

## Presenting and Analyzing a Philosophical Argument about the Position and Role of Velâyat-e Faqih in era of the Occultation of Imam Mahdi

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### ABSTRACT

*During the past forty years, the mindset of Velâyat-e Faqih (Islamic jurist's guardianship) has been one of the most challenging subjects investigated by the dissidents and proponents. This mindset incorporates a wide spectrum from the thoughts believing in the necessity and evidentiality of the Velâyat-e Faqih and knowing it as integral part of Islam to the thoughts that completely reject it and realize it as being at odd with intellectuality, rationalism and, even, Islam, itself in such a way that introducing the Islamic system that pivots about Velâyat-e Faqih as something irrational has been one of the most primary theoretical challenges in the scientific writings by the critics as well as the main axis of the debates in their cultural-political circles. Considering the fact that Islam's social verdicts are eternal and should be implemented at all times and in all places, these verdicts' implementation cannot be stopped in the era of absence, as well, and it is necessary to form an Islamic government; consequently, in order to manage and administrate the society, there is a need for an Islamic leader (Vali-e Faqih). In this article, it will be shown that the mindset of Velâyat-e Faqih is laid on the foundation of the philosophical proofs (Islamic political philosophy); of course, the issue should be approached from correct perspectives. Moreover, answers will be provided for the main issue through a philosophical approach adopted by the absolute Islamic philosophy towards the Islamic political philosophy as well as by the premises provided by the former for the latter.*

*Keywords: Velâyat-e Faqih, Vali-e Faqih, Islamic political philosophy, Islamic political mindset, Islamic political government, Islamic jurist's guardianship.*

### Introduction

The Velâyat-e Faqih (Islamic jurist's guardianship) theory and mindset is the most important pillar and essence of Islam's political system in the era of the absence of Imam Mahdi (may Allah hasten his honorable reappearance). This topic is amongst the most challenging notions offered in the course of history by the Islamic thinkers in such a way that the ideas by the opponents and proponents of the Velâyat-e Faqih include a wide spectrum from the thoughts that believe in the necessity and evidentiality of Velâyat-e Faqih and realizing this theory as the inseparable part of Islam to the mindsets that completely reject this theory and realize it as being in contradiction with intellectuality and rationalism and, even, at odd with Islam

itself. Some of the high ranking Islamic scholars have spoken about the necessity and evidentiality of Velâyat-e Faqih:

“Velâyat-e Faqih is amongst the subjects that would lead to confirmation in case of being properly imagined and there would be no need for much of proving. This description means that any person who has even received the Islamic opinions and verdicts even in a succinct manner would immediately confirm Velâyat-e Faqih in case of hearing about it and s/he would recognize it as something necessary and evident” (Imam Khomeini, 2012, p.9). Furthermore, some of the contemporary Shiite scholars believe that the Velâyat-e Faqih is an issue theorized in the philosophy of politics from the perspective of Islam (Mesbah Yazdi, 2017a). Conversely, some of the critics, as well, believe that “the combination of the Islamic Republic government under the governance of Velâyat-e Faqih is nothing more than a non-resolvable and illogical riddle” (Ha’eri Yazdi, no date, pp.215-216). In fact, “introducing the guardianship (Velâyat) and government system that revolves around Velâyat-e Faqih as something irrational has been one of the most important and most primary theoretical challenges during the past [four] decades in the scientific writings by the critics as well as the main axis of the debates in their cultural-political” (Pishehfard, 2014, p.19).

“Government is thee practical philosophy of the entire jurisprudence” (Imam Khomeini, 2010, v.21, p.289).

Thus, the issue that is proposed here is that “can the mindset of Velâyat-e Faqih be elucidated based on the philosophical reasoning?” The thing sought herein is not the affirmative proofs of Velâyat-e Faqih and it is not intended to investigate the causes of the Velâyat-e Faqih’s external actualization rather the justification proofs of the Velâyat-e Faqih are sought. Based thereupon, the intention by philosophical elaboration is expressing the philosophical justificatory reasons of Velâyat-e Faqih.

This article is comprised of two parts: the first includes the elaboration of the concepts and presumptions about Velâyat-e Faqih; in the end of the first section, the main issue will be found rooted in the science of Islamic political philosophy and philosophical clarifications can be presented for it but it should be approached from correct angles. In the second section and through adopting philosophical attitudes and discretions and by the assistance of the premises offered by the absolute Islamic philosophy to the Islamic political philosophy, efforts will be made to provide answers to the main issue.

### **Statement of the Problem:**

Before responding to the issue that “whether the mindset of Velâyat-e Faqih (Islamic jurist's guardianship) can be elaborated based on philosophical reasoning or not?”, it will be seminally made clear that in what areas of the Islamic science it has to be examined. It will be also explored that whether the subject is solely jurisprudential or exclusively verbal or both verbal and jurisprudential? It has to be also seen whether this subject can be approached from philosophical perspectives or not and what answers can be provided thereto. Thus, the primary and secondary questions of the articles are as follows:

### **Primary Question:**

Can the mindset of Velâyat-e Faqih (Islamic jurist's guardianship) be elucidated based on philosophical reasoning?

### **Secondary Question:**

- 1) Knowing the high position and stance of the Islamic leader (Vali-e Faqih), can a special position and rank be considered for him in the universal system according to Islamic ideology?
- 2) In a philosophical approach, what is the mission of the Islamic leader (Vali-e Faqih) in the society?

### **Main Hypothesis:**

The mindset of Velâyat-e Faqih can be elucidated based on philosophical reasoning.

### **Secondary Hypotheses:**

- 1) Considering the position and characteristics of Velâyat-e Faqih, it has a special stance in the system of universe. Knowing the dubiousness of the existence, the jurisprudential guardian or the Islamic leader (Vali-e Faqih). would preserve the most intensive existence in the Islamic society.
- 2) Velâyat-e Faqih's mission is growing the egos of the human beings (imperfect beings) and getting them to their utmost perfection rank in the Islamic society.

### **A Glance at the Topic's Background:**

The issue "can the mindset of Velâyat-e Faqih (Islamic jurist's guardianship) be elaborated based on philosophical reasoning?" has been investigated philosophically only in a few articles and books by the Islamic researchers who have intended to elaborate the Velâyat-e Faqih and the leadership position inside the Islamic society and sought defending it. Thus, the present article tries adopting a philosophical approach towards the main issue of the research.

### **Necessity of the Problem:**

The issue "Velâyat-e Faqih" is one of the most important matters in the Islamic communities with the discussions and conversations about it being necessary from two respects: first of all, the Velâyat-e Faqih is the cornerstone of Islamic Republic System and every Muslim and Revolutionary man is required to very well recognize this principle and, then, move about the axis thereof and, secondly, the enemies of Islam and revolution have found out that the revolution and Islamic system's fight with suppression and tyranny has stemmed from this important and sublime principle ..." (Javadi Amoli, 2018, p.121).

In addition, as it was mentioned, the mindset of Velâyat-e Faqih has not been so far examined from the sole perspective of the philosophical mindset.

## **1. Concepts and Presumptions of the Discussion on Velâyat-e Faqih:**

### **1.1. Concept of the jurispudent (Faqih)**

One of the exact renderings about the concept of jurispudent (Faqih) in the discussions on Velâyat-e Faqih is that "a jurispudent (Faqih) is a person who not only has knowledge of the Islamic rules and regulations and trial procedures but he is also well-informed about the beliefs, regulations, systems and moralities meaning that he is in the full sense of the word pious and religious" (Imam Khomeini, 2012, p.76). Thus, the position of the jurispudent reaches the extent that "from the perspective of Imam Khomeini (may Allah be satisfied with him), the perfectly qualified jurispudent has all the nominal and relational positions of an immaculate Imam (may Allah hail on him) in the era of the absence of Imam Mahdi (may Allah hasten his honorable reappearance) and that not within the limit of purely situational right and position but along with indispensable obligation ..." (Javadi Amoli, 2018, p.278).

Therefore, here, in the discussion about Velâyat-e Faqih, jurispudent (Faqih) is an individual who has the knowledge about the minor, middle and major jurisprudence.

### **1.2. Guardianship over the Incompetent Persons; Guardianship over the Community of the Sage (Well-Educated Persons):**

"Within the range of canonization in the Holy Quran and Islamic narrations, guardianship (Velâyat) has been occasionally interpreted as taking the control of the affairs of the dead or those who cannot take their right due to scientific shortage or practical disability or inability in proving presence and it is sometimes introduced as taking the tenure of the affairs in the human societies" (Javadi Amoli, 2018, p.125). "The guardianship commonly used in the jurisprudential books pertains to the guardianship of the incapacitated and disabled persons" (Javadi Amoli, 2008a, p.127).

In between, “the presumption accepted by the critics in this evaluation is the interpretation given for the concept of guardianship. It is presumed that the concept “guardianship”, as the primary and essential pillar of this theory in the jurisprudence, does not encompass anything other than proctorship of the incapacitated persons and prevention of the others’ occupation of their rights. Then, with this presumption, efforts have been made for extracting and inferring the scientific tools of this interpretation and, considering a mass of criticisms, the guardianship system is enumerated as an irrational and impossible and contradicting system” (Pishehfard, 2014, p.19). “The support of the incapacitated persons is the inseparable prerequisite of the Velâyat-e Faqih” (Kadivar, 2008, p.114).

“Many of the individuals who have denounced jurisprudential guardianship have this hallucination that jurisprudential guardianship is something of the type of guarding the jurisprudential matters and this is an incorrect imagination because the islamic nation is neither dead nor is it minor, mentally retarded, insane or insolvent.

Velâyat-e Faqih essentially differs from the guarding of the incapacitated persons because one is related to the incapacitated individuals and the other is pertinent to the administration of the islamic society; one serves the protection of the rights of the dead, insane, incapacitated and minor persons and the other one serves the execution of the islamic verdicts and securing of the material and spiritual expedencies of the islamic society and protecting of the system against the enemies and preservation of the unity and corroboration of the sage and religiosity and perfectionism” (Javadi Amoli, 2018, p.128).

“The position in which a person or an authority holds the tenure of the others’ affairs like a real person for administering their lives is called guardianship” (Tabataba’ei, 2010, p.155).

#### **Analyzing and Criticizing a Controversy; a Non-Resolvable and Illogical Riddle (Republicanism and Guardianship):**

Some of the critics believe that the combination of “Islamic Republic government under the governance by the Velâyat-e Faqih” is a non-resolvable and illogical riddle and nothing more. Essentially, this system is a contradictory, illogical and irrational system in both theory and constitutional legislation and its existence and legitimacy cannot be conjectured because “guardianship” means that the people are children and insane and have no right to vote for and intervene and take possession of their own properties and belongings and households as well as their own country’s affairs ... therefore, the issue of “Iran’s government” is the issue of “republican government under the governance of Velâyat-e Faqih ” and this is equivalent to “Iran’s government being a republican government and it is not so that Iran’s government is a republican government” and this is a vivid logical contradiction refuted and invalidated by the reasoning power of the mankind as well as by the canon according to the axiom ruling the concomitancy of the reason and the canon” (Ha’eri Yazdi, no date, pp.215-216).

It is well-evident that the controversy posited by this researcher about the Velâyat-e Faqih has just interpreted guardianship as the guarding of the minors and the insane persons and, based on this wrong basis, a completely incorrect conclusion has been made.

“In case that the guardianship is just conceptualized as guarding the minors and the insane persons, the hallucination of the contradiction between the republicanism and Velâyat-e Faqih would be true but, if guardianship is termed as the proctoring and devising political strategies for the society that has to be existent in every form of the political governance, then, there would be no contradiction and riddle rather it is not possible for a political system to be actualized even if based on the social contracts or shared ownership or agency unless an individual is given therein vast and expanded authorities by which he can put his intentions and practical wisdom of his government into practice” (Pishehfard, 2014, p.39).

Thus, the correct meaning of guardianship is proctorship of everyone and one should choose such a foundation to go to reasons and issues of Velâyat-e Faqih: “the guardianship of Imam and prophet over the human community is not of the type of proctoring the insane and mentally retarded and incapacitated

persons as it has been recently mistakenly debated in the writings and sayings; this is an offence to the people and an insult to the Velâyat-e Faqih” (Javadi Amoli, 1997, p.5).

“Based on what was said, Velâyat-e Faqih is neither of the type of creational guardianship nor of the type of canonization and legislation guardianship and not even of the type of guardianship over the incapacitated and dead people rather it is a sort of Islamic society management exercised for implementing and actualizing the religious values and developing the society members’ talents (the extract of the intellects’ reservoirs) and getting them to perfection and sublimity they deserve” (Javadi Amoli, 2018, p.129).

### **1.3. Conceptualization of Velâyat-e Faqih:**

It has to be made clear in the beginning whether the Velâyat-e Faqih is a jurisprudential, verbal or philosophical topic? The answer to this question is important in that, in each of these three forms, “Velâyat-e Faqih would end in a separate destiny and the jurispudent’s duties and authorities as well as jurisprudence’s being of guardianship, agency, appointive or selective type would depend completely thereon” (Ibid, p.141). There are several theories in this regard:

#### **1.3.1. Theory One: Jurisprudential Nature of Guardianship**

The first group of the thinkers believes that guardianship is an exclusively jurisprudential matter and does not have a particular stance in discourse or philosophy sciences: “...and, amongst the group of the guardianship kinds, there is a guardianship of the canonical leader over every individual member of the community and the guardianship of Imam over the followers with the former being interpreted as “Velâyat-e Faqih”. In philosophy and theosophy, nothing has been mentioned about Velâyat-e Faqih and this topic is solely discussed in the science of jurisprudence.

Velâyat-e Faqih is amongst the canonical and intellectual relational and nominal matters and it features a forged reality such as when an individual is appointed to proctor the minors” (Samadi Amoli, 2013, pp.151-152).

#### **1.3.2. Theory Two: Verbal-Jurisprudential Nature of Guardianship**

The second group of the thinkers believes that the Velâyat-e Faqih is a topic beyond the area of jurisprudence and it falls within the hedges of discourse; however, in terms of its means, the verbal verdicts (proving the Velâyat-e Faqih) are investigated in the area of jurisprudence. This group actually states the verbal-jurisprudential nature of the guardianship. They believe that the issue can be approached from two perspectives hence it can be discussed from two separate scientific aspects. “...In regard of the idea that the Velâyat-e Faqih is the continuation of the discussions about imamate, it is to be seen as an area related to science of discourse” (Mesbah Yazdi, 2017b, p.188). “...for being the continuation of the issues related to imamate, it is pertinent to verbal matters and one of the secondary parts of the religious principles; but, it has to be seen as a jurisprudential matter from some aspects” (Ibid, p.189).

“Therefore, the principle of Velâyat-e Faqih is a verbal matter but this same Velâyat-e Faqih is also discussed in the science of jurisprudence so that the instruments of a given verbal verdict can be clarified in regard of the jurisprudential dos and don’ts. That is because the dos are based on the things that exist and there is a concomitance between the two in such a way that a well-justified verbal matter can be used to reach its jurisprudential means for the same reason that the prerequisite for exactly and definitely proving an issue is figuring out the related verbal issue; ...” (Javadi Amoli, 2018, pp.143-144).

#### **1.3.3. Theory Three: The Philosophical Nature of Guardianship**

The third group of the thinkers believes that the discussions about the Velâyat-e Faqih can be elaborated and investigated in philosophy: “from my perspective, there is no need at all for the jurisprudential and narrative proofs. According to Sadra’s attitudes, Velâyat-e Faqih is expanded from prophecy and imamate

and it is the manifestation of guardianship. In Mulla Sadra's hierarchical approach the imagination of which causes confirmation of the subject, how the necessity of prophetic mission can be justified in the political and educational aspects thereof? The answer is that the imamate is justified with the same necessity with which Velâyat-e Faqih is justified" (Afrough, 2002, p.452).

The goal and mission of the mindset of Velâyat-e Faqih, i.e. the determination of the leader's duty in the Islamic government in the absence of Imam Mahdi (may Allah hasten his honorable reappearance), can be abstracted and extracted in the thoughts and intellectual system of such an inventive philosopher as Farabi. According to some thinkers, "Islam has plans and programs for the time of His Highness Imam Mahdi's absence and suggests "the head of tradition" as the religious and political leader of the society in the absence of the first head and the leading imam (Javanpour, Akbari, 2011, p.177).

"The epistemological and methodological summation of philosophy and religion is exemplified in Farabi's political philosophy. In other words, the result of that look at government and religiosity was that the separation between the governmental head and religious head has been removed in Farabi's political theory which founded theory of Velâyat-e Faqih. He believed that there is no difference between a prophet and a philosopher who is given headship in a political system (Ibid, p.176).

When speaking about the superior headship in Medina, Farabi points out that "such a human being is called sage, philosopher and perfect pondering theosophist because he receives the knowledge through the active intellect by means of the perceptive intellect and passive intellect and, thus, he is to be given the position of a prophet and a harbinger since the active intellect's emanations are disclosed to his imaginative faculty" (Farabi, the notions of the residents of Utopia, 2012, p.125).

"Therefore, a philosopher and a prophet are similar in that they both receive religion and intellect through the perceptions of the active intellect and the holy spirit; one through emanation to the talking faculty and the other through the imaginative faculty. It is natural in this case that there would be no difference between the rulings of the intellect and the verdicts of the canon. The philosopher's talks are the words of the prophet and vice versa" (Javanpour, Akbari, 2010, p.177).

It is at first necessary to well elaborate the subjects of each of the sciences like political jurisprudence, political discourse and political philosophy; then, the subjects that fall under the topic "can the jurisprudential mindset be elucidated based on the philosophical reasoning?" can be subsequently clarified and it would be accordingly made clear in the end that in which of the Islamic scientific fields it should be explored?

#### **1.4. Elaboration of the Islamic Political Jurisprudence, Islamic Political Discourse and Islamic Political Philosophy:**

About each of the abovementioned sciences, there are numerous definitions but the present article tries to point to the most comprehensive and the most exact one.

##### **1.4.1. Islamic Political Jurisprudence:**

Political jurisprudence is a branch of the knowledge of general jurisprudence. Thus, the definition of the political jurisprudence should be achieved based on a correct definition of jurisprudence as a science. So, considering the definition of jurisprudence, i.e. "Al-Fiqh Howa Al-Elm Bi Al-Ahkâm Al-Shar'eiyyah Al-Far'eiyyah an Adellatahâ Al-Tafsiliyyah" meaning that "jurisprudence is the knowledge of the secondary canonical verdicts based on the detailed proofs (and resources)". Therefore, the political jurisprudence can be defined in the following words: "political jurisprudence is a science that deals with the scientific verdicts of Islam in the area of the political affairs". In fact, the political jurisprudence seeks clarifying the duties of the canonically obliged individuals in regard of the political affairs through canonical proofs" (Kholghi, 2014). Therefore, the subject of the political jurisprudence is the action of the canonically obliged persons in terms of the political matters:

“The subject of the civil/political jurisprudence is the political behavior and action of the Muslims with its verdicts and rules being inferred and expressed using jurisprudential resources so political jurisprudence encompasses the verdicts and regulations of the political life based on the canonical regulations” (Mir Ahmadi, 2008, p.72).

#### **1.4.2. Islamic Political Discourse:**

The most appropriate definition regarding the science of discourse can be offered in this form: “discourse is a science about the Islamic beliefs meaning that it discusses about what should be believed in and discussed from the perspective of Islam in such a way that it explains them and reasons about them and defends its reasoning” (Motahhari, 2012, v.2, p.13).

Thus, the political discourse can be briefly described as beneath:

“Political discourse is a branch of discourse that deals with the faith-related beliefs and religious perspectives about the political issues and defends them against the rival perspectives and teachings (Behrouz Lak, 2008, p.126).

#### **1.4.3. Islamic Political Philosophy:**

“Despite the oldness of the philosophical mindset in the political arena, there is no unit conceptualization and definition about the term ‘political philosophy’” (Behrouz Lak, 2003). The huge scattering of the ideas about the definition of political philosophy is to the extent that some of the researchers and experts of the area believe that the definitions are completely personal and taste-driven;

“Anyway, the study of the aforementioned and the other resources indicate that there is no consensus about this concept and the definitions are to a large amount arbitrary. Therefore, every researcher is required to elaborate his intention of the term before applying it” (Lakza’ei, 2008, p.31).

The political philosophy can be defined as follows: “the set of the political topics that enjoy a transcendental and meta-historic situation and, put differently, do not fall in the area of the variable issues related to the political life whether they are related to the area of the “beings” and the realities beyond the humans’ will and intention and or, in philosophical terms, to theoretical wisdom or even to the field of the dos and the realities relying on the humans’ will and intention and, as put by philosophers, to the practical wisdom” (Ibid, pp.32-35).

It can be stated in short that the ultimate goal of the Islamic political philosophy is the Muslim philosophers’ thought and contemplation about the responses to the fixed and invariable questions about the political matters that do not fall in the area of the political life’s variable matters (Kholghi, 2014).

#### **The Distinction between the Islamic Political Philosophy and Absolute Islamic Philosophy:**

There is a vivid distinction between the Islamic political philosophy and absolute Islamic philosophy.

In response to this question that “why one cannot go to the transcendentalism (as one of the absolute Islamic philosophies) for responding to the issues of the Islamic political philosophy”, it can be stated that “we cannot directly go to transcendentalism for satisfying the partial wants and secondary political matters for two reasons: 1) transcendentalism is an absolute philosophy and political philosophy is an added philosophy and no absolute philosophy can provide responses to the needs of the added philosophies except in offering the basics. 2) This depth and vastness of transcendentalism does not help us expect the elaboration of the partial materials of the politics rather this essential storage should be applied for extracting the foundations and it is in this case that we can understand the materials of the politics and the examples thereof with the use of those basics” (Javadi Amoli, 2008a, p.78).

### **1.5. Analyzing the Problem for Solving it and Avoiding Sophistry:**

Now, we should return to the main problem, i.e. “can the mindset of Velâyat-e Faqih be elaborated based on the philosophical reasoning?” The issue can be approached from various angles each of which can be accordingly investigated in its relevant field of research. It has to be explored to see which of these issues is related to what area of the Islamic sciences:

“The problem is comprised of various issues. When various issues are combined within a unit appearance, the researchers are at risk of making mistakes. These mistakes are wholly called sophistry in traditional logics for the summation of a large number of matters within the format of a single problem” (Faramarz Gharamaleki, p.84). Therefore, the primary problem can be divided into more detailed sub-problems:

- 1) Can it be determined who should rule the Islamic society only by referring theories to the evident matters?
- 2) In case of having no access to the prophet and immaculate imams in the Islamic society, is it permissible to obey the government by the tyrannical powers?
- 3) If God commissioned certain individuals to the guardianship of the society, what would be the people’s duty before the government and vice versa?
- 4) Is the canon-intended leadership and guardianship compatible or incompatible with what has been independently achieved?
- 5) In case of being incompatible, which is preferred and superior?

Each question is related to one of the Islamic sciences. Considering the framework of the subject “Islamic political philosophy”, i.e. intellectual thinking through the use of the foundations of the absolute Islamic philosophy, the first question falls in the scientific area of the issues related to the Islamic political philosophy. According to the framework of the subject “Islamic political jurisprudence”, the questions 2 and 3 would fall in the area of the issues pertinent to this scientific field.

This science responds to the problems of the political verdicts. In fact, the subject of this science is “the doings of the canonically obliged persons”. In addition, questions 4 and 5 are shared by the Islamic sciences.

Therefore, the primary problem is rooted in the science of the Islamic political philosophy and it can be philosophically elucidated; however, it has to be approached by adopting correct perspectives. Next, using philosophical attitudes and by the assistance of the foundations provided by the absolute Islamic philosophy for the Islamic political philosophy, efforts will be made to find an answer to the primary problem.

## **2. Elaboration of the Velâyat-e Faqih’s Philosophical Reasoning:**

It was proved in the first section that the main question, i.e. “can the mindset of Velâyat-e Faqih be elaborated based on philosophical reasoning?”, can be approached from a philosophical perspective. In this section, philosophical proofs will be presented about the necessity of Velâyat-e Faqih. It will be justified firstly that the society needs a guardian (head); then, it will be proved that the guardian (proctor) of the society should be a jurisprudent having the knowledge of the beliefs, ethics and Islamic verdicts meaning that he has to possess minor, middle and major jurisprudential knowledge.

### **2.1. Reasoning in Favor of the Islamic Society’s Need for a Guardian (Proctor):**

The logical form of the reasoning takes the following form:

Theorem One: society is an imperfect real existence.

Theorem Two: every imperfect existence needs a guardian (proctor) for reaching perfection.



Result: to reach perfection, society needs a guardian (head).

It is necessary to discuss about the kinds of creatures in terms of imperfection and perfection as well as the human beings' physical and spiritual aspects.

### 2.1.1. Kinds of Creatures in Terms of Imperfection and Perfection:

One of the topics posited by the Islamic theosophists and philosophers is the classification of the creatures in terms of imperfection and perfection. They categorize the creatures of the universal system from the first creature which is the most perfect of them to the lowest creature as follows: 1) super-creatures; 2) totally perfect creatures; 3) self-existing creatures; and, 4) imperfect creatures.

“The thing that has been proposed by the Peripatetic school and, then, confirmed by the transcendentalists and was eventually presented by theosophists is that the things are divided in terms of perfection into four kinds with their order of descent being 1) imperfect; 2) self-relying, 3) perfect and 4) super-perfect creatures. Human beings are imperfect. Enlightenment and peripatetic schools have accepted that human beings are imperfect, angels are self-relying, sublime intellects are totally perfect and the God's divine existence is super-perfect” (Javadi Amoli, 2008c). “Human beings cannot rely in their existence and survival on their essences” (Sadr Al-Mota'allehin, 2010, p.420).

Imperfect creatures have two important features:

- They lack their existential perfection, i.e. their talents are potential.
- They cannot engage in their perfection alone and without any external aid.

In order to prove that the human beings are imperfect creatures, it should be seminally proved that the human beings have not had their existential perfection from the beginning and, secondly, in order to reach their perfection, they cannot use their internal capacity rather they must be aided from outside.

Human beings possess two aspects of physical existence and spiritual existence: their possessed apparent rapture and world which is the very physical and worldly body of them and the unseen internal world and rapture which is their spiritual world (Imam Khomeini, 2008, p.5). Therefore, both of the human beings' dimensions and raptures should be investigated.

### 2.1.2. Human Beings' Physical and Spiritual Dimensions:

#### A) The Physical Rapture and Dimension:

**Having no existential perfection:** it is evident that the human beings are very weak and unable in the beginning of their creation in such a way that they cannot keep on striving alone; gradually and in the course of maturation, they reach physical perfection. Thus, the humans' physical talents are potential in the infancy and they can be actualized in adolescence.

**The need for outside the body for reaching physical perfection:** in order to reach physical perfection, the human beings' body needs food, air, water and so forth. In this regard, the human beings like the other material creatures are in need of things outside their body for overcoming their imperfection: “imperfect like a tree that is at first not perfect and needs water, air, light and foodstuff and grows with these external factors” (Javadi Amoli, 2008d, p.292). Therefore, human beings are imperfect in terms of the physical dimension and rapture.

#### B) Spiritual Dimension and Rapture:

In the spiritual dimension, as well, human beings are imperfect for the fact that their talents and abilities are potential and they need a trainer for perfecting such talents.

**Potential Nature of the Human Talents:** “based on Sadraean transcendentalism that realizes the human soul as ‘physical existence and spiritual permanence’, every individual is actually an ‘animal’ in the beginning of his or her genesis and a ‘potential being’ and, based on the originality of existence, dubiousness of existence and existential buildup, the human soul which is physical in the beginning will eventually become abstract and spiritual in the course of a quintessential motion and the potential being turns into an actual being ...” (Javadi Amoli, 2010, pp.321-322).

**Human Beings Need for a Trainer and Guide:** in the beginning of creation, humans have no awareness of anything. They do not know from where they have come, where they are and where they are going. How can the human being who does not know anything about himself reach perfection without the assistance of the others? Therefore, mankind is in need of a coach and a guide who well recognizes himself and the universe and can get him to perfection. This point that the human beings need a coach and a guide for reaching perfection has been agreed by the great Shiite scholars and thinkers in the course of history.

“...It is not so in the nature of every human being that he knows his felicity and the things he must do to reach it rather there is a need for an instructor and a guide for recognizing the felicity and perceiving the actions the doing of which can get him to the farthest ranks of perfection” (Farabi, 2010, p.87).

Upon finding a guide, the human beings should be submitted to him and follow him in wayfaring and keep an eye on the traces of his footsteps” (Imam Khomeini, human beings, 2012, pp.402-403).

Thus, the human beings not only lack their existential perfection in both the physical rapture and spiritual rapture but they also need things outside their body and spiritual existence for reaching it.

Therefore, amongst the “four kinds, human beings are imperfect creatures that have not reached self-existing level leave alone the higher ranks” (Javadi Amoli, 2008, p.152).

### **2.1.3. Reasoning in Favor of the Human Beings (Their Existence)’s need for Guardian and Head:**

The reasoning takes the following form:

Theorem One: human beings (their existence) are imperfect.

Theorem Two: every imperfect being needs a guardian and a proctor for reaching perfection.

Result: for reaching existential perfection, human beings need guardian and proctor.

### **2.1.4. Reasoning in Favor of the Society’s Need for Guardian (Head):**

The type of a school’s recognition of the society and its way of perception thereof plays an essential and determinative role in its ideology. Therefore, it is necessary to clarify Islam’s perspective towards the society in the context of the Islamic ideology (Motahhari, 2008, p.13).

Shahid Motahhari believes that human beings enjoy a peculiar plurality meanwhile being purely unitary in such a way that they not only preserve a plural pack of their dependent faculties and forces to some extent but there is also established a sort of constant contradiction and struggle between their internal faculties. Society is the most advancing creature of the nature and the relative independence of its constituent elements is increasingly more (Motahhari, 2008, p.41).

Therefore, Allameh Tabataba’ei and Shahid Motahhari believe that the society enjoys an independent existence and originality in addition to the individuals’ existences and originalities.

“the real existence of the individuals in the external world is an evident matter hence not in need of proof but is another truth named society actualized through the combination of the individuals or not?” (Javadi Amoli, 2010, p.301).

It can be stated in sum that both the individuals and the society are real existences. It was also proved before that the individuals (human beings' existences) are imperfect and, consequently, the society, as well, possesses an imperfect existence. This conclusion can be made by juxtaposition of following theorems:

- The society's existence is the effect of the human beings' combination.
- In terms of the rank and perfection, the cause is an existence stronger than the effect.

Therefore, in terms of the existential perfection, the society is weaker and more imperfect than its components (the imperfect existences of the human beings). It might be stated that the imperfect existences can create a perfect existence by gathering around one another and through combination in such a way that every one covers the flaw of the other; however, it must be noted that overlapping only occurs in the "nominal combination" (here, the topic is the real combination not the nominal one). Overlapping means that the result of the combination is the very effect of the components in while and this feature is amongst the properties of the nominal combination.

The following reasoning is obtained from summing the previously stated materials:

Theorem One: the society is imperfect.

Theorem Two: every imperfect being needs a guardian (perfect) for reaching his perfection.

Result: in order to reach perfection, the society needs guardian (perfect) (Kholghi, 2014).

Sadr Al-Mota'allehin believes that the society, like human beings, needs a strategist and a leader: "in the beginning of his book 'the origin and the destiny [Mabda'a Wa Ma'âd]' as well as in Al-Shawahed Al-Rabûbiyyeh [the divine evidence], Mulla Sadra insists that the society is like an individual and in need of a strategist; society is like the world and in need of a leader ..." (Javadi Amoli, 2008g, pp.153-154).

It has to be noted that when it is stated that "human beings are imperfect", it does not address any special era or any given person meaning that it is not so that the people of a certain time have been so or the people of a given land have been so; no, it is not so; all of the human beings obey the same rule based on a true assumption; they cannot individually and wholly be persisting unless reasons and factors externally protect and supply them" (Ibid, 2008h, p.128).

## **2.2. Proving the Jurisprudential Nature of the Society's Head:**

In this section, a sort of reasoning will be presented that will show that the first condition and qualification and, of course, the most important one, that the head and the guardian of the Islamic society should have been his jurisprudential nature. The logical form of the reasoning is as follows:

Theorem One: the head (guardian) of the Islamic society should guide the human beings on the path of reaching perfection.

Theorem Two: a person possessing minor, middle and major jurisprudence can guide the Islamic society towards perfection.

Result: the guardian and proctor of the Islamic society should possess minor, middle and major jurisprudence.

As it was discussed, the human beings are imperfect existences; therefore, in order to reach existential perfection, there is a need for a guardian and a proctor. The human beings need a proctor and a guardian and a guide to guide them towards perfection.

It is evident that a person having awareness of the human beings' talents can guide them towards perfection; he should know what can enable the humans reach perfection. Thus, the proctor and guardian

of the society should have enough information about the existence and position of the human beings in the universal system and he must know what actions and thoughts cause them to reach the existential perfection.

### **2.2.1. The Three Ranks of the Human Ego and the Relationships between their Perfection:**

The human ego possesses three ranks, namely apparent, imaginary and intellectual, each of which can reach the optimal perfection by means of certain appropriate actions. Imam Khomeini (may Allah sanctify the sacred soil of his tomb) believed in three raptures and ranks for human ego. In his mind, each of these three ranks are interrelated in such a way that the effect of each influences the other on the path of reaching perfection or remaining imperfect.

- 1) The worldly apparent possessed rapture: the manifestation of this apparent existence is the limbic senses and exemplary format;
- 2) The intermediate limbic rapture: it is manifested in the internal senses and the body;
- 3) The internal non-seeable rapture: it is manifested in the heartfelt things and internalities (Imam Khomeini, 2007, p.86).

Each of these ranks is related to the other based on appearance, internality and manifestation. So, should a person want to reach existential perfection, s/he has to get all of his or her three ranks to perfection.

“O’ dear, you should know that the human beings are the only creatures that possess intellectual, exemplary and sensory ranks with the unseen world and intuition being latent in them” (Imam Khomeini, 2016, p.5).

It can be stated in short that:

- The person who shoulders the responsibility of the Islamic society should guide the human beings towards existential perfection.
- The human beings’ existential perfection is based on their existential structure.
- Human beings are multidimensional creatures and all their existential ranks and positions should reach perfection.
- Meanwhile being expanded creatures, human beings possess three ranks of appearance, imagination and intellect and each of these reaches perfection based on certain actions and educations.
- To rear all the three ranks, proportional actions related to a given rank should be done.
- Major, middle and minor jurisprudence types are responsible for finding the actions related to each rank and rapture.

So, it can be concluded that the first and the most important condition and qualification that should be existing in a person so that he can head the society is that he has to possess all the foresaid three jurisprudence kinds.

It appears according to this analysis that “Sadr Al-Mota’allehin does not believe in guardianship of a non-philosopher person rather he believes in the guardianship of the most qualified jurisprudent (expert in major and minor jurisprudence) like Imam (Imam Khomeini) in the present era. Therefore, the difference between the Velâyat-e Faqih types introduced by transcendentalism and other schools of thoughts lies in the idea that the former believes in the Velâyat-e Faqih of the most qualified and the highest ranking

jurisprudent (Faqih) but, in the other schools of thoughts, a jurisprudent with the same one-dimensional form can become a guardian. Therefore, the application of terms like “philosopher”, “prophets have been philosophers” and so forth that have been narrated from Plato and Aristotle can be evaluated in the same regard. ... Considering Sadr Al-Mota’allehin’s perspective about the Velâyat-e Faqih, it has to be stated that he firstly believes in intuition, discovery, ideology and excellent stages of science and action for the prophets and, then, states that the exegetes are the embodiments of the prophets; so, the exegetes are in this regard the most qualified intermediaries and, if, as he says, exegetes are the intermediaries between the prophets, immaculate figures and people, they should be envisioned as the most qualified jurisprudents otherwise he is not expected to believe in such a position for a one-dimensional exegete” (Javadi Amoli, 2008a, pp.89-90).

### 3. Conclusion:

The present article dealt with the question that “can the mindset of Velâyat-e Faqih (Islamic jurist's guardianship) be elaborated based on philosophical reasoning or not?” At first, it was made clear as to in what areas should the Velâyat-e Faqih be investigated. Next, following the analysis of the more detailed matters, it was demonstrated that there are several secondary problems latent inside the main problem and that it should be clarified based on the definitions offered for each of the Islamic sciences that what subject can be investigated inside which field of science; the result was that it is possible to offer a philosophical elaboration for the problem. It was shown that the intention of guardianship (Velâyat) in discussions on Velâyat-e Faqih is the guardianship of the well-educated persons not the guardianship of the incapacitated persons; this was the mistake in which the rejecters of the Velâyat-e Faqih had been entrapped. It is clear that the intention by jurisprudence in the term “Velâyat-e Faqih” is the person having perfect knowledge of minor, middle and major jurisprudence. Following the investigation of the imagined basics of the Velâyat-e Faqih, philosophical elaboration of the matter were explored and the affirmative foundations were presented. In the end, adopting a philosophical approach and assisted by the premises provided by the absolute Islamic philosophy to the Islamic political philosophy, answers were found for the main issue.

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