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Islamic Theocracy of Shia Twelvers in Iran

Islamska teokracija šiitskih dvanajstnikov v Iranu

Abstract: The paper introduces the concept of *Velayat-e faqih* (Guardianship of the Jurist) as actual political system in Iran. The Farsi concept transfers the authority, political and religious, to the Shia clergy called ruling *faqih* (ruling jurist). It means that the religious leader (*Vali-e faqih*) is in fact the supreme leader in Iran. He gets his authority from God and he has already been appointed by the *Hidden Imam* and he would just be discovered by *Maraj-e taghlid*. Shia Islam knows a particular meaning of the concept *Velayat-e faqih*, started by Islamic Revolution in 1979. The paper presents the interpretation of the doctrine formulated by the dissident Iranian cleric Ayatollah Ruhollah Khomeini. The presentation is based on his book *Islamic Government: Governance of the Jurist*. The paper compares different views of *Velayat-e faqih* and it describes the relation of the actual Iranian understanding of *Velayat-e faqih* with traditional Shia custom and practice. This paper is written in English but it is based on the Farsi bibliography and is supported by the life experience of the political system.

Keywords: *Velayat-e faqih*, Iran, Islam, Guardianship, Shia clergy

Izveček: Članek predstavlja koncept *Velayat-e faqih* (Pravnikovo skrbništvo) kot trenutno politično ureditev v Iranu. Perzijski koncept izroča politično in versko oblast šiitskemu duhovniku, ki se imenuje vladajoči faqih (vladajoči pravnik). To pomeni, da je verski voditelj (Vali-e faqih) v resnici vrhovni voditelj v Iranu. Bog mu je dal avtoriteto in Skriti imam ga je imenoval, neposredno pa ga je odkril Maraj-e taghlid. Šiitski islam pozna poseben pomen izraza *Velayat-e faqih*, ki ga je začela islamska revolucija leta 1979. Prispevek predstavlja interpretacijo doktrine, ki jo je oblikoval disidentski iranski klerik ajatola Ruholah Homeini. Članek temelji na njegovi knjigi *Islamska vlada: vladanje pravnika, ki je bila prvič natisnjena leta 1970*. Avtorja primerjata različne poglede na *Velayat-e faqih* in opišeta razmerje sedanjega iranskega razumevanja koncepta s tradicionalnimi šiitskimi običaji in prakso. Članek je napisan v angleščini, vendar temelji na iranski bibliografiji in je podprt z življenjskimi izkušnjami političnega sistema.

Ključne besede: *Velayat-e faqih*, Iran, islam, skrbništvo, šiitska duhovščina

Introduction

The influence of religion on politics is very important in the Islamic Republic of Iran in this time. Officially, the country has a parliamentary-presidential system, but in reality, there is a theocratic system. That means that all matters are decided by Islamic clerics and that the legislation must be in accordance with the Islamic Revelation of God, written in the Koran.

The actual politics of Iran takes place in the framework of an Islamic Theocracy which was formed following the overthrow of Iran's millennia-long monarchy by the Iranian Islamic Revolution in 1979. The leader of the revolution was Ruhollah Khomeini, who lived in exile (Iraq, Turkey, France) for a little over 14 years and was not allowed to return to his homeland during the reign of the Shah. On January 16, 1979, the Shah went abroad for medical treatment and two weeks later, on February 1, 1979, Khomeini flew in from Paris and was welcomed by the Iranian people as the leader of the revolution and later as the Grand Ayatollah, i.e. the religious and political leader of the Iranian people. A referendum on creating an Islamic Republic was held in Iran on 30th and 31st of March 1979. In December of the same year, the Constitution declared that Shia Islam is Iran's state religion. In fact, 90% of Iranians associate themselves with the Shia branch of Islam. The same Constitution also combines the elements of theocracy with a presidential system. Shah's regime was replaced by theocratic totalitarianism.

The Islamic government was defined by Khomeini in his book *Hukumat-e Islami: Velayat-e faqih* (*Islamic Government: Governance of the Jurist*) which was published while Khomeini was in exile in 1970, smuggled into Iran and distributed to Khomeini's supporters. The book has been reprinted many times, included Khomeini's notion of *Velayat al-faqih* (*Governance of the Jurist*) as well as the reasoning and in his view, the necessity of it in running an Islamic state. *Velayat-e faqih* is a revolutionary political theory, which this article pays attention to.

The first chapter explains the etymology of the expression *Velayat-e faqih*. The second chapter introduces the practicing of the principle *Velayat-e faqih* after the disappearance of the last Imam. The third chapter presents Khomeini's teaching on *Velayat-e faqih*. Our presentation



refers to his book *Islamic Government: Governance of the Jurist*. Further on, the different views on *Velayat-e faqih* and the most important commentaries written by Islamic theologians in the opposition of the actual theocratic leadership of the country are displayed. The final part focuses on how *Velayat-e faqih* is implemented in practical life in Iran. In the article, we use the rules for transliterating and domesticating Persian and Arabic letters into Latin letters in accordance with the Grabus and Osredkar decision (Osredkar 2021, 86).

1 Etymological explanation of the expression *Velayat-e faqih*

For a better understanding of our topic, the meaning of the words that make up the Persian expression *Velayat-e faqih* (in Arabic is *wilayat al-faqih*) should be explained. The meaning of the Persian term *Velayat* (also spelled *vilayet*) can be expressed by different words in English language. The closest we get to the meaning is with the word »unity«, that is a joint between two things the way that nothing is between them. Two things welded together have *Velayat*. It also means »friendship« or »supervision«. The joint and connection between the ruler and the ruled means *Velayat*. In the history of Iran, this word has expressed a type of administrative division within *Safavid Iran*,¹ which functioned as a semi-autonomous province in the 18th century. At the time, there were five different semi-autonomous (*Velayat*) provinces in Iran (Matthee 2011, 143). The term for the province, that is *Velayat*, meant that the province was an inalienable part of Iran and that it was subject to the Shah of Iran. The *Velayat* was ruled by a *Vali*, that means a governor, chosen by the Shah.² *Vali* is the person who has got *Velayat* by Shah. Furthermore, the word *Velayat* did not merely mean a province, but rather expressed authority over this territory. But the governance, given to the *Vali* by Shah, in fact belonged to God and was done to the *Vali*. In short, *Velayat* is »The Guardianship« and *Vali* is »The Guardian«. *Velayat* as a juridical term signifies »being in charge, to control or govern, and to exercise authority« (Khomeini 1994a, 40; Kadivar 1998b, 21.45).

1 *Safavid Iran* was one of the greatest Iranian empires after the 7th century Muslim conquest of Persia.

2 *Shah* is a royal title that was historically used by a leading figure of Iranian monarchies.



The word *Faqih* means an Islamic jurist, an expert in Islamic jurisprudence or Islamic law. Islamic jurisprudence is the human understanding of the Sharia.³ It is Sharia expanded and developed by interpretation (*Ijtihad*) of the Quran and Sunnah by Islamic jurists (*Ulema*) and implemented by the rulings (*Fatwa*) of jurists on questions presented to them. The *faqih* is a person who has fulfilled the conditions for *Ijtihad*. From the Sunni point of view, it is generally understood that no one has reached this level,⁴ while in Twelver Shia view, each of their *Maraje*⁵ has reached this level.⁶ *Faqih* has existed in Shia Islam since the beginning of Islamic Iran. In the first period, the *Imams* are *faqih*, after *Hidden Imam*, this function belongs to *Marja-e taghlid*. A *faqih* who has all qualifications may rule and govern as infallible Imams, though he is not a descendant of the Imam. We will explain the function of *Marja-e taghlid* in more detail.

Imams in Shia Islam were the descendants of Ali, their first *Imam*, and Fatima, the Prophet's daughter and Ali's wife. Imams used to have their own share in political power and authority together with the Caliphates of Islamic governments until the 11th century. There were twelve *Imams* in Shia religion who succeeded each other consecutively and they all were vested with authority by God and were assumed infallible, the just and the most knowledgeable. The last, the twelfth *Imam* disappeared⁷ and is therefore called the *Hidden Imam* or *Imam al-Mahdi*.⁸ Twelver Shia Muslims believe that the Mahdi will return on the Judgment Day as a saviour. In the time of his absence, i.e. in the time of occultation⁹ of the *Hidden Imam*, the leader of Shia Muslims is called *Marja-e taghlid*.

3 In Muslim religion, it is believed that Sharia represents divine law as revealed in the Quran and the Sunnah, that is the teaching and practices of the prophet Muhammad.

4 No one can replace Prophet Muhammad.

5 *Marja* literally means religious reference. This is the highest level in Twelver Shia authority, the Grand Ayatollah. *Maraje* is plural of *Marja*.

6 There are three main branches of Shia Islam today: the *Zaidis*, *Ismailis* and *Ithna Asharis* (Twelvers or Imamis). The *Ithna Asharis* are the largest group and believe that Muhammad's religious leadership, spiritual authority and divine guidance were passed on to 12 of his descendants, beginning with Ali, Hassan and Hussein.

7 Shias believe the *Hidden Imam* was withdrawn into occultation by God in AD 874.

8 In Slovenian literature, the *Hidden imam* is called Mahdi.

9 Occultation of *Hidden Imam* is based on the doctrine which states that Muhammad al-Mahdi, the twelfth Imam, did not die but has been concealed by God from the humanity.



Between the words *Velaya* and *faqih* stands the letter »e«, which also has a meaning. In the Farsi language, the »e« expresses the ownership or some quality that we want to present. For example, *Sib e Bozorg* means big apple. *Khanehy e to* means your house. Based on the linguistic presentation, we can maintain that *Velayat-e faqih* means *velayat* for or from *faqih*. That is an excellent knowledge, supervision, mastery of Islamic Law.

Velayat-e faqih has been translated into English as *The Guardianship of the Jurist* in the sense of authority. *Vali-e faqih (The Guardian Jurist)* is the successor to the *Hidden Imam* and received his leadership from God and the *Hidden Imam*. In English, *Velayat* has been variously rendered as authority, guardianship, mandate governance and rulership. (Amir Arjomand 1980; Calder 1982; Enayat 1983; Rose 1983; Mottahedeh 1995; Akhavi 1996)

2 *Velayat-e faqih* between the disappearance of the last Imam and Islamic Revolution

The Twelfth Imam, The Mahdi, was born in 868 AD. His minor occultation lasted about seventy years, then he went into major occultation until now and God decides about the time of his appearance. Traditional Shia belief holds that the Mahdi will assume political and religious power in Islam upon his return. Until then, religious leaders should not get involved in politics. But »a lot of messianists believe that after centuries of hegemonic rule, Islam is corrupt and the Mahdi has to return in order to bring the authentic interpretation of Islam« (Khalaji 2008, 3). This is the reason why some Shia writers in history call on Muslims to take over because the Mahdi is »delayed«.

The concept of *Velayat-e faqih* had existed in Shia Islam for centuries. It was connected to the role of *Marja-e taghlid* in the Muslim society. It can be said that *Marja-e taghlid* is merely a religious leader who decides on belief and religious practice; he is the highest-ranking cleric, bestowed with responsibility for understanding and explaining Islamic religious jurisprudence. This is the person who substitutes *Hidden Imam* during the period of his absence and deputies him. This function has historically been applied to justify limited clerical guardianship over a small section



of the populace: those who were vulnerable and incapable of protecting their own interests, such as widows, orphans and the disabled. He used their religious influence among the Shias and harmonized and solved various problems and difficulties between Shia Muslims and the rulers. Therefore, *Marja-e taghliid* did not engage in politics. In general, we can say that the Shiite clergy, from the disappearance of the last Imam until 1979, did not engage in politics. Shiite clergy had *Velayat* just to negotiate with the political rulers; the clerics had no political power in that period. They were convinced that no legitimate Islamic government could exist during the occultation of the Twelfth Imam. But the term *Velayat-e faqih* can be found in the texts of various Iranian theologians since the disappearance of the last Imam, who called on Muslims to assume political power in the country. In 11th century AD we find the theologians such as Sheikh Mofid, Mohaghegh Kurki in the 16th century and others who brought forth *Velayat-e faqih* in its own special context. Ahmad Naraghi, in the 19th century, believed that the rulers were usurpers and the Muslims should not wait until Mahdi's appearance. As Ayatollah Khomeini acknowledged in his own work, Naraghi had also held that all the *Velayat* that the Prophet and the Imams possessed are given to the religious leaders as well (Khomeini 1994b, 64–65.114; Moussavi 1985, 41).

Those who did not subscribe to this view, e.g. Shaykh Murtada Ansari (1799–1864) and Abu al-Qasim Khu'i (1899–1992), based their rejection on the premise that such a state was among the prerogatives of the infallible Imam, thereby limiting the scope of *Velayat-e faqih* to the guardianship roles for certain infirm persons (Enayat 1983, 161–162; Kadivar 1998b, 106).

3 Khomeini's teaching of *Velayat-e faqih*

The current form of *Velayat-e faqih* is a relatively new interpretation of the doctrine *Marja-e taghliid*. It was formulated in the early 1970s by the dissident Iranian cleric Ayatollah Ruhollah Khomeini. While in exile in Iraq in the years building up to Iran's Islamic Revolution, Khomeini developed a theory of Islamic government that sought to transfer the political power of the Iranian state to the Shia *Ulema*, i.e. to the Shia clergy. Khomeini convinced the Iranians with a theological argument that there was



no difference between »before occultation«¹⁰ of the twelfth Imam's period and »after that time«. As the twelve *Imams* ruled all areas of Shia society, he demanded that even in the absence of the *Hidden Imam*, *Marja-e tagh-lid* take over the affairs of Iranian society and enforce God's Sharia law in it. As said before, *Marja-e tagh-lid* acted as peaceful mediators between the Muslims and the rulers and this was the case in Iran until 1979. Khomeini was not satisfied with *Marja-e tagh-lid* being merely a peace broker between the political leader and the people. After Islamic revolution, Ayatollah Khomeini as supreme leader changed the signification of this function. He declared that »the nature and character of Islamic law and the divine ordinances of the Shari'ah furnish additional proof of the necessity for establishing government, for they indicate that the laws were laid down for the purpose of creating a state and administering at the political, economic and cultural affairs of society« (2005, 20). In a book entitled *Islamic Government: Governance of the Jurist*, Khomeini outlined his plans for the creation of an Islamic state in Iran. He gave to the role of *faqih* much greater powers and tasks as he had had before. In fact, he justified clerical guardianship of the state. The Ayatollah claimed that God had made Islam for it to be implemented as shown by the creation of divine law (*Sharia*). Given that no one knew Islam better than the clergy, Khomeini argued, it was natural that they should rule as guardians of the state until the return of the 12th divinely ordained Shia imam (*Imam al-Mahdi* or the *Hidden Imam*). Khomeini demanded that the clerics, who know God's law best and know what is good and right, also take over the political leadership of the country. He theorized this idea as *Velayat-e faqih* in his book *Islamic Government: Governance of the Jurist*. He wrote, »it is laws and ordinances of Islam comprising this set of conditions that must be observed and practiced. Islamic government may therefore be defined as the rule of divine law over men.« (2005, 29) He continued that »no one has the right to legislate and no law may be executed except the law of the Divine Legislator« (29). When he wrote that »the law of Islam, divine command, has absolute authority over all individuals and the Islamic government« (29), he had in mind that the *Velayat* in Islam is governance, leadership and authority. In his theory, *Vali-e faqih* (The Guardian Jurist) is the successor to the *Hidden Imam* and he has got his leadership from God and

10 Mehdi was born in 868 AD.



the *Hidden Imam*. »It is established principle that ‘the *faqih*’ has authority over the ruler. If the ruler adheres to Islam, he must necessarily submit to the *faqih*, asking him about the laws and ordinances of Islam in order to implement them. This being the case, the true rulers are *fuqaha*¹¹ themselves, and rulership officially ought to be theirs, to apply to them, not to those who are obliged to follow the guidance of the *fuqaha* on account of their own ignorance of the law.« (32) He maintains that »the ruler should be foremost in knowledge of the laws and ordinances of Islam, and just in their implementation« (32). Khomeini believed that the governance of the *faqih* is nothing but the performance of a duty and if *fuqaha* (jurists) come together they could establish a government of universal justice in the world. He assumed that the Prophet and Imam Ali were the most virtuous persons, but in our time, we have the duty to uphold the government like the prophet and our Imams. He claims that the status of the Prophet and Imams is higher than *fuqaha* but he emphasizes the function of their authority. In Khomeini’s views, authority has the meaning of the government, administration, and execution of law and it is not a privilege, but a grave responsibility. »The governance of the *faqih* is a rational and extrinsic matter; it exists only as a type of appointment, like the appointment of a guardian for a minor. With respect to duty and position, there is indeed no difference between the guardian of a nation and the guardian of a minor.« (34) It is very important to notice that Islam and especially Shia is a Religion that aspires to grasp authority and governance anywhere the Muslims live and their ultimate goal is to have a state governed by Islamic *Sharia*. Here is the essence of Ayatollah Khomeini’s thought:

The fact that we are presently unable to establish a complete and comprehensive form of government does not mean that we should sit idle. Instead, we should perform to whatever extent we can, the tasks that are needed by the Muslims and that pertain to the function an Islamic Government must assume. (35)

11 Fuqaha is a plural of faqih.



Khomeini obliges the Muslims and *fuqaha* to establish their own Islamic government with different Islamic institutions to help them:

It is the duty of the Imams and the just *fuqaha* to use government institutions to execute divine law, to establish the just Islamic system, and serve mankind. Government in itself represents nothing but pain and trouble for them, but what are they to do? They have been given a duty, a mission to fulfil, the governance of the *faqih* is nothing but the performance of a duty. (37)

In the above quote, Khomeini clearly mentions that for the Muslims and *fuqaha*, this mission has been ordained by God, the Prophet and the Imams that must be fulfilled. Khomeini stresses on two points that a *faqih* must have: knowledge and justice. The guardianship of the jurist must be implemented with knowledge and justice. Islamic government is a government of *Sharia* and Khomeini asks the *fuqaha* to supervise the guardian ruler's governance and Islamic functioning. He says that »if a *faqih* acts in contradiction to the criteria of Islam (God forbid!), then he will automatically be dismissed from his post, since will have forfeited his quality of trustee« (46). He assures the Muslims and the peoples: »When an Islamic government is established, all will live with complete security under the protection of the law, and no ruler will have the right to take any step contrary to the provisions and laws of immaculate *Sharia*.« (46) Khomeini asserts that spiritual rank and privilege qualify a man for the assumption of government and social responsibilities and that is why *fuqaha* must take the authority: »the function of judge belongs exclusively to the fair *faqih*, this is a fundamental aspect of *fiqh*, which is not a matter of dispute.« (49) In the continuation, he says that *faqih* is a religious expert in the full sense of the word; and if he is fair, he can be a guardian ruler because he is the successor to the Prophet or Imam and with his qualifications, »he is the leader of the Muslims and the chief of the community. He alone may exercise the function of judge and no one else has the right to occupy the position of judgeship.« (50) It is very important to notice that *Velayat-e Faqih* turned into *Velayat-e Motlagheh Faqih* after eleven years since 1979 Revolution. *Motlagheh* means »absolute«; so we have *Velayat-e Motlagheh Faqih* from 1989 in *Islamic Constitution*. The reason of adding the word »absolute« to *Velayat-e Faqih* is giving more power and strength to the *Vali-e faqih* in his duties.



Controversy surrounds how much of the book's success came from its religiosity, and how much from the political skill and power of its author, who is generally considered to have been the undisputed leader of the Iranian Revolution. Many observers of the revolution maintain that while the book was distributed to Khomeini's core supporters in Iran, Khomeini and his aides made sure the idea of *Velayat-e faqih* was not accessible to outsiders (Abrahamian 1982, 479), knowing that groups dangerous to the revolution's success, that is secular and Islamic Modernist Iranians, were likely to be irreconcilably opposed to theocracy. »It was only when Khomeini's core supporters had consolidated their hold on power that *Velayat-e faqih* was made known to the general public and written into the country's new Islamic constitution.« (Moin 1999, 218; Dabashi 1993, 583) The book *Islamic Government: Governance of the Jurist* has been translated into several languages including French, Arabic, Turkish and Urdu. Most common English translation, considered by Hamid Dabashi to be the only reliable translation and approved by the Iranian government is that of Hamid Algar, an English-born convert to Islam, scholar of Iran and the Middle East, and supporter of Khomeini and the Islamic Revolution (Schoch Russell 2003). The translation of the Khomeini's text can be found in Algar's book *Islam and Revolution*, in a stand-alone edition published in Iran by the *Institute for Compilation and Publication of Imam Khomeini's Works*. The other English edition of the book, also titled *Islamic Government*, is a stand-alone edition, translated by the U.S. government's *Joint Publications Research Service*. Algar considers this translation to be inferior to his own, to be »crude« and »unreliable« and based on Arabic translation rather than the original Persian. Algar claims this American publication »vulgar« and »sensational« because it attacks the Ayatollah Khomeini (Khomeini 1981, 25–26).

4 Different Views on *Velayat-e faqih* in the present time

Ayatollah Khomeini's political theory as *Velayat-e faqih* has some proponents and opponents. The revolutionary situation encouraged intellectuals and theologians to join the Islamic Revolution and to have their share before it was too late, and after a short time, those people understood that they should separate their ideology and path from Khomeini's. The ones who advocated Ayatollah Khomeini were completely dedicated



to *Velayat-e faqih* and *Vali-e faqih*. Outstanding theologians have always had efficient influence on the Muslims and they could always absorb them to their views and strengthen their own positions in that society. There had always been this view among the Shias that the rulers during the major occultation could not be entirely trusted. We will present some opponents to his idea.

Ayatollah Javadi Amoli who was Ayatollah Khomeini's student supported Khomeini's interpretation of *Velayat-e faqih* in the beginning, but later changed his mind, asserting that »in the continuous period of absence that occurs between two periods of infallible Imams presence involves the inability and ineffectiveness of God's commandments to the administration of humanity at all times, [...] 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« (Amoli 2000, 370). Mesbah Yazdi is a proponent of Ayatollah Khomeini, but he believes *Velayat-e Faqih* does not mean that one person say whatever they want and people obey their orders, and calls that reactionary thinking. He also believes that the *Vali faqih* has the authority over the people's life, therefore, the *Vali faqih* can make the appropriate decision for the people (Yazdi 2016). Some theologians believe that Khomeini's interpretation of *Velayat-e faqih* is »blasphemy«, and Ayatollah Seyyed Abolfazal Borghei Ghomi (d. 1991) is one of these believers. Doctor Mohsen Kadivar who is a Mojtabeh and was Ayatollah Montazeri's disciple believes that *Velayat-e Faqih* is not a divine *Velayat* but only a political theory, and that *Vali-e faqih* cannot have absolute power and God has not given him *Velayat* through Imam (Kadivar 2001). We will show that the contradiction between the opponents and proponents of *Velayat-e faqih* stems from widening the meaning of words *efta*, *ghaza* and *hesbe*. Let us state their meaning and show the centre of the problem.

Efta or *fatwa* is like a »decree« expressed by the Shia *faqih*. Whenever a problem or a dispute seems unsolvable, *faqih* expresses his *fatwa* (decree) and people should act according to it. In the time of occultation, it is practical to issue decree. *Fuqaha* in Shia are unanimous on issuing decree by *fuqaha* (jurists) and are sources of emulation, and their permission is not obligatory to be appointed by the Imams. (Taherinia 2018, 1) *Ghaza* is judgment and the Shia *faqih* can solve problems by his Islamic knowledge of Sharia. It means judgment on people. *Hesbe* means »pious



deed« or »heavenly deed« which include »custody of orphans« and other people, custody of the insane, taking care of charities. *Velayate-e faqih* can be proud on the *fuqaha* different views which enabled them to show the relation of *hesbe* with *Velayate-e faqih* in their own perspectives of their time and place. The point is to prove *Velayate-e faqih* by *hesbe* and the concept of *hesbe*. Firstly, struggle and endeavor in doing good deeds without any expectation from anyone but God. Secondly, observe and control (Yaghubi 1998).

Shia theologians, the opponents of Khomeini's theory of *Velayate-e faqih*, believe that the Shia *faqih* who is a *Mojtahed* and is a *Marja*, can intervene in some matters during occultation but the *fuqaha* are not allowed to take the twelfth Imam's place of ruling because they are fallible and they are not appointed by the *Mahdi*. Khomeini, on the other hand, widens the authorities which are »hidden in three words mentioned above« and he gives explanations and interpretations on some words in *hadiths* and the Quran verses to fortify his views. He claims that some words which we used in those *hadiths* and verses have the meanings of authority and guardianship. Then he theorizes that in occultation a *faqih* can rule instead of the *Mahdi* and is appointed by the *Mahdi* and discovered by other *fuqaha*, and although he is fallible, he is the successor to the twelfth Imam. Khomeini gives to these three words the impression of »authority« and »rulership«. In fact, two different interpretations on the limits of applications of those three words become the theological and political divergence of Shia theologians: the ones who believe Shias must rule the country by a Shia *faqih*, and the opponents who believe that there is no such thing as *Velayate-e faqih* in the time of occultation according to Shia *hadiths* and the Qur'an verses.

Ayatollah Khomeini brought forth the theory of *Velayate-e faqih* and emphasized that *Vali-e faqih* can be a jurist who is vested with authority by God and he is appointed by the *Hidden Imam*, although he is not infallible and not an Imam. *Vali-e faqih* is discovered and found by other jurists and he is just and the most knowledgeable among them. He can rule according to Sharia in political, economic and social affairs. Many of *Maraje Taghlid* who were prominent figures such as Ayatollah Khansari, Ayatollah Borghei, Ayatollah Khomeini regarded *Velayate-e faqih* as opposing the principles of Imami Shia, hence unacceptable. In *Velayate-e faqih* or »Governance



of the jurist« the jurist is not an Imam or his descendant, he is fallible and he should have no authority in the time of occultation.

5 Shia and Authority in Iran

It is time to introduce the implement of *Velayat-e faqih* in practical life in present day Iran. It is important to know two facts. First, through the history of Shiism, Shiite authorities have had an important role in the religious, political and social thought of their communities, and they still do. They can establish their social and political views. (Nabizada and Amani 2003, 81–82) For example, after the *fatwa* of al-Sayyid Muhammad al-Mujahid, a great number of the Shias went to war against the Russians (99–100). The *fatwa* of the tobacco ban by al-Mirza al-Shirazi led to the abolishment of the British tobacco monopoly in Iran. (102) Another example is the *fatwa* of Mirza Mohammed Hassan Husseini Shirazi imposing sanctions on the use of tobacco during Qajar rule, which led to the abolition of the tobacco concession. (Rizvi 2015) Secondly, *Marja'iyya* is the most important social and religious position in the Shiite community. *Marja* is a *mujtahid* (jurist) who is followed by a number of the Shias, that is, some Shias practice their religious acts in accordance with that of *mujtahid's* jurisprudential views and pay their judicial alms to him or his representatives. To follow a religious scholar in this way is called *taghliid*. (Tabatabai 1989, 789) A *mujtahid* can be qualified as a *Marja* if he meets some requirements; the most important one is that he should be superior to other qualified *mujtahids* with regard to his scholarship in jurisprudence. Other conditions include justice, being a man, maturity, and sanity. Then, it is permissible to follow his *fatwas*, that is, to act upon his jurisprudential views. (26–27)

The Islamic revolution was a radical and pervasive change in Iranian society that aimed to overthrow the Shah and establish a new system of government based on Sharia. According to supporters of the Islamic Revolution, the dominant cause of the revolution was religion since religion was not as important for Pahlavi Dynasty. Many supporters of the Islamic Revolution like Motahari argued that modernization, secularization along with inequality and limited freedom led to the Islamic Revolution. Major reforms and upheavals were taking place in the period



leading to Iran's Islamic Revolution of 1979. The revolution erupted not for some last minute political mistake. It erupted like a volcano because of overwhelming pressures that built up over the decades deep in the bowels of Iranian society. (Abrahamian 2008, 15)

Khomeini's charismatic leadership was undoubtedly a major factor both in the revolutionary politicization of Shiism and in the success of the Islamic revolution in Iran. Khomeini's courage and unswerving determination in challenging the Shah were indeed extraordinary personal qualities that could and did generate charisma. It would, however, be wrong to conceive charisma too restrictively as the extraordinary quality of the individual to whom it is attributed. Charisma is also much in the eye of the beholder and is determined by his or her cultural sensibilities. Khomeini's embodiment of Islam, which most of his followers considered endangered, had as much to do with his charismatic appeal as did his heroic stature and resolution. (Amir Arjomand 1988, 100)

Maraje taghlid (Sources of emulation) were always intermediaries between governments and people, they were the image of patience and endurance and they were calmative and soothing to the Shias who complained and had grievances against governments. Those *fuqaha* who were intermediaries and peacemakers in political turmoils and difficulties are supposed to share the political power and take part in authority in *Velayat-e faqih*. The question arises who is going to soothe and cool down the Shias in time of riots and disturbances while all the *fuqaha* have their share in the political power and authority, and who is going to pacify the Shias and maintain their perseverance and tolerance.

Conclusion

»The scholars, no matter whether they are rationalists or traditionalists, carried the banner for Islamic ideal and seemed to fail to break the *status quo* on the matter of the people of the book.« (Halil 2022, 76) *Velayat-e faqih* is a revolutionary theory initiated in the quiet Shia doctrines in the time of occultation by a prominent Shia theologian called Imam Khomeini. Regarding Shia theology in its new definition as a theology separate from politics is wrong. *Velayat-e faqih* will deepen our knowledge about Shia



Islam, and it can be in the vanguard of Islamic sects as a revolutionary theory. This article is just about better understanding of *Velayat-e faqih* in Shia theology, but after forty-three years in Islamic republic of Iran its success or failure can be analysed and evaluated by professional experts in different fields. *Velayat-e faqih* as a revolutionary theory rooted in Shia theology was planted in the ripe and ploughed Shia land of Iran and it may erupt again in a Shia populated country at any time.



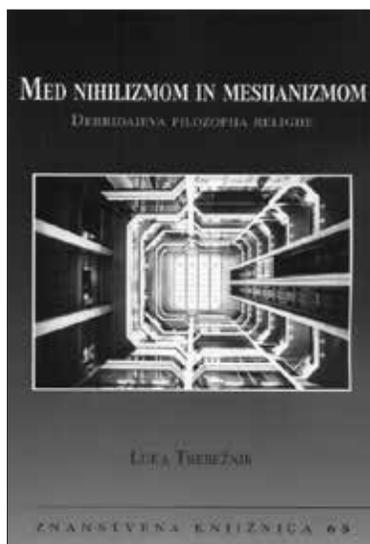
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Znanstvena knjižnica 65

Luka Trebežnik

Med nihilizmom in mesijanizmom: Derridajeva filozofija religije

Derridaju nikakor ne gre za zavračanje obstoja resnice, temveč gre le za sporočilo, da ta nastopa preko razlike. Dekonstrukcija trdi, da ne obstaja zunaj teksta, kar pomeni, da ne obstaja večna resnica. Tako je zato, ker je sleherna resnica inkarnirana v jezik in pripoved. Ta Derridajeva stališča pa so v veliki meri nasprotna tradiciji, ki veruje, da se za tekstom nahaja trden in nesporen smisel. Izmed vsega slovstva je to najočitneje izraženo pri religijah, ki sprejemajo nadnaravni izvor svojih tekstov. Od tod sledi, da sta dekonstrukcija in teologija izvorno nerazdružljivi.

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