



## Comparative Analysis of Feghhi Theories about the basis of the Legitimacy of the Theory of Religious Democracy

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### **Abstract**

Religious democracy is considered to be the most important basic theory or doctrine in contemporary political Islam, which was gradually formed with the victory of the Islamic Revolution and the formation of the Islamic Republic system and is on the way to implementation and evolution. Religious democracy has entered the political scene of the Islamic society in a situation where it has to compete with the liberal democracy system that has gained significant popularity in the world. The categories of "democracy" among political thinkers have a variety of interpretations; When this category is combined with religion and gives rise to a new definition called religious democracy, the amount of diversity, multiplicity and difference of views regarding its concept, basis, and possibility is increased. One of the main causes and foundations of this multiplicity and difference is the different views that have been formed about the legitimacy of the religious democratic government among experts including jurists and religious scholars. Based on this, the main question of this research, which has been written using a descriptive-inferential and comparative approach, is what theories and views do jurists and religious scholars emphasize regarding the basis of the legitimacy of a religious or Islamic democratic government. Also, what position do they have regarding the concept and rank of religious democracy and especially the position of the people in this type of Islamic system. The results and findings indicate the presentation of three theories of "divine installation or legitimacy"; The theory of "choice or popular legitimacy" and the theory of "combination or divine-popular legitimacy" by Foghaha are about the legitimacy of religious democracy in Islamic society.

**Keywords:** *Religious Democracy; Installation Theory; Selection Theory; Guardianship; Representation; Jurisprudential (Feghhi) Legitimacy*

### **Introduction**

There are various interpretations of religious democracy. Because this concept reflects many meanings and can refer to various meanings. As:

- Religious people should rule.
- A religion that brings dignity and respect to the people should rule.

Religion should rule in a democratic way.

- It should be the rational planning of the society with the legal supervision of religion.
- The pure minds and consciences of man, which are the executors and the agents of the manifestation and the implementation of God's will, rule over mankind (Jaafari, 2016: 297-304).
- The fluid ijthihad understanding of religion, which is in harmony with the rules of collective reason, should rule (Soroush, 2013: 279-283).

Even though the mentioned interpretations have not expressed the full form of religious democracy and need to be refined and increased, they are blessed because they express the effort and knowledge of the degree to open up its premises, conditions and meanings.

In this research, religious democracy is a model of government that is based on the divine-popular legitimacy of the government, and at the same time that it considers the will and will of the Holy Prophet to be the first, it also gives authenticity to the will and will of the people and believes that the people are responsible for the formation, continuity, and efficiency of the government. And the prosperity of the government played the main role and in fact they are the main owners and observers of the government. The theory of religious democracy was founded by Imam Khomeini, and after him, Ayatollah Seyyed Ali Khamenei, the supreme leader of the revolution, promoted, explained and continued this theory. The model of religious democracy in the theory of Imam Khomeini and Ayatollah Khamenei is not based on the separation of the concept of democracy and religion, but religious democracy is a concept in this theory. This concept is inside religion and is not something apart from religion. The location of this concept within religion and its emergence from Islamic culture has caused the nature of religious democracy in this theory to be different from other theories, both western and non-western. In this regard, the views and opinions of experts and scientific and religious elites regarding the concept and nature of religious democracy based on the fact that; What concept and level of democracy is desirable in their opinion and what basis they recognize for the jurisprudential legitimacy of the government is different and diverse and includes a set of viewpoints of supporters and critics. This article aims to explain and examine three theories and views among Shia scholars, namely; Theories "Installation", "choice" and "consolidation" are the basis of the religious legitimacy of the religious democratic government from the point of view of jurisprudence.

### 1- Research Background

In relation to the studies conducted on the origin of the legitimacy of religious democracy, as shown in table no. (1), two categories of research works can be distinguished, the category that has a general, general and comprehensive view, and the other category that focuses on the perspective of a person or A certain jurist or a certain period of time are:

The focus of the discussion	Writer(s)	Attitude angle	Type of Study
Resolving the contradiction and conflict between the divine nature of the system on the one hand and its popular nature on the other hand in religious democracy	Mohammad Hassan Haeri	Feghhi	General
Religious democracy in the Islamic republic or theo-democracy	Manouchehr Mohammadi	Feghhi, Legal and political	General
Reading, expansion and completion of religious democracy	Ibrahim Abbaspour	Feghhi, Legal and political	General
Comparison of religious democracy	Mohammad Rahim	Political	General

and liberal democracy	Eyvazi	Sociology	
Religious democracy: the democracy of the righteous	Mohammad Bagher Khorramshad	Political Sociology	General
Democracy; Examining a theory in two legal systems	Mohsen Esmaili	Legal	General
State and metaphor of trust in religious democracy	Ibrahim Barzegar	Political Sociology	General
The theoretical model of religious democracy from the perspective of Imam Khomeini	Ali Rabbani Khorasgani	Feghhi	Special and per case
The issue of legitimacy in Ayatollah Khamenei's theory of religious democracy	Mohammad Bagher Khorramshad and Parviz Amini	Feghhi	Special and per case
Religious democracy in the shrine of Ayatollah Beheshti	Seyyed Mohammadreza Marandi and Fatemeh Safdari	Feghhi	Special and per case
Religious democracy in the thought of Ayatollah Javadi Amoli	Mansour Mirahmadi	Feghhi	Special and per case
Martyr Motahari's political thought about religious democracy	Masoud Kaviani, Ali Shirkhani and Maqsood Ranjbar	Feghhi and Thought (hermeneutic)	Special and per case

In relation to the conducted studies, it is necessary to mention a few points:

- Most of the studies have dealt with the topic of religious democracy in a general and general way.
- The study method of most of the reviewed works is descriptive-analytical, and less attention has been paid to interpretive, inferential and comparative analytical approaches.
- Most of the works and studies have focused on understanding and explaining the concept of religious democracy and less on its legal legitimacy.

## ***2- Conceptual Reflections and Theoretical Literature***

### **2-1- Conceptual, Historical and Theoretical Nature of Religious Democracy**

Religious democracy is not one of the categories that Muslims have become familiar with for the first time through the experience of the West, but the experience of the beginning of Islam indicates that Muslims have been familiar with it since the past. that the reign of the Prophet for several years, the reign of Imam Ali is a witness to this claim. With the victory of the Islamic revolution, Muslim scholars once again paid attention to this category. In this regard, the leaders of the Islamic Republic, following the example of the Prophetic and Alawite government, have set a new example for the world. In a more precise statement, the important feature of this theory is that it was objectified in the discourse of the Islamic revolution.

Theoretically, religious democracy has its roots in the foundations of Islamic thought. Therefore, it has a fundamental conflict with western democracy. Since the Islamic government is committed to respecting the supreme position of the people in the matter of government, it cannot accept "Western democracy" and of course it is not the case that the rejection of "Western democracy" by the Islamic government means its tendency towards authoritarian patterns. The reason is that the religion of Islam does not reflect "tyranny" by nature. In the view of Grand Ayatollah Khamenei, "religion is not in the service of hegemonic policies, rather it considers the field of politics and the administration of society's

affairs as part of its territory" (Supreme Leader's message to Hazara Adian, 2016/8/7) in the above paragraph addressed To the religious and spiritual leaders of the world present at the Millennium Summit, the general term "religion" is used, which implies the non-imposed essence of all religions. It is obvious that the divine religion will maintain its non-imposing character by entering the political arena and not only will not support "dictatorship" and "tyranny" but will have the fight against it at the top of its political actions. Based on this, since the Islamic government is based on a special political discourse that is not compatible with the secularist and humanist discourse of the West, just as it cannot accept the method of democracy, it cannot practice "imposition" and "tyranny." Unlike other systems, this system is not a system of coercion, domination, and imposition of thoughts on the people." (Statements of the Supreme Leader, 2000/11/20).

Islam considers a new model, which is interpreted as "religious democracy". It is for this reason that "religious democracy" is defined as something different from "Western democracy", so it is not correct to equate it with democracy in terms of meaning. From the point of view of Grand Ayatollah Khamenei, the Islamic government has its own way of managing the society and it is not such that it can achieve its goals by using "Western methods". The reason for this is the value orientation of the methods and the fact that each method is based on values that limit its application. Therefore, since the Islamic government has its own values, it is obvious that it must also have a special governance method. At the same time, this method is opposed to Western democracy, but it also contradicts tyranny and dictatorship, as the leadership interpreted it as "religious democracy", a new method that can be considered as an independent and new method in the analysis of political systems: Today, religious democracy in the system of the Islamic Republic of Iran is a new word that has attracted the attention of many nations, personalities and intellectuals of the world. (Statements of the Supreme Leader, 2001/1/17).

Also, "religious democracy does not mean a combination of religion and democracy; Rather, it is a fact in the essence of the Islamic system; Because if a military wants to act on the basis of religion, it cannot do so without the people, while the realization of a real democratic government is not possible without religion" (statements of the Supreme Leader, 2001/1/2).

According to what has been said, this point that "religious democracy" is derived from western models is not considered correct, and on the other hand, if contemporary Western democracy is looked at from an Islamic point of view; It has many theoretical problems. Therefore, in explaining the concept of religious democracy, it can be said: Religious democracy refers to a model of government that is based on divine legitimacy and people's acceptance, and rules within the framework of divine regulations, rule of law, service-oriented, and creating a platform for growth and Material and spiritual excellence plays a role.

## **2-2- Jurisprudential (Fegghi) legitimacy of Religious Democracy**

### **2-2-1- Theoretical Basis**

Regarding the basis of legal legitimacy of religious democracy and the position of the people and the Islamic ruler in the age of absence, three categories of theories of "installation", "choice" and "combination" can be counted, which are mentioned below<sup>1</sup>:

A) Theory of installation or divine legitimacy: a theory that considers the jurisprudential legitimacy of the government through installation by God, the Prophet and the infallible imams, peace be upon them. According to this theory, the exclusive legitimacy is God's, who believes that there is no legal position for the people and their choices (Mantzari, Vol. 1, 2016: 406). And sovereignty and sovereignty

<sup>1</sup> Another theory has been proposed on the basis of the legitimacy of the government, which is silent about the quality of the appointment of the Islamic ruler and the conclusion of his imamate, but at the same time, it considers the governorship and government to be fixed for the righteous jurist; Not because of the appointment or representation of the infallible Imam, but because of the Sharia ruling regarding the subject (Mir Fattah Hossein Maraghi's theory).

are exclusive to God, the Exalted and Exalted, and legislation, government, and sovereignty belong only to Him - An al-Hikam al-Allah - (rule and government are not (permissible) except for God). This theory considers even the right of government for the Holy Prophet and the Infallible Imams to be subject to God's permission and appointment - and without intermediaries - and the rule and jurisdiction of the comprehensive jurists as well as from the Infallible Imams.) have been appointed to this position, it is legitimate (Mantzari, Vol. 1, 1988: 406).

The theory of the divine legitimacy of the government in the age of occultation (appointment theory) is that the sovereignty and the governorship belong to God; The ruler is determined by God's criteria and standards. This theory has no difference with the theory of choice in the context of the government of the Prophet (peace be upon him) and Imams (peace be upon him). Both emphasize the divine legitimacy of the rule of these holy beings, but the point of difference is in the rule during the absence. According to this theory, all fair and comprehensive jurists are appointed to the position of governorship and government by the holy Shariah and the infallible Imam; Although this installation includes all jurisprudents and holding this position is permissible for all jurisprudents; But when one of them takes the initiative in this matter and establishes a government and issues government orders, there will be no choice left, and the evidence for the installation of a jurist or the obligation of the jurist to establish a government will be definitive and determined, and on It is obligatory for people to obey him. The effectiveness of his Imamate will result in the effectiveness of his obedience, and it is inevitable that those who are not imitators of such a jurist must obey him in social affairs, and even other jurists are also required to obey him, and any kind of disturbance and violation of such a ruling as a jurist, violating the evidence of the jurisdiction of the jurist is forbidden (Amid Zanjani, vol. 2: 2004:251).

Also, based on this theory - which is mostly based on news and narrations - the role of the people in determining the Islamic ruler is only active, that is, their vote, opinion, and consent have no effect or benefit from the Islamic point of view and in granting religious legitimacy to the Islamic ruler and government. It only brings about the practical realization of the sovereignty of the Islamic ruler and the Islamic government, and the only basis of legitimacy and legality of the Islamic political system is indeed God. In a more precise statement according to this theory, the people do not have any role or effect in realizing the religious and shariah legitimacy of the government, but in practice and external reality, because every government in order to reach from power to action and so to speak, become effective, or if it becomes effective, Its affairs should be accompanied by the ease and support of the people, it should be approved and satisfied by them, therefore, the opinion of the people gains value. But this value and effect is only a practical value and effect, not a legal one; That is, people give actuality to the rule of the Islamic ruler, not (religious) legitimacy; In other words, people's vote and satisfaction has only a formative effect, not a legislative one (Mahdavi Keni, 2010: 25). Sometimes this problem is explained in such a way that a difference should be made between "acceptability" and "legitimacy"; Based on this way of thinking, people's vote does not affect legitimacy and people only play a role in acceptance; In other words, people are free to accept or not accept the government; But this acceptance or non-acceptance does not affect the legitimacy of the government. Legitimacy, according to this view, means the reasonableness and permissibility of a person's or a group's command over others. Believers of this theory believe that acceptability is different from legitimacy. Legitimacy is a divine matter, and what kind of ruler is legitimate is not within the scope of people's discernment; Rather, the jurists state the criteria of legitimacy according to the book and the Sunnah, and the people's vote is neither the totality of the people nor the partiality of the people.

b) The theory of popular choice or legitimacy: a theory that considers the jurisprudential legitimacy of the government through election by the people - directly or indirectly. According to this theory, the opinion of the people is involved in the legitimacy of the rulership of the Islamic society either directly or indirectly (such as the election of experts by the people and then the election of the leader by the experts). However, it should be noted that they do not consider this intervention as the whole issue, but believe it as a part of the issue, in the sense that the people are obliged within the scope of jurists who

have the conditions of jurisprudence and justice and other valid conditions in the Islamic ruler, Choose one of them so that his government is legitimized and his decisions about the people and society are effective and must be obeyed. This is where the difference between those who believe in the theory of choice in religious democracy and those who believe in democracy in western systems appears, because democracy, both in the case of law and in the case of law enforcement, puts the opinion of the people as the main criterion. , while those who believe in the theory of choice in religious democracy consider the law in the Islamic society to be the same as divine laws and regulations and consider its executor to have religious conditions. And the principle of legitimacy belongs to God, who leaves it to the people In better words, they believe that: "God has delegated the right to determine the collective destiny to the members of the nation, and based on this divine right, the nation has the authority and competence to make decisions about what is in the jurisdiction of the governments and from The authority of the jurist is considered delegated to the selected jurist.

c) Integrated theory or divine-popular legitimacy: In front of both "installation" and "choice" theories, the "integrated" theory is placed. This theory considers both God and the people to be the basis of the jurisprudential (religious) legitimacy of the government. According to this theory, the Islamic Ummah has the right to choose due to the authority and authority granted to it by God, within the framework of Sharia rules and the conditions and characteristics set by the Holy Law for the Islamic leader and ruler. This theory, which is called "unification", is based on the legitimacy of the dual political system (God and people); And he considers these two bases to be summable, but not necessarily summable. Therefore, in order to realize and complete their legitimacy, the Islamic government and ruler must acquire two levels and levels of legitimacy:

- 1 .Legitimacy in the qualification process; Its requirement is the fulfillment of the attributes and conditions stipulated in the Sharia proofs in the Islamic ruler (as the right of God) and as a necessary condition for the legitimacy of the government;
2. Legitimacy in the exercise of sovereignty; Its requirement is the acceptance and satisfaction of the Islamic Ummah as the owners of the government (as the right of mankind) and as a sufficient condition for completing the legitimacy of the government.

**Explanation:** In order to achieve the religious and jurisprudential legitimacy of the political system, the government must necessarily consider itself committed to the implementation of Islamic laws, and appoint someone as its head who has the qualities and conditions that are emphasized in the Sharia texts, but this condition, although for The legitimacy of the Islamic government is necessary and necessary, but it is not enough for the ruler to exercise legitimate power and authority over the people. Rather, the satisfaction and acceptance of the people is also necessary as a sufficient condition to complete the legitimacy of his government (cf. Ebrahimzadeh Amoli, 2015: 81).

## 2-2-2- Shia Jurists and the Basis of Jurisprudential Legitimacy of the Government

### A) Proponents of Installation Theory

Ayatollah Misbah Yazdi in the book "Islamic Government and Wilayat Faqih" and Ayatollah Abdullah Javadi Amoli in the book "Regarding Revelation and Leadership" have explained this theory the most. Of course, this view is not specific to these two jurists, and jurists such as Ayatollah Nasser Makarem Shirazi and Ayatollah Lotfollah Safi Golpayegani (cf. Safi Golpayegani, 1994) also have such a view.

Based on this point of view, the legitimacy of the jurist is due to his installation by the infallible Imam. In this way, this system derives its legitimacy from the legal guardian - not the other way around - and all the works of the three powers are valid when they bring the consent of the legal guardian (Misbah Yazdi, 1991: 162).

In this theory, the opinion and choice of the people does not give any legitimacy to the rule of the jurist, and the vote of the experts is actually a reference to Bineh; That is, people choose religious experts so that they can discover correct and knowledgeable jurisprudence and their testimony gives certainty to others (Misbah Yazdi, 1999: 25). In a more precise statement, according to Ayatollah Misbah Yazdi, "the role of the people in the structure of the government and government decisions, in terms of theory and legitimacy, is that the people examine who is more worthy to enact or implement the law, and then they vote for him and vote for him." It is like a suggestion to the leadership by the people, and in fact it is a pledge that they make with the legal guardian that if they appoint him to lead them, they will obey him. It is based on this that during the time of Imam Qudssara, when the majority of the people chose someone as the president, they said: I will appoint him who is approved by the people to the presidency. That is, people's opinion is a proposal that I accept" (Misbah Yazdi, 2002: 299).

Ayatollah Misbah, Imam Khomeini's words at the time of the appointment of Engineer Bazargan, the use of the word "I appoint" in the implementation of the decrees of the presidency of Bani Sadr, Rajaei and Ayatollah Khamenei, and especially the order to form a council to determine the expediency of the system, which is within the authority of the leader in the constitution He considers that it was not foreseen as a proof of the jurist's guardian being beyond the law, and the exercise of the jurist's absolute authority. He considers the formation of the Expediency Council as an allegorical sign of the authority of the leader stated in Article 110; That is, in normal circumstances, the jurist is in the same framework, but in extraordinary circumstances, the leader can make appropriate decisions according to his absolute divine authority (Misbah Yazdi, 1991: 42-44).

Regarding the installation of an Islamic ruler, Ayatollah Makarem Shirazi says: "In determining (or identifying) a legal guardian from among righteous jurists, the choice of the people cannot be relied upon, because based on the direct legitimacy of God, the people do not have the right to choose a guardian." besides, they are responsible for their installation and determination, but they do not have any role. However, in the event that not referring to the people's opinion and the negation of the election is considered as a weapon against the enemies of Islam and causes the weakening of the Islamic system, it is possible to refer to the people's opinion as a secondary and urgent matter." (Makaram Shirazi, Vol. 1 1990: 516).

## **B) Supporters of the Selection Theory**

Many works have been written in this field, such as the book "Valayat Faqih, Government of the Salehs" by Nematullah Salehi of Najafabadi; The book "Nizam al-Hukm wa Al-Adara in Islam" by Mohammad Mahdi Shamsuddin; The book "Al-Khamini and Al-Dawlah al-Islamiyya" by Ayatollah Mohammad Javad Maghniyeh and especially "Derasat fi Wilayat al-Faqih" by Ayatollah Hossein Ali Montazeri are among the most important of them (cf. K. Firhi, 2003: 279-280).

Salehi distinguishes these two theories by dividing the theories of velayat al-faqih into "velayat in the sense of news" and "velayat in the sense of composition". He considers the believers of the installation theory to be the authority of the jurist in the sense of news, in such a way that; "Justified jurists are attributed to the guardianship by God" and the guardianship of the jurist is in the sense of creation in the form of; "People should elect a qualified jurist to the province," he says.

In defense of the concept of establishing the authority of the jurist, which gives the main role to the people's choice, he believes that the appointment of a jurist by God in the sense that all jurists - or an unspecified jurist - have a guardianship from God is impossible and possible at the stage of proof. Not imagination. In the proof stage, there is not enough evidence for it. Therefore, the rational and narrative reasons for the authority of the jurist should be considered to be related to the concept of the creation of the authority of the jurist (Feirahi, 2003: 281-281).

Ayatollah Mohammad Mehdi Shamsuddin, one of the contemporary scholars and the vice president of the Supreme Assembly of Shiites in Lebanon, expresses his opinion regarding the elected

government as follows: "During the time of the infallibility of the ummah, the ummah is responsible for its political destinies within the framework of Islamic Sharia and based on It has a province. Man is responsible in his own life and society is his own guardian. Because the Ummah is in control of its destiny and destinies. He chooses the form of his political system, which is based on violence at all stages. Jurisprudence is not considered one of the conditions for the head of the elected Islamic government. "Government should be proportionate to the nature of the society from which it is born. The government should boil from within the nation, have faith in people's minds and use human experience. The legitimacy of the government in our era is based on the following points: First. Protection of the principles of the second Shariat. Supporting all elements of his nation, both Muslims and non-Muslims. Third. Providing the prerequisites for the development of all the existing cultures in the society, the goal of establishing the Islamic world state (in the age of the disappearance of the innocent) has no jurisprudential basis.

Ayatollah Montazeri also follows similar arguments with additions and more order, and in a set of other arguments, he installs the elective governorship subject to the assumption of not proving the claim of the theory. In explaining the impossibility of general installation and its violation in the position of proof, he puts forward the hypothesis that at a time more than one jurist has the conditions of guardianship, and he puts forward five conceivable possibilities in such a situation and gives serious objections to each of them enters.

First. All qualified jurists of an age should be appointed by the imams in a general way. In this case, each of them has actual guardianship and has the right to exercise guardianship independently.

Second. All jurists generally have guardianship, but it is not permissible to exercise guardianship except for one of them.

Third. Only one of them has been appointed to the province.

Fourth. All of them should be related to the province, but the actions of the province of each of them should be bound by harmony and consensus with others.

Fifth. All of them should belong to the province, which in fact all of them have the status of a single imam, and it is obligatory to agree and coordinate with each other in the implementation of the province.

In the invalidation of each of these possibilities, he refers to many rational reasons and traditions, and in the end, he considers it impossible to install the jurists; He also presents 26 other rational and narrative reasons to strengthen the view of concluding the Imamate with the choice of the Ummah.

The defenders of the selection theory also refer to some of Imam Khomeini's speeches and writings and polls, the sixth, fifty-sixth, one hundred and seventh and one hundred and forty-second principles of the constitution, and especially principle 111, which allows the removal of the leader, and principle 142, which examines property. They refer to relevant leadership. Najaf Abadi also mentions the words of Ayatollah Khamenei in his Friday prayer sermons in Tehran on November 12, 1982: "Even the position of leadership is done by the people's choice according to the system of the Islamic Republic and our constitution, which is inspired by religion and Islam. It is the people who choose the highest official of the country...that is, they choose the leader, they want the leader to be the leader...everyone ultimately returns to the people's choice."

In support of the selection theory, Hashemi Rafsanjani also points to the process of determining the leader by the Assembly of Experts and says: "Some people emphasized the theory of discovery and said: Our role is to discover what is actually determined; But I think that at any time there may be a large



number of qualified jurists, but eventually one of them must be chosen... There may be a mistake in the choice; It means that the majority of the members of the Assembly of Experts should vote for one person, but at the same time, there should be a correct person in the society. In such a case, what do the supporters of the theory of discovery say, they should accept the person who was chosen, but it is not the real thing" (Hashmi Rafsanjani, 2006: 22).

### C) Supporters of the Unified Theory

As mentioned earlier, according to this view, although God has appointed the jurists to implement the rulings and form the government, the condition for the implementation and implementation of this province is the existence of public votes of the people, and without the people's favor and the fulfillment of the condition, the formation of the government and in fact, Tuli and Implementation of the province will be illegal for the jurist. This view considers not only the rule of the jurists, but also the rule of the innocent to be subject to this condition (Arseta, 2010: 450).

In the meantime, Imam Khomeini's initial words, including in the jurisprudential topic of *velayat-e-faqih*, show his tendency towards the appointment theory; However, what he has stated on the eve of the victory of the revolution and in the first months in several cases, shows that he is inclined towards the third theory and a kind of integration, and what is clearly and explicitly on his jurisprudential point of view in the integration between the principle of proof of guardianship based on the installation of a On the other hand, the rise of the majority of the people indicates the legitimacy of the responsibility and responsibility of the jurist in the position of action and execution. This is the answer to a question that was asked of them in 1987, and its appearance is limited to the jurisdiction of the jurist and does not include the infallible imams. (Sahifah Imam, vol. 15, 1999: 459).

In Shia political thought, various theories have been presented about the bases of legitimacy, the most important of which is the basis of divine legitimacy and the divine legitimacy of the people, which is interpreted from the first point of view as the point of appointment and from the second point of view as the point of selection or combining the two. Imam Khomeini, in explaining the basis of the legitimacy of sovereignty, believes that according to the rule of reason, ruling and ruling is the exclusive right of God Almighty, and He is the absolute owner and sovereign of this world, and no one has the right to reign over others except Him.

God has given this right to the Prophet and the Prophet entrusted it to Amir al-Mu'minin Ali and the infallible imams after him. He considered the guardianship of the jurist to be a command from God and the same as the guardianship of the Messenger of God (Sahifah Imam, Vol. 10, 1999: 308). And according to the rational and narrative reasons of the authority of the jurist, the comprehensive jurists have considered the conditions appointed by the infallibles. According to him, the guardianship of the jurist originates from the guardianship of the innocent, and their guardianship has a divine origin, and all the governmental powers of the Messenger of God and the pure Imams have been entrusted to the jurists (Imam Khomeini, *Al-Ijtihad wa Taqlid*, 2005: 24- 22).

Imam Khomeini (may God bless him and grant him peace) has pointed to the hadiths that document the authority of the jurisprudence, and although there may be a problem with the evidence of each of these hadiths, the hadiths as a whole point to the fact that the most certain of the legitimacy of the authority is the just authority of the jurist; Among them, under Maqboola, Umar bin Hanzalah, in line with other jurists (Naraqi, Awaed al-Ayyam, 2001: 536), considered the various parts of the narration to be the state of the public authority for the jurists, and did not accept the allocation of the meaning of the narration to the chapter of *qadha* and *afta* as suggested by some jurists. (Imam Khomeini, *Ijtihad wa Taqlid*, 2005: 26-30). He has also accepted the implication of the sign attributed to Imam Zaman and the famous *Abi Khadijah* on the appointment of jurists to public authority (Imam Khomeini, *Wilayat al-Faqih*, 2009: 83) and in response to this problem that if Imam Sadiq appoints a person to judge or installed by the government, its validity is only at the same time. After stating that it is obligatory for the jurists to form a Shariah government collectively or

individually in order to implement the limits and maintain the loopholes of the system, he considered this to be an objective obligation for an individual who is possible, otherwise it is a sufficient obligation and reminded that if the jurists succeed Even if they do not form a government, they will not be removed from the province (Imam Khomeini, *Velayat al-Faqih*, 2009: 42).

After the victory of the Islamic Revolution, Imam Khomeini also emphasized the role and position of the people, and continued to speak about the divine legitimacy of the religious authority and the Islamic government. Therefore, the words of those who think that their words about the role of the people after the victory of the Islamic Revolution, are abrogation of their views about the divine legitimacy of the legal authority before the victory of the revolution, are not true; As he mentioned during the introduction of the interim government, by means of the province he has from the Shariah, Mahdi Bazargan was installed as the prime minister and he considered following his government as obligatory and opposing it as opposing the Sharia (*Sahifah Imam*, Vol. 6, 1999: 59). Also, in the order to enforce the presidency of Seyyed Abul Hassan Bani Sadr, after referring to the majority vote for Bani Sadr, he mentioned that because its legitimacy must be based on the installation of a comprehensive jurist, he enforced the vote of the nation and installed Bani Sadr as the president, and noted that the approval and installation and The vote of the Muslim nation is limited to not violating the holy rules of Islam and obeying the constitution.

Imam Khomeini (may Allah be pleased with him) then asked Bani Sadr to guard the responsibility entrusted to him by the will of the nation and the constitution as a divine trust (*Sahifah Imam*, Vol. 12, 1999: 139). He also mentioned in the ruling to enforce the presidency of Mohammad Ali Rajaei, because its legitimacy must be established by the appointment of a jurist, the vote of the nation is enforced and Rajaei is appointed as the president of the Islamic Republic of Iran. The nation also voted for him in the same range (*Sahifah Imam*, Vol. 15, 1999: 67). As in the presidential decree of Seyyed Ali Khamenei, he implemented the people's vote and installed him as president. (*Sahifah Imam*, vol. 15, 1999: 279).

In another place, Imam Khomeini (may Allah be pleased with him) after referring to the words of the opponents of velayat faqih, considered the non-faqih government as a tyranny and reminded that even if the president is not installed by a faqih, it is illegitimate and a tyranny. The tyranny of the government disappears when the government is somehow connected to God (*Sahifah Imam*, Vol. 10, 1999: 221). In a message on the occasion of the election of the Majlis of Experts, he considered all the affairs of the government and its organs, including the legislative, judicial and executive branches, as illegitimate and tyrannical until they find legitimacy from the Holy Sharia and God, the Blessed and Exalted. He called it one of the great tasks of God (*Sahifah Imam*, Vol. 17, 1999: 133).

However, Imam Khomeini paid full attention to people's opinion and considered it as a condition in the implementation and practical formation of the government, and in his speeches, messages and interviews, especially in Paris, he focused more on the role of the people and how the Islamic government was formed in the form of The Islamic Republic paid (*Sahifah Imam*, vol. 4, 1999: 248). After entering Iran in Behesht Zahra, he reminded that because the nation accepts him, the government determines; A government that relies on the votes of the nation and the decree of God (*Sahifah Imam*, Vol. 17, 1999: 16). From his point of view, the form of government is not very important, unlike its content (*Sahifah Imam*, Vol. 5, 1999: 334). In the mentioned words, it is stated that the administration of the government is fixed for a jurist if most of the people have pledged allegiance to him; Hence, Imam Khomeini's address to the army on the 12th of Bahman 1978 (*Sahifah Imam*, Vol. 6, 1999: 20). And in Bazargan's order to the Prime Minister, the legitimacy of the formation of the interim government - before the approval of the constitution - is based on the right of Sharia guardianship as well as the legal right resulting from the votes of the overwhelming majority of the nation - which was expressed in large gatherings and large and numerous demonstrations throughout Iran. - Documented it (*Sahifah Imam*, Vol. 6, 1999: 54). This type of stance from him and attention to the right of Shari'a guardianship, in addition to relying on the majority vote, has also been observed in other cases, including the establishment of the Revolutionary Council

(Sahifah Imam, Vol. 5, 1999: 426); But he answered in a clearer way on 29 January 1987, in response to the question of his representatives in the Juma Imams' Secretariat about the conditions under which the Islamic jurist has guardianship over the Islamic society: "Veloyat exists in all forms, but taking over the affairs of Muslims and forming the government It depends on the votes of the majority of Muslims, which is also mentioned in the constitution, and in the beginning of Islam, it was interpreted as allegiance to the guardian of Muslims" (Sahifah Imam, vol. 20, 1999: 459).

On the other hand, Imam Khomeini emphasized on people's choice, freedom, and vote in addition to informing people about their divine duty (Sahifah Imam, Vol. 4, 1999: 349); In such a way that every person feels that he is making his own destiny and the country's destiny with his vote, and since the overwhelming majority of people are Muslims, Islamic standards and rules must be observed in all fields (Sahifah Imam, Vol. 3, 1999: 467). Imam Khomeini's intended government is a government that is both desired by the nation and pledges allegiance to someone who pledges allegiance to God (Sahifah Imam, Vol. 4, 1999: 460); In other words, from his point of view, the Islamic ruler must have both legitimacy and acceptability; Because if it is not accepted, Such a ruler can't form a government legally and practically (in the capacity of executive) and if it is formed, its continuity is faced with problems. Elections and pledge of allegiance and Imam Khomeini's emphasis on it are related to this dimension. However, a number of writers have mentioned that it is true that Imam Khomeini believed in divine legitimacy both before and after the revolution, but in the letter, he wrote to the Constitutional Review Council in the last days of his life, he left legitimacy to the people's vote. (Mezinani, 2000: 121). He mentioned in that letter that from the beginning he believed and insisted that the condition of authority is not necessary for leadership, but a just mujtahid approved by respected experts all over the country is sufficient. If the people voted for the experts to appoint a just mujtahid as the leader of their government, when they appoint a person to take the leadership, he is accepted by the people. In this case, he becomes the chosen guardian of the people and his ruling is valid (Sahifah Imam, Vol. 21, 1999: 371).

This is despite the fact that Imam Khomeini (may God bless him and grant him peace) believes in the view of divine appointment and legitimacy of the legal jurist, but at the stage of action and implementation, he also attaches great importance to the consent and will of the people and does not see any incompatibility between divine legitimacy and the will of the people. Therefore, from his point of view, people have a full-fledged role in the framework of Islam; Because if the legal guardian is not accepted by everyone and is not favored by the people, he will not be able to use the guardianship and will not be able to form a government practically and legally; Although his legitimacy is based on the decree and installation of Imams. His speech to the Constitutional Review Council can also be interpreted in this regard (Mezinani, 2000: 122); Because according to his belief, even if the legal guardian is not accepted by the people, he still has the guardianship and does not lose his guardianship (Imam Khomeini, Wilayat Faqih, 2009: 83). does not impose on people.

## **Conclusion**

Political systems are based on ontological assumptions. These ontological presuppositions determine the attitude of a nation towards the universe, man, and how religion and the world are related. The separation of religion from politics in secular and liberal democratic systems is due to these assumptions. The placement of religious democracy within religion and its emergence from religious culture and Shiite jurisprudence is not out of this framework.

In order to recognize and measure its performance, the religious democratic system has indicators such as popular acceptance, divine legitimacy of the ruler with specific and general installation, legitimacy of laws, consultation with the people and their participation in the administration of the society and valuing the people's vote, people's freedom in the Islamic system. and criticism of the rulers. In democratic thought and systems, including religious democracy, the concept of "people's intervention" is

a common conceptual core that defines the boundary of democratic systems from theory and non-democratic systems. The important aspect of the concept of people's involvement is the justification that each of the theories of religious democracy give for it, and from this area, we can witness different readings of religious democracy and its legitimacy.

According to this article, there are three broad views about the justification of people's intervention from the standpoint of "religious legitimacy", of course, each of them has different interpretations.

The theory of appointment (theory of the divine legitimacy of government in the age of occultation) is that the sovereignty and governorship belong to God; The ruler is determined by God's criteria and standards. This theory has no difference with the theory of choice in the context of the government of the Prophet (peace be upon him) and Imams (peace be upon him). Both emphasize the divine legitimacy of the rule of these holy beings, but the point of difference is in the rule during the absence. In fact, in both theories, the will of the people has no value if it opposes the rulings of Sharia and the goals of religion. It is the same: the just and resourceful jurist", but their difference is over the origin and basis of the legitimacy of the rule of the just jurist. Those who adhere to the theory of appointment believe that even during the time of absence, righteous jurists, like the infallible ones, were appointed by God to rule. This is where the difference between this theory and the selection theory becomes apparent; Here, the people are no longer the mediators of delegating the province to the jurists, and their vote and consent has nothing to do with concluding the legitimacy of the rule of the comprehensive jurists. Therefore, the government is both the right of the righteous jurist and his duty, and in the stage of concluding legitimacy, it is not a right for the people. But according to the theory of choice, the source of the legitimacy of the government is the people; That is, the Islamic Ummah due to the authority granted to it by God. It governs its political and social destiny. Therefore, he can choose one of the qualified jurists as the Islamic ruler with full authority within the framework of Sharia rulings. Therefore, according to this view, the Prophet or the infallible Imams did not appoint the jurisprudents of Jami al-Sharai't to the position of governorship, but they introduced them to the people as candidates for the position of governorship. It is the right of the people to choose one of them and give him legitimacy. Also, in the combination between installation and election, there is another theory that considers the role of the people not in the principle of proving the province, but as a condition for the legitimacy of ruling by a jurist.

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