of the Vilayat-e Faqih

Imam Khomeini has proven the Vilayat-e Faqih through rational and traditional evidence. Regarding the rational bases for proving the Vilayat-e Faqih, he states:

"Vilayat-e Faqih is one of the topics whose conception leads to acknowledgment and does not require much proof. This means that anyone who has even a general understanding of Islamic principles and laws, when they arrive at the idea of the Vilayat-e Faqih, will immediately acknowledge it as necessary and self-evident..." (Mousavi Khomeini, 1977 AD/1356 SH: 5)

"The evidence for Imamate is, word for word, also evidence for the necessity of government after the occultation of the Guardian of the Age (may Allah hasten his reappearance)." (Mousavi Khomeini, 1989 AD/1368 SH: 2, 461)

Furthermore, after establishing a rational argument for Islamic governance in all eras, he said:

"What we have mentioned is clear in reason. The necessity of government for the promotion of justice, education and training,

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maintaining order, eliminating oppression, safeguarding borders, and preventing foreign aggression is among the clearest rulings of reason, without distinction between one time and another or one territory compared to another." (Mousavi Khomeini, 1989 AD/1368 SH: 2, 462)

In terms of traditional evidence, Imam Khomeini has referred to many verses and narrations, including the Maqbulah of Umar ibn Hanzalah and the narration of Abu Khadijah to prove the guardianship of the jurist (Mousavi Khomeini, 1977 AD/1356 SH: 23, 149; Mousavi Khomeini, 1989 AD/1368 SH: 2, 467-488), stating:

"This command of the Imam (AS), I have made you a ruler over them, is universally applicable. Just as Amir al-Mu'minin (AS), during his apparent rule, appointed governors and judges, all Muslims were obligated to obey them. Imam Sadiq (AS), as the absolute "Guardian of the Affair," has authority over all scholars, jurists, and people of the world, and he can appoint rulers and judges for both his lifetime and beyond.

He has indeed done so, assigning this position to the jurists, and the term "Ruler" is used so that it is not presumed that only judicial matters are discussed, omitting other governmental affairs.

Therefore, the Islamic scholars are appointed to the position of governance and judging by the Imam (AS) through this narration, and this position is always reserved for them..." (Mousavi Khomeini, 1977 AD/1356 SH: 105, 109, and 110).

**۲.۱. The Status of the Vilayat-e Faqih**

Imam Khomeini views the guardianship of the jurist not only as stemming from religious texts, but also as holding such a significant religious and Islamic status that it is considered the foremost of divine laws after the fundamental principles of belief, and is ranked higher than all religious laws and branches. This perspective and interpretation by Imam Khomeini regarding the Vilayat-e Faqih distinguishes him from other jurists. Some of his statements in this regard are as follows:

"The government, in the sense of absolute authority delegated by God to the Prophet Muhammad (PBUH), is among the most important divine laws, and it takes precedence over all secondary divine laws, even prayers, fasting, and pilgrimage.

The government can unilaterally annul religious contracts it has made with the people when such contracts contradict the interests of the country and Islam, and it can prevent any matter, whether religious or non-religious, if its administration contradicts the interests of Islam; the government can temporarily prevent the pilgrimage, which is one



of the important divine obligations, when it finds it contrary to the welfare of the Islamic country...Vilayat-e Faqih and governmental rulings are among the primary laws..." (Mousavi Khomeini, 1989 AD/1368 SH: 20, 451-452)

Although, according to Imam Khomeini, the government and governmental rulings are among the primary laws of Islam and take precedence over all religious branches, even prayers, fasting, and pilgrimage, they differ from other primary laws in that the primary laws are established based on general and permanent interests, making them fixed and unchanging. In contrast, governmental rulings are based on temporary and limited interests, making them subject to change and temporary.

Furthermore, Imam Khomeini discusses the nature, essence, and significance of governmental rulings as follows:

"The commands and prohibitions of the Prophet of Islam (PBUH) and the impeccable Imams (AS) in divine laws are advisory, similar to the commands of jurists to their followers. The people's opposition in these matters is considered a rebellion against God rather than against the Prophet, the Imams, or the jurists. However, the directive of the Prophet, in the capacity of the leader of the community, is distinct from the command that conveys divine revelation. Rather, it is an independent directive-not merely guidance regarding religious rulings-and, like divine laws, obedience to it is mandatory.

Any narration from the Prophet (PBUH) or Ali (AS) with terms such as "Ruled" or "Commandment," and similar phrases, does not constitute a religious ruling; instead, it is considered a royal and judicial order that must be executed and is not subject to annulment or change." (Mousavi Khomeini, 1999 AD/1378 SH: 50-55)

#### ۴.۳. Absolute Vilayat-e Faqih

The term "Absolute" refers to the comprehensive and inclusive nature of the guardianship of the jurist. Just as an architect oversees and has authority over all aspects of a building, a jurist, when at the helm of an Islamic system, has governance and oversight over all aspects of the system to ensure it does not deviate from religious principles (fa.wikifeqh.ir).

Imam Khomeini also considers the scope of the government and the Vilayat-e Faqih to be expansive and views his powers as absolute. He states:

"What is stated in the Constitution pertains to some aspects of the Vilayat-e Faqih, not all of its dimensions, and no one suffers from the guardianship of the jurist as Islam has established it." (Mousavi Khomeini, 1989 AD/1368 SH: 11, 448-450)

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In another instance, he discusses the Vali-e Faqih as follows:

"For a just jurist, all the authorities of the Prophet (PBUH) and the Imams (AS) concerning governance and politics are affirmed, because the difference between the jurist and them is neither rational nor logical. For whoever is a ruler and governor, they are responsible for executing religious laws, upholding divine limits, collecting taxes and other Islamic financial rights, and managing these in ways that benefit Muslims." (Mousavi Khomeini, 1989 AD/1368 SH: 2, 417)

He also expresses the equivalence of the powers of the jurist with those of the impeccable Imams:

"From the preceding (rational and traditional arguments), we conclude that every authority established for the impeccable Imams (AS) is also affirmed for jurists because they have been rulers over the community. If we wish to exclude specific cases from this general rule, we need evidence that indicates the distinct characteristics of that impeccable Imam.

If it is stated in hadith that a certain action is with the Imam, or the Imam commands a certain action, such authorities also apply to just jurists based on the previous arguments." (Mousavi Khomeini, 1989 AD/1368 SH: 2, 488)

In his book on the Vilayat-e Faqih, Imam Khomeini rejects the notion that the scope of authority of the Prophet Muhammad (PBUH) exceeds that of Imam Ali (AS), or that the governmental powers of Ali (AS) surpass those of the jurist. He says:

"Of course, the virtues of the Prophet (PBUH) surpass those of any other individual, and after him, the virtues of Amir al-Mu'minin (AS) are the greatest, but an increase in spiritual virtues does not augment governmental powers.

The same authorities and rights that the Prophet and other Imams (AS) held in organizing and mobilizing armies, appointing governors, collecting taxes, and expending them for the welfare of Muslims, have been established by God for the current government." (Mousavi Khomeini, 1977 AD/1356 SH: 55)

#### ٦. The Theory of Vilayat-e Faqih, Political Islam, and Transition from Monarchic Thought

Pahlavism emerged from the chaos and disorder following the Constitutional Revolution, aiming to guide the disillusioned Iranians, who had lost hope in the Constitutional movement, toward a better world by relying on secularism and authoritarianism. Pahlavism marginalized both the ideas of the Constitutional Revolution and the traditional religious beliefs of Iranians, thus alienating both the

constitutionalists and the religious populace (Seddiqi Vahid al-Zaman, 2000 AD/1379 SH: 189).

Although Pahlavism superficially presented a quasi-modern and quasi-progressive facade, it relied on Iranian authoritarianism, distinguishing itself from a freedom-based modernity, while opposing religious institutions and rituals, setting it apart from traditional Iranian thought. In this context, secularism was interpreted as antagonism against religion and religious institutions-not merely the separation of religion and state-while the harsh authoritarianism of the government sought to eliminate religious thought altogether.

Meanwhile, the theory of Political Islam, in its struggle against Pahlavism, criticized authoritarianism while paying attention to aspects of modernity such as political participation and freedom; at the same time, it reacted against the harsh secularism of the Pahlavi government and, disillusioned with the materialism and meaninglessness of Western modernity, embraced the spirituality and religiousness of authentic Islam. This perspective aimed to combine religion, development, ethics, and politics, paving the way for a new world rich in spirituality and prosperity (Abadian, 2004 AD/1383 SH: 256).

During this period, Political Islam sought to reconcile religion and the everyday lives of the people, reassuring Iranians that a modern society could be built on the foundation of faith. Thus, this discourse aimed to provide an adequate response to the historical conflict between tradition and modernity, affirming that preserving religious concerns could lead to development and progress.

The political jurisprudence of Islam emphasized the triad of jurisprudence, Vilayat-e Faqih, and the clergy, yielding a political interpretation from the traditional Islam prevalent in Iranian society and promising a wholly divine government based on Islamic law. This form of Islam distinctly positioned itself as a completely local response, differentiating itself from both East and West, emphasizing that by implementing Islamic laws and regulations, it would create a society superior to contemporary socialist and capitalist societies, simultaneously rescuing humanity from misguidance and deviation (Abadian, 2004 AD/1383 SH: 256-257).

The theory of political jurisprudence of Islam did not face significant challenges in transcending the traditional disinterest in politics in Iran. A vast array of concepts and jurisprudential rules open to political interpretation was available to Shia scholars, and given the social influence of the jurists and the role of mujtahids in the lives of Iranians, the social groundwork for such an endeavor was already laid.

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At this time, the brutal actions of the Pahlavi regime against the clergy acted like a storm that set this immense wave in motion, awakening the clergy to their valuable resources and guiding them into the realm of politics. Ultimately, during the unrest that led to the Islamic Revolution of February 1979, this very theory, leveraging the leadership of Imam Khomeini, drew together the clergy and various social classes of the people. In this ideal city, symbols such as welfare, freedom, human rights, democracy, religion, and spirituality were presented in equivalence alongside the Islamic Republic. Thus, the Islamic Republic, with the idea of Vilayat-e Faqih, transformed into an ideal concept that could represent all these attributes.

Pahlavism sought to offer a type of local modernity by combining Western secularism with Iranian authoritarianism, relying on quasi-modernity; however, this resulted in a monumental tempest of angry people that ultimately overthrew the Pahlavi state and brought political Islam or jurisprudential Islam into the arena.

In this way, the long-standing desire of Iranians to simultaneously preserve religion and promote development was realized. Meanwhile, the concept of political jurisprudence succeeded in marginalizing other political models and establishing itself as the dominant theory in the social-political arena, ultimately transforming into a symbolic horizon for society.

The victory of political jurisprudence over other political models was thanks to two important features present within political Islam. First, this ideology communicated in a language and discourse that the general population could understand. Second, it spoke of values that held significant credibility in the social consciousness. Thus, political Islam succeeded in becoming a successful theory.

In fact, the aspect of otherness during this period was based on "Authentic Islam." On one side were the forces of jurisprudential Islam, while on the other side were factions that rejected this emphasis on "Islamic Jurisprudence." Ultimately, jurisprudential Islam, with its characteristics, managed to defeat both Pahlavism and other political models, leading to the victory of the Islamic Revolution, which secured its position in Islamic Iran with 98% of the votes (Abadian, 1995 AD/1374 SH: 223; Kouhestani Nejad, 2002 AD/1381 SH: 274).

### Conclusion

The Constitutional Revolution was presented with two approaches: Western Constitutionalism and Islamic Constitutionalism, as two models for the advancement and escape of Iran from the disordered

conditions of the Qajar era. However, in the end, Shaykh Fazlollah was executed, leading to an unfavorable political and social atmosphere in Iran.

The execution of Shaykh Fazlollah Nouri, along with the assassination and exile of other Jurists involved in the Constitutional Revolution, weakened religious forces in Iran. On the one hand, since the religious seminary did not have the intellectual, religious, and social strength in Iran comparable to that of Najaf Ashraf, the people were unable to resist the Western Constitutionalism and reject it. As a result, the outcome of a decade of Western Constitutionalism was the political, social, and cultural collapse of Iran, culminating in the totalitarian (dictatorial) regime of Reza Khan.

During these times, Shaykh Abdul Karim Haeri entered Qom and established the Qom Seminary to strengthen the intellectual and social base in Iran. The establishment of the Qom Seminary coincided with Reza Khan's regime and the prevailing dictatorial atmosphere in the country. Therefore, in the oppressive political climate of Reza Khan's rule, Shaykh Abdul Karim Haeri presented his theories on governance and the Vilayat-e Faqih in an indirect manner. He believed that if a powerful Shia ruler was not oppressive and managed the affairs of Muslims well while maintaining the security of the Muslim community, he would be approved.

He advocated for the concept of the Vilayat-e Faqih and considered certain governmental matters—such as judiciary, enforcement of limits (*Hudud*), and matters of public interest—to be solely within the jurisdiction of the jurist. However, he did not confine matters such as border security, management of livelihoods, and maintenance of community safety to a particular class. He stated that whoever was more beneficial to the people had greater merit to govern the affairs of Muslims; thus, in the presence of an able jurist, he would take precedence over others by virtue of being the most assured of solution.

With the beginning of Ayatollah Boroujerdi's leadership, the Qom Seminary flourished under his special attention and the people's focus, rapidly undergoing significant transformations.

The position of the seminary during the era of Ayatollah Boroujerdi's authority advanced in various respects and consistently increased in excellence, enabling it to attain an important social standing. He regarded the principle of the Vilayat-e Faqih as one of the essentials of Islam and believed that the jurist holds all the power and authority of the Prophet and that governmental affairs fall within the duties of the jurist.

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After Imam Khomeini's leadership, the Qom Seminary shifted from a social status to a political one, creating a suitable political and social position for Iranian society, leading to the uprising of June 15, 1963. This movement was able to challenge the Western Constitutionalism and shape the approach for establishing an Islamic government based on the Vilayat-e Faqih.

In conclusion, by comparing the eras of the three prominent Jurists mentioned above, we can say that Haj Shaykh Abdul Karim Haeri, under the political oppression of Reza Shah, worked to establish and maintain the Qom Seminary. Thus, he sought to avoid confrontations that could lead to the destruction of the seminary while maintaining a non-passive stance against the aggressive policies of the government. Ayatollah Haeri's approach blocked any pretext for the government of the time to create confrontations between politicians and military personnel with the religious seminary.

In fact, during the era of Reza Shah, as long as the issues of hijab and the unified cap were not raised, there was a non-contentious relationship between Ayatollah Abdul Karim Haeri Yazdi and Reza Shah. However, with the emergence of the issue of unveiling and the uprising of Goharshad, the relationship between the religious establishment and Reza Shah reached a stalemate. Subsequently, Ayatollah Boroujerdi, by solidifying the Qom Seminary and bringing it into the social sphere, consistently prioritized the issues of the country, analyzing them and, in some cases, taking positions on them. Among his activities during the Pahlavi regime were protests against the issue of unveiling, support for scholars and Jurists, opposition to the limitation of religious gatherings, disagreement with land reforms, support for the national oil movement, confrontation with the Baha'is, and issuing directives for religious education in schools.

Ultimately, Imam Khomeini, with the Qom Seminary's transition from the social to the political arena and his belief in the connection between religion and politics, began his political struggle against the Pahlavi regime in 1961. Ultimately, political Islam and jurisprudence triumphed over ancientist thought, leading to the fall of the Pahlavi monarchy in 1979.

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