



## Velayat-e Faqih in Political Thought of Imam Khomeini and Ayatollah Javadi Amoli

Mohsen Sharifi<sup>1\*</sup>, Seyyed Hassan Malaekheh<sup>2</sup>

<sup>1,2</sup> Department of Political Science, Shahreza Branch, Islamic Azad University, Shahreza, Iran

Received: 13 June 2019 ; Accepted: 20 Sep 2019

### Abstract:

Being dealt with now, the need for the presence of a leader and a jurisprudent who is wise and righteous is being felt a lot, and this question has been asked and some scholars have examined the cause of the need for the jurisprudent and the velayat-e faqih. Regarding this, Imam Khomeini's thoughts as the first person who presented the absolute velayat-e faqih has a special place and Ayatollah Javadi Amoli as one of Imam Khomeini's students who continued the views of Imam Khomeini on velayat-e faqih. This research has been conducted in the form of documentary and library reviews and has examined the views and thoughts of these two great Islamic scholars in the field of velayat-e faqih and the need for the presence of the province in society.

**Keywords:** Velayat-e faqih, Ayatollah Javadi Amoli, Imam Khomeini, Political Thought

### Introduction

The political system and government are the most fundamental and controversial issues of Islamic political thought, and the Holy Qur'an is the Bible of Muslims in the world, which has definitive verses. According to some verses of the Qur'an, the Provincial Government at a certain stage is special to only Allah and nobody has the right to rule because nobody has province. Like verses: Because the judgment is only for God, they have no other than me and no one is ruling on him.

However, at another stage, in the process of proving the state, they divide into two divine and inhumane forms, each of them has its own attributes and effects. The characteristic of the divine government is that the ruler is only God and the rule of the Prophet and the infallible Imam is during the rule of God. In this type of government, the legislator is only God, and the Prophet of Islam and his successors to his right are only law enforcers. (Bayat, 2014, p.20). The life of the Prophets and Imams throughout history has shown a

\*Corresponding Author's Email: dm.sharifi58@gmail.com

tangible relationship between religion and politics, and originally Islam has its own particular economic and political system. According to Muslims, the Prophet of Islam has played three major roles in Islamic society:

- A) Prophecy and mission, namely the propagation of divine rules and laws;
- B) Provincial government, i.e. political and social leadership other than the expression of sentences;
- C) Judgment, in the age of the Prophet and the infallible Imams, the true followers came to them and paid attention to their religious and political tasks, and in the absence of time, they explained duties that the affairs of the Muslims should be in the hands of the supreme leader. (Kalantari, Farzanehpour and Zargs, 2012, p. 10).

Velayat-e faqih is considered as the most important and fundamental institution in the Islamic Republic or, that is to say, the pillar of the Revolutionary Towers and the definitive affairs of Shi'a jurisprudence. Although there was a long gap between the jurists in the source of legitimacy, especially the limits of the powers of the supreme jurists. (Behnayfir, 2008, p. 3) After the absence of Imam al-Mahdi (AS), in Shia jurisprudence, various opinions emerged about the political leadership of the Islamic society. Some have considered the political insecurity and Imam authority as exclusive to the infallible Imams and have ordered the prohibition of others rule. Some believed in the jurisprudence of the jurists, and others, in addition to the judiciary, recognized the province of the jurists in political affairs. Over time, the theory of Velayat-e faqih emerged in the political and social life of Shia religion and was completed by the Shia scholars. However, Shia scholars, could not

pay much attention to the issue of the Velayat-e faqih in the time of absence, due to the Shia minority, the oppression of the opposition and the hopelessness of establishing the Shia rule, and the issues related to it were discussed briefly along with Islamic jurisprudence. With the victory of the Islamic Revolution of Iran, led by Imam Khomeini, he gave legal authority to the progressive principle of the Velayat-e faqih, and according to the fifth principle of the Constitution, the Providence of the right jurist was placed at the head of the Islamic Republic's political system.

The leader of the Islamic Revolution introduced the theory of the Velayat-e faqih and completed it. After Imam Khomeini, Ayatollah Javadi Amoli continued to follow his master and his leader. Considering the studies on Velayat-e faqih and the opinions of scholars in this field, both in jurisprudential subjects and in legal, political, and social discussions, each one thought belongs to certain thinkers. In this article, we intend to examine the views of two great thinkers, Imam Khomeini and his apprentice Ayatollah Javadi Amoli in the field of Velayat-e faqih and fully examine these two views. This article seeks to answer several questions that are:

1. What is the point of view of Imam Khomeini regarding Velayat-e faqih, the limits of sovereignty, and the constitutional and rational reasons for the rule of the jurist?
2. What is the viewpoint of Ayatollah Javadi Amoli regarding Velayat-e faqih, the limits of sovereignty, and the constitutional and rational reasons for the rule of the jurist?

The author of this paper will use the documentary and library method to collect information and will answer the questions using the analytical-descriptive method.

### **Imam Khomeini's Political Thought**

Imam Khomeini is a great character due to its inimitable and incredible personality. He was a jurisprudent, a literary, an interpreter, a poet, a scholar, and a philosopher. Although he was a great mystic, Imam was also the greatest politician of his time. He was thought to be the greatest innovator of the century and introduced Islam to the world with the most beautiful face possible. Thus, the recognition of the political thought of great leaders such as Imam Khomeini, who have resorted to the revival of Islamic thought and theory of Islamic governance, is of particular importance; if he is properly introduced into society, his experience of political thinking can lead to a favorable political order. In this section, his ideas about the basic issues of Velayat-e faqih will be explained.

### **Government**

Imam Khomeini sees his ideal state as the Islamic state; Islamicism expresses the content of the state and mentions this type of government as a divine or religious government. Which is a sign of the continuity between the government, religion and Islam? The connection between these two issues brings about the leadership of the government and its oversight of the religion. This leadership and supervision is considered as the province. This leadership is the responsibility of the most righteous and the most knowledgeable people of the society, most prosperous ones, such as the Prophet, which are the highest in terms of justice, knowledge and guidance, which are necessary for the government in society.

Imam Khomeini considers the government part of the Divine Providence of the Prophet Muhammad: "The government, a branch of the absolute authority of the Proph-

et, is one of the basic precepts of Islam, and is preceded by all the precepts, even prayers and fasting and pilgrimage" (Khomeini, 20, 1989, p. 452).

Imam Khomeini, in one of his statements, regards the province as the government and the administration of the country and the implementation of the holy Sharia law and has a great duty, which is equivalent to government and government in the community. (Khomeini, 1977, p. 51)

He, said, "No one has a government, not a jurisprudent or a non- jurisprudent, everyone acts under the law. Law enforcers are all, both jurisprudents and non-jurisprudents, all actors. The jurisprudent observes that they do not violate the law, not that he wants to rule himself. (Khomeini, vol. 10; 1989, p. 353).

In its political and secular sense, the province can also be realized through the issuance of such acts or as such, in the form of oversight of the state, and it can also be understood as the concept of government over society, and in all of these cases, the province is realized. (Jamshidi, 2009, p. 524).

### **Jurisprudent in the Perspective of Imam Khomeini**

Imam Khomeini considers the non-terminology of the jurisprudence to be equal to science: "Religious schools that are not concerned with the knowledge and the jurisprudence of Islam and the defense of the Holy Quran and the constructive rulings of Islam. (Khomeini, vol. 3; 1989: 101). In a general view of jurisprudence from the perspective of Imam, it means knowledge, awareness, insight, and deep understanding.

Today, jurisprudence is the same knowledge of ijthad in the laws of religion, and this knowledge is based on two basic principles, namely, religion and ijthad. Religion includes generalities such as book, tradition,

wisdom, and *ijtihad*, and the method of deducing new sentences based on these resources. In the statement of Imam Khomeini, jurisprudence has been mentioned as a piece of knowledge in the same sense. (Khomeini, vol. 3; 1989, p. 238).

The jurisprudence from Imam Khomeini's point of view is 1,400 years old. In this regard, jurisprudence is a knowledge along with other dichotomies that exist in Islam, in which Islam and the Qur'an have this knowledge and appreciate it. Imam Khomeini emphasizes that "Islam is everything. The Quran is everything. The Quran is "Human Builder", the Quran has politics, has jurisprudence, has a philosophy, it has everything" (Khomeini, vol. 6; 1989, p. 287). In the eyes of Imam Khomeini, the jurist is neither a philosopher, nor a politician nor an Islamist, but he knows jurisprudence and Islamic law. From the perspective of Imam Khomeini, a large part of jurisprudence is a matter of politics and government, and jurisprudence in this sense protects Islam: it is the jurisprudence that preserves Islam until the end. (Khomeini, vol. 18; 1368, p. 72). Knowledge of jurisprudence is the inference of religious laws and rules of the sources, and *ijtihad* is the method of it (Jamshidi, 2009, p. 527). From the perspective of Imam Khomeini, the knowledge of *ijtihad* is important in preserving Islam and its laws and the administration of society, and one who has such knowledge can have a province or oversee the society and government, so the law of jurisprudence should be great and preserved in order to ensure that religious laws and regulations are protected in the community and properly implemented through the government.

#### **Velayat-e Faqih in Imam Khomeini's View**

The executive and government administration of society is subject to a comprehensive

jurisprudence in Imam Khomeini's view, this business is in three forms: 1- Directly 2- Indirect and as a supervisory role 3- As permission to others.

In the viewpoint of Imam Khomeini, *velayat-e faqih* is one of the highest and the most important positions among the jurists or *mujtahids*<sup>1</sup>, which requires three conditions other than the usual conditions of any jurist:

1. The awareness of religious politics and issues of the Islamic society;
2. Possession of a sense of duty and responsibility to establish Justice;
3. Recognizing the general interests of society. If the conditions are not met, the jurists cannot reach the province (Khomeini, vol. 2, 1979, p. 102).
4. All these conditions are with justice for the *velayat-e faqih*, and if he is not just, he cannot reach the province. Knowledge and justice, and other matters, provide the necessary and sufficient conditions, which is why Imam Khomeini, said, "If the leader makes one mistake, says one word of lie and takes one step contrary to the right way, he does not have that province any more (Khomeini, vol. 11; 1989: 464). Based on these conditions, Imam considers the best principle in the constitution of the principle of *velayat-e faqih*. The other condition for the supreme leader is not the supreme leader himself, even though he has all the conditions. The necessary condition for the implementation of this matter is his presence in the field of community and politics. And the direct or indirect choosing of people and members of that society is needed. (Khomeini,

1. A person accepted as an original authority in Islamic law

vol. 10; 1989: 525). With these conditions, the jurispudent can find a political province, and this political province, in addition to the conditions of the Religious Province, has other conditions: awareness of the politics of the day, expediency and practical responsibility towards the society, and the direct or indirect choosing of the society. Imam Khomeini, said, "If a person who has two qualities of the knowledge of law and justice rises and establishes a government, he has the province that the Prophet had in the administration of the society, and he should be obeyed by all people. From this perspective, the political rule of the jurispudent can be realized as authority, supervision, law, and government, and this person is the executor of the law. (Jamshidi, 2001, p. 534). Generally, we should say that velayat-e faqih is the core of Imam Khomeini's political thought.

Imam Khomeini, in his viewpoint, provides province of just believers, for the time when there was no just jurispudent in the community. He states that if the jurispudent is not found in the community or if it's not possible to reach him and to get permission from him to interfere in social affairs, then some admission is permissible for the just believers (Khomeini, 1990, p. 501). Imam Khomeini has two conditions of justice and wisdom for province of the just believers.

### **Proving Velayat-e faqih in Imam Khomeini's Thoughts**

From Imam Khomeini's point of view, the reasons and proofs of the authority of the velayat-e faqih are divided into two parts: rational and adverbial.

#### 1. Rational arguments (argumentative)

Imam considers the velayat-e faqih's verbal attitude to be a rational judgment. Velayat-e faqih is one of the most important and indispensable materials in terms of both religious and contents requires reasoning. The concept of Velayat-e faqih confirms itself on its own.

"Therefore, after the precise conception of this decree, velayat-e Faqih is not a theoretical issue requiring reasoning" (Khomeini, 1990: 467). In this discussion, Imam refers to the reasons and prophecies of prophet hood, Imamat and the necessity of government and leadership in human society. In general, the rational reasons for the Imam are as follows:

- Wisdom
- Goodness
- Principle of justice
- The principle of divine wisdom
- The necessity of implementing the law of Islam. In this regard, the Imam states that: It is not possible to administer divine ordinances except through the establishment of an Islamic government.
- The necessity of executing the rules of religion and its continuing it during the absence of Imam-e ma'asum.
- Principle of absence of the Imam Mahdi and the lack of the leader in the Islamic society.
- The nature and quality of Islamic law related to public interests.
- The necessity of unity in the Islamic society.
- The need to save the oppressed and deprived people and the revolution against the oppressors and tyrants.
- Maintaining the order of society and preventing irregularities and disturbing affairs.
- Maintaining boundaries.

- Expansion of justice and education.

## 2. The Constitutional Causes of Velayat-e Faqih (Book and Sunnah)

The constitutional reasons compared to rational reasons includes book reason and Sunnah. Regarding this, Imam Khomeini has not reasoned with the verses of the Holy Quran. Imam Khomeini, on the basis of the norms of the velayat-e faqih, has come to various narratives that are as follows:

- Sheikh Sadukh's letter in Man Layh-zarat Al-Faqih: This narrative has been mentioned in the book of *al-'Abi'ah*, 'Velayat-e Faqih', and the treatise on *ijtihad* and *al-taqlid*. «The Messenger of Allah: Oh God, mercy of my successor, the Messenger of God: Who is your successor? He said: Those who come from a far after me, I will see a modern day and a year » (Hor Al-Ameli, c. 18, 1401: 65). That is, Imam Ali said that the Prophet, said, "May God have mercy upon my successors. Question: Who are your successors, O Messenger of God? He, said, those who come after me and tell my sayings and narrate my tradition and my way. Imam Khomeini regards this narrative as a letter, as a result of which his identity is corrupted, but he considers the narrative to be credible in view of the tragedy of the narrative and the characteristics of Sheikh Sadukh's writings, which are accompanied by definite documents.
  - The narrative of Ali ibn Abi Hamza Ba'ta'ini quoted from kafi: I heard from Imam Kadhim, who, said, when the believer dies, angels and places from the earth where he worshiped the god, and the doors of heaven, which he rose up for them due to their good deeds, they all cry out and infiltrate them. The body of Islam comes to pass that nothing fills it, because the Faithful jurists of the Forces of Islam are just like the fortresses the same as walls for a strong city fortress.
- Although Imam Khomeini considers the main narrator Ali ibn Hamzeh weak, he believes that there are no contradictions between his credibility and the practice of his narrations, and inferred from the narrative that "they have said that jurists are Islam, that is, they are obliged to preserve Islam, and Provide a context in which they can preserve Islam and this is the most important of all" (Khomeini, 2009: 67).
- Sustainable maintenance: The jurists are the guardians of the prophets, as long as they have not entered the world. Question asked? What is their entry in the world? He said that following the Sultan, if they do so, beware of them in your religion. Imam Khomeini, concerning this, believes in guarding in all aspects related to the Prophet, whose most prominent status is the nation's leadership and the spread of justice in society and the fulfillment of all its preconditions and conditions. (Khomeini, 2000, p. 44).
  - Detection attributed to Imam Mahdi: Refer to the narrators of the hadith and our tradition about the events of the incident, to the investigation that they are my reason for you and I am the reason of God. Imam Khomeini, did not validate the documentary of this narrative and did not accept it as one of the valid evidence. The Imam has two narrations in support of this

narrative. That all Imam's powers are fixed for the jurists, which are: 1- The narration of Sharia in which Imam Ali told Sharia: "You have leaned on a position that is only suited for the Prophet or the Prophets successor, and nobody else leans on it. Imam Khomeini says that this narrative states that judging is the duty of the jurisprudent, and the position of the judge is from the positions of the jurists of the just. 2- Hadith of Otkhua al-Hakmeh, Imam Sadeq said: Beware of the position of government and judgment because the government is for a leader who knows judgment and is just among the righteous Muslims, such a duty is for the Prophet or his successor. Imam Khomeini argued that since the right to judge is fixed for the jurisprudent, then his presidency and support are well established.

- Accepted Omar bin Hanzalah
- Abby Khadijeh's story
- Corrected by Qadah and story of Ab-ulbakhtiri

The stages of the Velayat-e Faqih Plan, in the Thought of Imam Khomeini

Periodically, the Imam discusses in the four stages about velayat-e faqih, which include:

1. The book of Kashf al-Asrar is compiled in response to the quarrels of the thousands years old secrets book in 1943.
2. In his jurisprudence and fatwa discussion, he mentioned velayat-e Faqih, in treatise of ijthihad and taqlid in the Al-rasa'el book and also in chapter of doing good and forbidding evil

in Tahrir Al-vasila book and in chapter of Velayat-e Faqih in Al-Bi'i book. Imam Khomeini also mentioned velayat-e faqih an Islamic government in his religious teachings in Najaf.

3. Various speeches and interviews have been held to defend the principle of Velayat-e faqih in the constitution of the Islamic Republic of Iran in 1979.
4. Imam Khomeini's commentary on the scope of the powers and conditions of the law, which appeared in several letters and speeches from the winter of 1987 to one month before his death in June 1988. Most of these letters have been in charge of answering questions or concerns raised by senior officials in the Islamic Republic.

#### **The Domain of the Supreme Leader's Authority in Imam Khomeini's Thoughts**

In Imam Khomeini's view point, the extent of the authority of the supreme leader in politics and the administration of society is no different from the authority of the Prophet or Imams, therefore, the Supreme Leader's ruling does not only precede subordinate judgments which even precedes the principles of belief and the jurisprudent can temporarily shut down many principles, if it is expedient. The various dimensions of the decisions and actions that may be taken by the supreme leader according to the laws of Islam and the people are as follows:

- Execution of criminals in the community
- Birth control
- Acquiring and seizing charities and taxes such as zakat and khums
- Delinquent private property

- Soltanieh rulings or the internal politics of the community

Generally, in the area of authorities of the supreme leader, from Imam Khomeini's point of view, it can be stated that:

1. The field of political authority of the supreme leader and the innocent person is the same
2. The scope of their authority is not in the context of the subordinate judgments, but in the case of the expediency of a minor and subordinate authority.

### **The absolute Velayat-e Faqih in the Thought of Imam Khomeini**

Imam Khomeini is one of the leaders and followers of the assigned absolute velayat-e Faqih theory. In this perspective, the appointment is always carried out from the upper area. That is, in Islam the divine authority regarding the administration of society is directly transferred to the Holy Prophet and after them to the infallible Imams, and in the time of absence, fair jurists are appointed by the infallible. The legitimacy of velayat-e faqih is a divine and immediate legitimacy. Here, the vote and the will of the People do not interfere in the legitimacy of the supreme leader, and the righteous jurists are obliged from God to lead the people and the people are obliged to obey their cause. This kind of legitimacy is called divine legitimacy, namely, without the mediation of people in legitimacy. Of course, people have an important role in the foreign realization of government and its acceptability and efficiency.

The constitutional jurisprudent has been appointed as the general vice chairman of the Shari'a to head the community, and now the role of the people as proof and actuality has its roles. Some people believe in the legiti-

macy of divine-people, that is, because this is the divine legitimacy, the people themselves can choose only in the Shari'a framework, but because people are intermediaries between God and the government, the element of popularity is involved in legitimacy. Imam Khomeini, in spite of the great emphasis on the role of people and who has given people a special place in their opinions and actions, their views on the role of the people can be evaluated in terms of effectiveness and acceptability. In addition to have the divine legitimacy, the Islamic government must have popular acceptance and, more importantly, the Islamic state must become active on the patronage of the people, and the choice of the people should choose the wise jurisprudents appointed by the Shari to lead (Kalantari, Fattahian, 2012, p. 95).

Thus, Imam Khomeini believed in the general establishment of the jurisprudents and considers the basis of legitimacy as divine installation, and on this basis, even if the Islamic state is not formed, this province is still not abolished: "If this (the formation of the government) was not possible for them at all, the posts of the province would not be abolished and they would still remain in place, even though they were not formally constituted" (Khomeini, p. 33).

Somewhere else, he, said, "It is necessary for jurists, socially or individually, to form a religious government to enforce the boundaries of the system. This would be obligatory if possible, and if it's not possible, the province will not be abolished because they are appointed by God".

However, in his works, as well as after the victory of the Islamic Revolution, he had always emphasized the legitimacy and divine establishment, and, of course, emphasized the role of the people and highly respected people's opinion and vote because, the reali-

zation of the Islamic government without presence and vote of people is not possible, as is the case with regard to the rule of the Ma'asumin.

### **Province in the Thought of Ayatollah Javadi Amoli**

The viewpoint of Ayatollah Javadi Amoli regarding the velayat-e faqih, is explained in the books of the Velayat-e-Faqih, the province of jurisprudence and justice, the rule of law and religion in Islam, the community in the Qur'an, the transcendent politics. He has proved velayat-e faqih with three reasons, the rational, narrative, and combined trivialities. In his view, Velayat-e Faqih brings freedom to the people. In the following, his views on velayat-e faqih and the need for the formation of an Islamic government to create the velayat-e faqih will be presented.

### **Government**

From the perspective of Ayatollah Javadi Amoli, the general structure of the political system of Islam is based on the system of Imamate and Provincial. In such a political system, laws are set up by God, and in order to realize the rule of divine revelation, the infallible Imam is in charge of when he is a preset and closest person to him in the time of his absence, leads the society.

If we have found the necessity of the government in the nature of the laws of Islam and we have found the top and bottom of the Shari'a as an expression of this necessity, this necessity is not specific to time or to a particular place, and its scope is also time of inaccessibility to the Imam Ma'asum because people are never needless to divine laws and administrators who are appointed from God.

If at the time of absence, people are left alone, due to the. Hui fault and interference, the ground for the emergence of chaos is

provided and the society loses its human order. Therefore, at this time, the universal rules sent by God ~~the~~ for the revelation of people's affairs should be valid and enforceable.

The implementation of these rules requires administrators who, although are not innocent, they have the necessary familiarity and knowledge of religious issues and instructions, and they have justice and piety. In practice, a certain proof of the validity and faithfulness of their suspicious channels during error and failure, the hit is actually upright. Accordingly, "in the absence of the Imams, all the truths and principles that existed in the two preceding eras (the era of the Prophet and Imams) are reserved.

What was in the Be'athat era of Islam, is lasting with all its features up to the appearance of promised Mahdi (AS). Therefore, the course of time, will not stop the teachings of the ordinances or copies. Therefore, the prolongation of the absence of Imam Mahdi (AS) should not lead to isolation of Islam and, consequently, cause Muslims to settle on the international scene. It is imperative that the teachings of religion be among Muslims with their jurisprudential and legal jurisprudence and ethics forever; because a man far from divine religion, is an inferior creature, and the agent of the teachings of religion is superior human. Hence, man always needs the teachings, ordinances and rules of the divine religion, and on the other hand, he is not an innocent possession of slipping and error and mistake. "(Javadi Amoli, 17th, 2008, p. 441).

The concept of the long-term closure of religion in the continuous period of absence that occurs between two periods of infallible Imams presence involves the inability and ineffectiveness of God's commandments for the administration of humanity at all times,

and this is incompatible with both rational evidences and Quranic and narrative beliefs. Thus, the Islamic society needs an infallible Imam to secure his blessings in his shadow of until the Day of Judgment, and the Islamic society, whether in the time of the presence of infallible Imam or in his absence, will continue its divine path in one or another way" (Javadi Amoli, p. 14; 2000: 370).

### **Proof of Velayat-e Faqih in the Thought of Ayatollah Javadi Amoli**

Javadi Amoli argues about the proofs of the velayat-e faqih with three reasons as follows:

1. The pure rational reason for the velayat-e faqih

This reason is the same as the proof of the necessity of order in the Islamic society, and this argument is never seen by individuals, because it has a rational basis, and the four entities are universality, data, durability and necessity. This issue, which of the jurists is required to take the province, is a partial and personal matter that is carried out by elected experts of the people or other means.

The person who holds the province at the time of absence should have three essential features:

- Knowing the Divine Law, because it is impossible to enforce until a law is recognized.
- The ability and ability to form a government for the realization of the personal and social laws of Islam.
- Trust and justice in the implementation of the Islamic command and observance of human and religious rights of the people.

Hence, on behalf of the Imam of the era, the province of society at the time of absence

is subject to jurisprudence by God. Thus, if the rule of Islamic justice is indispensable and the establishment of such a government is necessary, it will not be without a ruler. From his point of view, the determination of the ruler is obligatory for the government, and the governor must have two main features of science and practice (jurisprudence and justice). And this is the only way that the necessity of the job of provincial guardianship to the jurist, and the necessity of production and acceptance for the people. The people of who believe will choose the director and the fair jurist will monitor them (Javadi Amoli, 2010: 157).

2. The pure narrative reason for velayat-e faqih

Ayatollah Javadi Amoli has mentioned 19 narratives in this regard, some of which will be expressed:

- A hadeeth that says scholars are heirs of prophets, is correct in Khomeini's words from Qadha'am, Imam Sadegh, and many other quotes from this narrative confirm that it is issued. What is used as the head and stem of this correct Hadith is: 1- The scholars are the heirs of the prophets. 2-The prophets did not inherit money. 3- The prophets inherited the divine sciences. 4- The divine sciences of the prophets have been inherited by scholars true their hadiths.5- Anyone who has been benefited science through the teachings of the prophets, has enjoyed it very much Because money is the goods of this world and it doesn't have much value, but the prophets' sciences, which have been narrated by their hadiths, are the spiritual goods and the foreshadowing for the sake of bliss The

world and are effective both here and in the next world, because spiritual goods are the complete perfections of the world and the Hereafter and the profitable capital of both worlds.

- The title of the "Prophets". The title of the "Messengers", it is narrated in some of the hadiths, which, in terms of conceptual analysis and mystical research, there are differences between the title "Prophet" and the title of "Messenger" on the other hand, there is also difference between the two titles above, and the title "guardian".
- The separation of prophecy from the leadership and the authority of the affairs of the nation does not coincide with the rational proof of necessity of prophecy.

### 3. The combined trivialities reasons for velayat-e faqih

A proof of the combination of wisdom and quotation is the reason why some of its pre-conditions is provided by wisdom and some is provided by quotes: "The qualification of Islam to survive until the Judgment Day, is definite and clear. And there will never be any weakness in it: "The falsehood will not come from his hands or from behind him" (Chapter 41: 42). And nullifying Islam in the era of absence and not enforcing its laws and regulations, is resisting the path of God and opposing the eternity of Islam in all aspects of beliefs, ethics and actions, and from these two directions, we can never forget the most important parts of Islamic law in the time of absence which could take thousands of years, and executed the laws of disbelief by the arbitrary rulings and the religious significance of the time of absence cannot be denied, or close the divine limits, only because the

community's imprisonment from the blessings of the emergence of Imam Mahdi (AS) is the result of the criminality and mismanagement of the people themselves. The establishment of the Islamic system and the implementation of its rulings and limits, and the defense of religion and protecting it against invaders is not something that its desirability and necessity can be called into question, and although the Islamic society is deprived of its perception of the presence and intuition of Imam Mahdi, but the distraction and misguidance of the people and the closing down of Islam never satisfies God, and for this reason, these duties are carried out on behalf of the special representatives of Imam Mahdi. A careful examination of the teachings of Islam, including worship, economic, social, military, political, and international law, has shown that Islam has a series of social orders in all of these sectors. These ordinances and orders are to establish a system based on justice, and any domination will be eliminated, and human beings will attain their prosperity and perfection. The inference of reason from this collection is that its responsible and imperial must necessarily be a specialist Islamist who is the same jurisprudent in a comprehensive manner" (Javadi Amoli, 2006: 177).

### **The Difference between the Province and the Attorney**

From the point of view of Ayatollah Javadi Amoli, the meaning of the province and the attorney, as well as the difference between them, can be found in the following sections:

1. An agent does directly and steadfastly, either about his own or about others. In the first hypothesis, there is no valid and impudent contract from a non-existent area, because in this case, only the relation between the act and its actor is the

same as the actual link. And if the act is a type of legal work of the actor, he does it in the form of authenticity (not the provinces nor the attorney). To satisfy its needs, the free actor does things in a manner that is authentic in the absence of the interference of others. In the second assumption that the agent carries out something related to the other and to provide his supplies, this is done either on the basis of attorney from him or based on the province of him.

2. If the actor performs an act on the basis of attorney from another, the originality of the decision is the same and the scope of the actor's work depends on the identification of the client and the scope of the attorney the client has given him. However, if an agent, performs a work on the basis of the province, for the provision of another's good, The originality of the vote and the decision making and recognition is for the actor himself, and he acts according to the limits of the province given to him by the Lord.
3. Since the decision criterion in the province is the recognition of the guardianship, but in the attorney, the identification of the client is valid, then it is not possible to bring the province and the attorney to the unit, this means, it is not possible for a person to do a particular job, both on the province on other and the attorney from him.
4. In the past, it was said that the first principle of the relationship of human beings with each other is not-province, it means, no human being have any province over others. Unless it is determined by Allah Almighty, and thus, having province of any innocent or non-innocent human being over other people, is necessary for Himself to be appointed directly or through the Providence by God. The infallible imams who are appointed by God as the elders of the human society can put eligible people from their own as the leader of the society, in which case the apostates from the infallible Imams will take the province of the Islamic community from God, but with the intermediaries of the Imams and hence these apostates, they are attorneys from the infallibles. Although they are (governors) and have province in relation to the human society.
5. Every human being can delegate some of the lawful duties in his administration to others, and in that case, the attorney, is his client and sits in his place, and he spends time to administrate his client's duties in the circle of the authority he has. Obviously, the attorney is only acceptable if those cases are fully in the hands of the client to give, and therefore no one can share the same issue between themselves and others, in the form of a full and independent lawyer to a third person to delegate without their permission.
6. The establishment and appointment of a Provincial Government cannot be done by people, that is, a wise and mature person cannot give up his will and power to the other and say that I will give you the right to control my actions. And I will make you my full guardian, and I will give you full control. Thus, what a person determines for himself is only in the center of the attorney, and not in the center of the province. Since velayat-e faqih means the province of jurisprudence, that is, the province of complete and comprehensive Islamic and divine school, the return of such a province and

guardianship is to the province of God and his rightfulness, and by the fact that being a servant to God is the status of submission to Him, which is ultimately the perfection of man. (Javadi Amoli, 1989).

7. One of the other differences between the lawyer and the provincial governor is that the contract of the lawyer is a subordinate duty, and he will be excused with the death of his client, and the attorney will be dismissed. Because in this case, there is no longer anyone whom the lawyer his successor in operation, but in the province it is not so, and with the death of the province selector and the Nassib (installer), the province of governor, will not be deprived of the people until another province selector will deny his province. It is understood from here that if a jurisprudent is appointed by the Prophet or one of the infallible Imams as the governor of the Islamic Society, this position will remain until the time when his province has been violated and denied by one of the later infallible Imams and this is not like the times that the infallible Imam will place someone as a lawyer, because after the testimony or death of that Imam, the lawyer will not have any authority.
8. The lawyer is not entitled to any rights before giving him the right by people to perform a task for them, and therefore, they are free to consider him or her as their lawyer or not, but in the province, however, is different before the people accept his governor's province, he has the right to rule from God, that such a privilege from the Lord will require the acceptance of the Providence by others.

### **The absolute Velayat-e Faqih in the View of Javadi Amoli**

Velayat is being provincial, being a director, and being governed. If it is said that the jurisprudent has a province, it means in the sense of the sacred religion, the interpretation of divine laws and the implementation of the laws of religion and the management of the Islamic society at the time of the occultation is subject to a comprehensive jurisprudent, and the absolute authority of the province, firstly, is bound to explain all Islamic laws and, secondly, execute them. Because none of the verdict from the divine rules can be canceled in the time of and, thirdly, to think for divine commandments, that is, at the time of executing sentences, if the two commandments of God are intertwined with each other in such a way as to make one he must leave another. These two judgments cannot be executed at the same time, and the Islamic jurisprudent will choose the more important sentence, and temporarily closes the lesser important sentence for its possible execution (Javadi Amoli, 2010: 463). Some people have considered the absolute velayat-e faqih, an absolute freedom of the jurisprudent and his self-rule in law and practice and a kind of dictatorship.

### **Conclusion**

Considering what was said about velayat-e faqih and its position in Imam Khomeini's and Javadi Amoli's thoughts, it is clear that the theory of velayat-e faqih is not new. For the first time, Imam Khomeini raised the issue of the velayat-e Faqih, and thus, he is referred to as a comprehensive jurisprudence. Ayatollah Javadi Amoli has also tried to continue Imam Khomeini's path. Imam and Ayatollah Javadi Amoli both consider velayat-e faqih as theologians and examine it in this regard.

In the thoughts of both the velayat-e faqih, all the rational and transcendental reasons that prove the necessity of the government and the velayat-e faqih as proof and justice in the time of absence, the missions and responsibilities that are entrusted by God and his religion to the qualified jurisprudents government and leadership are exactly the same missions and responsibilities that the Prophet and the infallible Imam have been entrusted with, and that is, the preservation of the rules of Islam from the deviations of the propagation and implementation of Islam, the reform of Muslim affairs and the establishment of justice and so on. The fulfillment of these missions and responsibilities, requires power and absolute authority for the infallible Imams, also requires absolute authority and rule for the ruling jurisprudent of the Islamic state. Otherwise, many sentences will not be enforced and will be delayed. Imam Khomeini and Ayatollah Javadi Amoli both considered the requirements of the velayat-e faqih to be the formation of an Islamic government and the need for jurisprudence and justice.

But, Imam Khomeini refers to the rational and narrative reasons for justifying the necessity of the velayat-e faqih, and it is sufficiently understood, but Ayatollah Javadi Amoli also points to the combination of both rational and narrative reasons.

Imam Khomeini, has foreseen the province of the believer's desecration and provided explanations in this regard for the time when the fair jurisprudent is not in the community.

Ayatollah Javadi Amoli, in the book of Velayat-e Faqih, believes in the absoluteness of the velayat-e faqih, but Imam Khomeini doesn't consider Ijtihad as a necessity for the supreme leader.

Finally, it should be said that Ayatollah Javadi Amoli has been trying to continue the

path of his master in the field of Velayat-e faqih as an apprentice of Imam Khomeini and he has followed the professor in theorizing but, it should be noted that Imam Khomeini has given more details in the field of Velayat-e faqih, and this issue was one of the main concerns for Imam Khomeini.

## References

- Behnayfir, Ahmad Reza. (2008). The concept of the absolute rule of the jurisprudent in the constitution of the Islamic Republic. *Quarterly Journal of Islamic Revolution Studies*. Year 4, No 12, Spring 2008, pages 76-45.
- Bayat, Mohammad Hussein (2014). Velayat-e Faqih and its position in the Islamic state based on rational and narrative arguments. *Quarterly Journal of Islamic Development & Extension*. No. 31: The 11th Period of Winter 2014.
- Jamshidi, Mohammad Hussein (2009). *Political thought of Imam Khomeini (SA)*. Tehran: Imam Khomeini and the Islamic Revolution Research Center, Research Deputy.
- Javadi Amoli, Abdullah. (1989). *Velayat-e Faqih and Leadership in Islam*. Tehran: Raja.
- Javadi Amoli, Abdullah. (1996). Siri in the basics of Velayat-e faqih. *Islamic State Magazine*. 1
- Javadi Amoli, Abdullah. (2000). *Eid Valley*, Qom Asra
- Javadi Amoli, Abdullah. (2010). *Velayat-e Faqih: Provincial Government, Faith and Justice*. Qom: Asra
- Hor Ameli, Mohammad bin Hassan (1401). *Walesah al-Shi'a eli scholarship of Issa al-Sharia*, correction of Abdul Rahim Rabbani Shirazi, Tehran: Al-

- Mekbah al-Islamiyya, 1401 AH, 20 volumes.
- Khomeini, Seyyed Ruhollah. (2000). *Alibi book* Tehran: Imam Khomeini Publishing and Publishing Institute, First Edition, 5 volumes.
- Khomeini, Seyyed Ruhollah. (No more). *Write the letter*. Translation Ali Ali. Qom: Islamic Publications Office affiliated with Qom Seminary Teachers Society, [4].
- Khomeini, Seyyed Ruhollah (1989). *Sahifeh Imam Khomeini*. Imam Khomeini Institute for Setting and Publishing (Q). 22 vols.
- Khomeini, Seyyed Ruhollah (2009). *The description of Imam Khomeini's intellect and ignorance (SA)*. Institute for the Setting up of Imam Khomeini Works.
- Kalantari, Ibrahim, Farzanehpour, Hossein, Khosravi Zargas, Moslem. (2012). Analysis and review of the evolution and evolution of Velayat-e faqih's theory in the thought of Shi'a (with emphasis on the theory of the absolute rule of Imam Khomeini). *Quarterly Journal of Islamic Revolution Studies*, Islamic Revolutionary Scientific Society of Iran. Year 1, No. 3, pp. 32-9.
- Kalantari, Abraham; Fattahian, Mohammad Hussein. (2012). Imam Khomeini's innovation in the foundations of the jurisprudential theory. *Quarterly Journal of Islamic Revolution Studies*, Islamic Revolutionary Scientific Society of Iran. First Year, First Issue, Summer 2012, Pages 102-71.

