

# *Velayat-e Faqih* and Shi'a political thought and governance

Islamic Political Thought (BSS474)

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# [ The concept of *Velayat-e Faqih* ]

- A guardianship of an Islamic Jurist
- Emerged from Imamate, based on Quran
  - Allah is the Guardian of the believers. [Chapter 3, Verse 68]
  - Allah is the Guardian of those who believe. [Chapter 2, Verse 257]
- *Velayat* (rule, supremacy, sovereignty) derived from the word *vali* (friend, supporter, protector)



# The concept of Velayat-e Faqih

- The absolute authority and guardianship of Allah forms a central pillar of *Imami* political thought
- Imam delegates authority to those who possess specific qualities (*fuqaha*)
  - Common for all Shia theories
  - Differ in the role of ruling *fuqaha*
    - Delegated directly by Imam -> people need to obey (ayt. Montazeri)
    - *Vali* has to be just and law expert, if people follow him, he is legitimate leader (ayt. Khomeini – *entekhab* theory)
- Old idea, not invention of Khomeini
  - 16th Century - Muhaqqiq al-Karaki – *fuqaha* should agree about one chosen *faqih*, who represents hidden imam on Earth
  - 18th Century - Molla Ahmad Naraghi, Mohammad Hassan Najafi...

# The concept of Velayat-e Faqih

## ■ *Faqih's* duties

- Political and religious orders and prayers
- Legal punishment
- Collection of Islamic taxes
- Declaration of defensive *jihad*



■ In 1970 promoted by ayt. Ruhollah Khomeini – lectures, book, basis of the current constitution of Islamic Republic of Iran

■ Islamic revolution 1979 brought the concept to reality

■ Fully qualified *faqih* (*mujtahid*) is the deputy of hidden imam

- it is obligatory to refer to him in judgement and accept his verdict

# [ The concept of Velayat-e Faqih ]

- The clergy appoints the fully qualified jurist
  - but to put this appointment in practice depends upon the acceptance of the people
- Khomeini: „The imam designated and appointed *fuqaha* to exercise functions of both government and judiciary,,  
- A clergy rule / governance
- „In the absence of the Imams, the just jurists have been required to carry out these tasks.,,
- The *vali al-faqih* issues *hukm* (order) for all Muslims, not only as *fatwa* to those who follow *marja-e taqlid*

# [ The concept of Velayat-e Faqih ]

- The command issued by a jurist as *vali al-faqih* in the administration of justice is obligatory for everyone!
  - Reference to Imam Sadeq (6th) – prohibition to obey tyrannical or illegitimate authority
  - „If such a person orders (judges) according to our ruling and the person concerned does not accept it, then he has shown contempt for the ruling of God and rejects us.“
  - „And he who rejects us, actually rejects Allah and such a person is close to *shirk*“ - Ja'far al-Sadeq

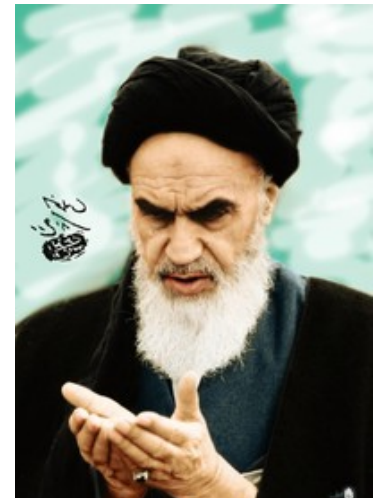
# The concept of Velayat-e Faqih

- Difference between Islamic republic and Islamic governance
  - IR - compatible with „religious democracy“
  - IG - People don't understand, what is good for them (no participation)
- Not to confuse with *velayat-e mutlaqa* (government without limits - absolutism)
  - The leader is limited by *sharia* and the interest of people (constitution, political/moral/religious factors)
  - *Faqih* can in emergency situation (*maslaha*) declare *hokm* in opposition to obligatory laws (*haram, wajib*) of *sharia*.  
-> Application of so called *secondary rule*

# The concept of Velayat-e Faqih

## ■ Ayt. Khomeini:

- *The ruler can destroy a mosque or a house that sits in the route for a road, and pay the price to the owner. The ruler can shut down mosques in times of necessity.*
- The government can temporarily prevent the *hajj* pilgrimage – which is one of the most important divine practices – in situations where it deems it to be contrary to the interests of the Islamic country.





# [ The concept of Velayat-e Faqih ]

- But (!) there has to be control over such decisions
- In the Iranian constitution a group of experts elected by people supervise and control the leader
  - Article 111 says: Whenever the leader becomes incapable of fulfilling his constitutional duties, or loses one of the qualifications, or it becomes known that he did not possess some of the qualifications initially, he will be dismissed.
- So...The constitution had placed responsibility for *faqih*
- The role of the people within the period of occultation increases
  - Duty to acknowledge their governor among the *fuqaha* directly or through a selected group of *fuqaha*

# Iranian Political System

Theocracy  
Explained:



# [ Unique Political System ]

- Nor presidential republic, nor parliamentarian republic
- No type of authoritarian regimes according to J. J. Linz
- Specific and unique system all over the world
- High stability and rigidity  
– 40 years



# Basics of Political System

- Important role of the leader with high demands on his fairness, justice and morality – weakness and risk?
- High connection between religion and politics – Shia based rationality and secondary rule
- Limits of democracy in favour of morality and religious values



# [ Basics of Political System ]

- All the power comes directly or indirectly from the people, but...
- ...important role of informal interest groups or lobbies
  - Seminaries + foundations,
  - Universities,
  - *Bazaar*,
  - Revolutionary Guards,
  - official or unofficial political parties and movements etc.

# [ Political Party System ]

- High dynamics of political party system
- High fragmentation
- Lack of strong hierarchy, power structure and members' discipline typical for Western party systems -> factions?
- Unclear and difficult to characterize cleavages within Iranian politics

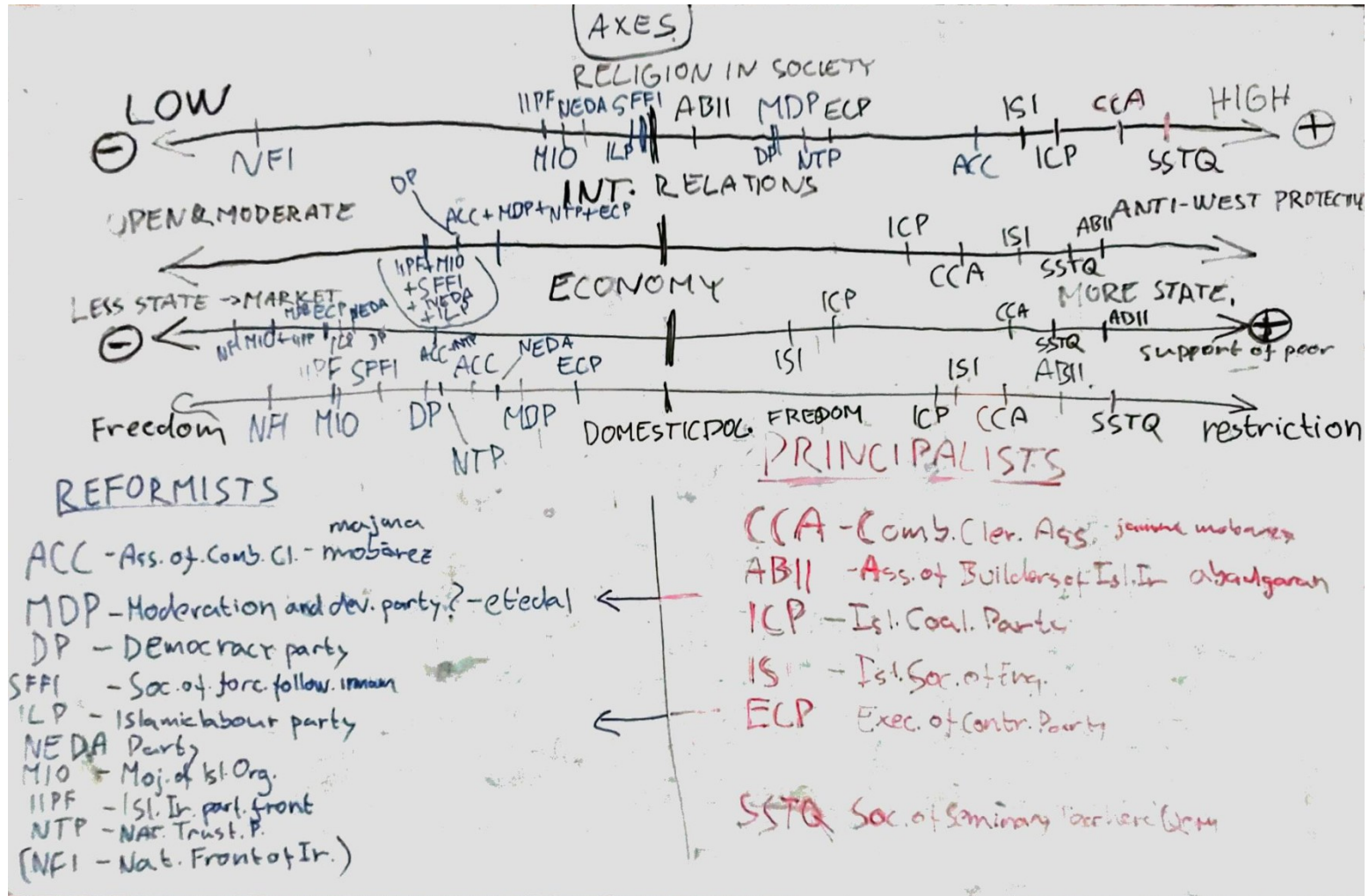
# [ The Cleavage Theory ]

- Stein Rokkan
- Main cleavages (axis) for political parties in the West:
  - Centrum X Periphery (nationalism)
  - State X Church (secularism)
  - City X Countryside (urbanism)
  - Employers X Employees (economy)





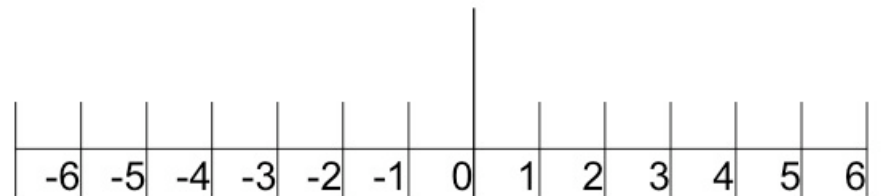
# Main Cleavages in Iran





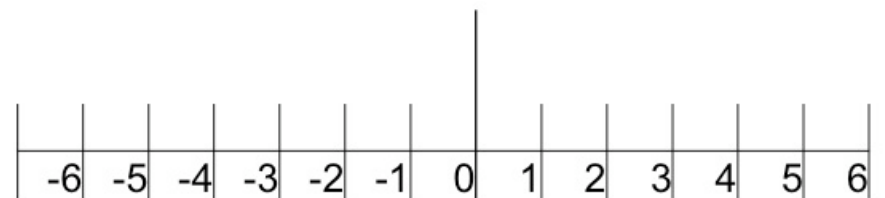
# Main Cleavages in Iran

- Dominant topic is religion
- Possible axis:
  - Religion in society  
Secularism X Theocracy
  - Domestic policy  
Individual Freedom X Restrictions



# Main Cleavages in Iran

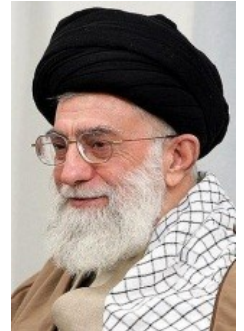
- Other axis:
- The International relations
  - Open to West and talks X Anti-West and protective
- Economy – the most difficult cleavage
  - subcleavages and axis?
    - Less state (market oriented) X State interventions
    - Open economy to abroad X Resistent economy
    - Any other?



# [ Main Bodies of Ir. Pol. Sys. ]

## ■ The Leader (*rahbar*)

- Supervision over executive, legislative and judicial power (using other bodies for supervision)
- Authority over foreign politics and security
- Just and wise, good politician, *mujtahid* is enough (not *marja*)



## ■ President + cabinet

- Executive power over domestic issues
- Elected for four years term, two-round majority vote



## ■ Parliament (*Majlis*)

- Four years term,
  - 270 elected individuals according to mandates number
- Legislative power – law approval, international deal ratification...
- Ministers approval



# [ Main Bodies of Ir. Pol. Sys. ]

## ■ Assembly of Experts

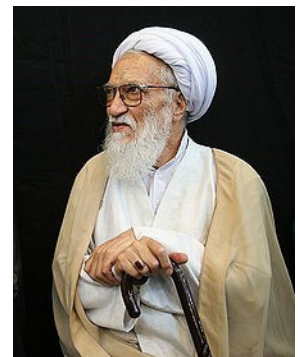
- Elects the leader, supervises his activities
- Elected for 8 years in two round voting
- *Mujtahid* passing religious exam in Qom

## ■ Guardian Council

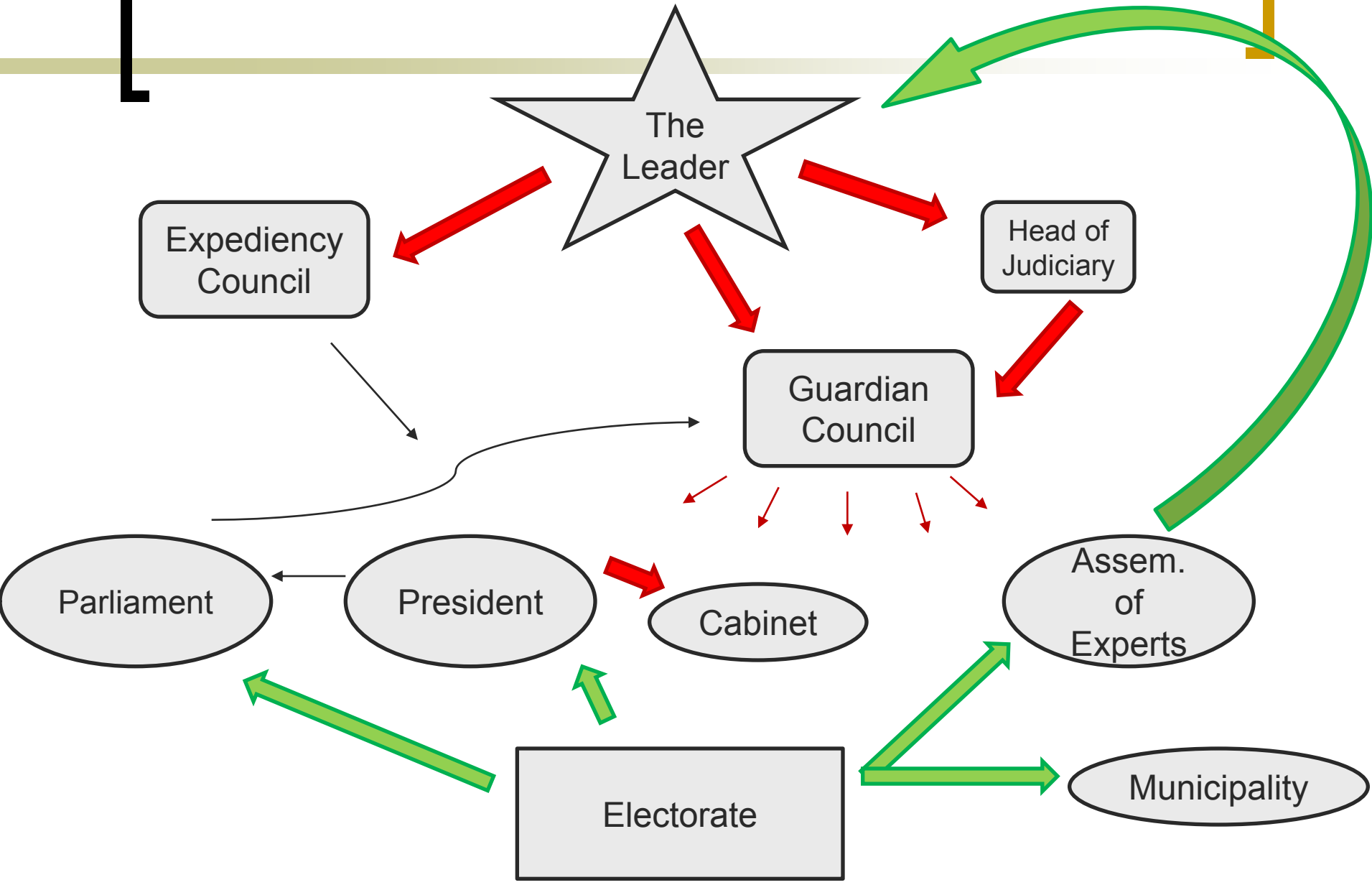
- Selected (not-elected)
- Revises laws according to *sharia*
- All candidates revision

## ■ Expediency Council

- Based on *maslaha* and secondary rule
- Selected by the leader, four years term



# Political System of Islamic Republic



[ Thank you for your attention! ]

○ Time for Q&A

**"One who says that religion is separated from politics has denied God, denied the Messenger of God, and denied the Imams of guidance."**

**- Imam Khomeini (ra)**

