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Why Wilayat al-Faqih?

In the previous chapter, we encountered the absolute priority of God as a fundamental component of Imami political doctrine. After all, it is He who has accorded the Holy Prophet and the Imams (peace be upon them) the authority to lead and govern the Islamic society (ummah), and '*Wilayat al-Faqih*' is an extension of this authority. However, while the *Wilayat* of the Imams has traditionally been verified according to Islamic theology (kalam), the guardianship of the jurists (*Wilayat al-Faqih*) is almost exclusively discussed within the sphere of jurisprudence (*fiqh*). Hence the universal authority of the faqih (*Wilayat* al- amma) must be substantiated according to ijtihad (juridical reasoning).

This method shall be referred to as an "internal justification" as it is intended to convince those who already accept the basic principals of the Shi'a creed. On the other hand, *Wilayat al-Faqih*, as a political model of guardianship, must be able to justify itself amongst other political ideologies; especially the democratic theories that essentially criticize any guardianship form of state. This approach is what we shall refer to as the "external justification" for the theory of *Wilayat al-Faqih*, and we shall return to it later.

The internal justification relies primarily on religious traditions narrated from the Holy Prophet and Imams, although some jurists also refer to rational arguments as well. Consequently, from the basis of Islamic jurisprudence, the authority of the faqih may be established according to sunnah (traditions) and reason (daleel al-aql).

Traditional Evidences for Wilayat al-Faqih

Imami jurists usually refer to a set of reports from the Prophet Muhammad and the Imams to establish *Wilayat* al- amma for the fuqaha. We shall examine a few of them here.

A Signet Letter (Tuqih)63 from the Absent Imam

One of the most reliable traditions adduced by scholars[1] for the purpose of this discussion is a report from the twelfth and absent Imam (May God hasten his reappearance). Shaykh al-Sadiq transmits in his book 'Ikmal al-Deen wa itmam an-Ni'ma' that Ishaq ibn Yaqub wrote a letter to the absent Imam asking

him about some concerns that he had. The Imam's deputy (Muhammad ibn Uthman al-Umari) conveyed the letter to him. The Imam replied:

As for events that may occur (*al-hawadith al-waqi'a*) [*when you may need guidance*] *refer to the transmitters* (*ruwat*) *of our teachings who are my Hujjah* (*proof*) *to you and I am the proof of God* (*Hujjatullah*) *to you all*[2].

Shaykh al-Tusi also transmits the narration in the book 'al- Qayba'[3] and other collections of Imami ahadith report the tradition from the books mentioned above.

Advocates of *Wilayat al-Faqih* often refer to the second part of the tradition, namely, "they are my proof to you, and I am the proof of God to you all" to establish the authority of the fuqaha. However, some scholars (such as Imam Khomeini) maintain that the first part of the hadith may also be used to establish the authority of the faqih. The first section of this narration encourages people to ask those who relate the traditions of the Imams (peace be upon them) about any new occurrences that they encounter. It is highly unlikely that Ishaq ibn Yaqub asked the Imam about what was to be done regarding religious questions; even ordinary Shi'a would know that in these cases of *fiqh* (jurisprudence) one should refer to the fuqaha (jurists). In fact, according to some narrations, people would recourse to the students of an Imam during his lifetime. Therefore, Ishaq must have been referring to something other than this by his question about 'al-hawadith al-waqi'a', Imam Khomeini says:

What is meant by hawadith al-waqi'a is rather the newly arising problems that affect the people and Muslims. The question Ishaq ibn Yaqub was implicitly posing was this: now that we no longer have access to you, what should we do with respect to social problems? What is our duty?[4]

It is necessary to establish what the Imam meant by 'ruwat' (narrators), when he commands his followers to refer to the narrators of traditions with respect to these new circumstances. After all, it is self evident that people who merely transmit traditions and narrate what they have seen and heard, without a comprehensive understanding of the science of ahadith or jurisprudence, are not qualified to undertake this duty. Therefore the Imam must have been referring to the fuqaha (jurists) who are experts in the interpretation and explanation of Islamic sources.

We mentioned earlier that most Imami jurists usually refer to the second part of this tradition to establish the guardianship of the jurists. The statement makes clear that fuqaha (ruwat) act as the proof (*Hujjah*) of the Imam in all matters in which the Imam acts as the proof of Allah. Imam Khomeini describes a 'proof of God' (or *Hujjah*) as someone who God has designated to conduct affairs; all his deeds, actions and sayings constitute a proof for the Muslims. If the proof commands you to perform a certain act and you fail to obey him, or if despite the existence of the proof, you turn to oppressive authorities for the solution of your affairs, then God almighty will advance a proof against you on the Day of Judgment[5].

In summary, being a hujjat implies the authority of one over his followers, and hence the injunctions of the holder of such a status must be complied with. Since the Imam as God's hujjat (the 'proof' that Allah

will not accept any excuses for disobeying) has designated the fuqaha as his *Hujjah*, the commands and directives of the fuqaha are as those of the Imam.

With regards to its chain of transmission (sanad), the only issue that arises is the existence of Ishaq ibn Yaqub. There is no particular attestation of him found in the Imami books of biography (Ela al-Rejal). Hence the question may be raised, how can we be certain that the letter was really issued by the Imam and that Ibn Yaqub received the letter? There is a difference between reporting an ordinary transmission and the claim that one has received a special letter from the Imam in the era of the minor occultation, during which, access to him is only possible through his appointed deputy. The key point, however, is that many great Imami scholars such as Shaykh Sadiq, Shaykh Tusi and specially Shaykh Kolayni, who were alive during the era of the minor occultation (and were experts in ahadith) mention the tradition as 'tuqih' which is sufficient evidence for a valid chain of transmission[6].

Maqbula of Umar ibn Hanzala

According to the science of ahadith, the 'maqbula' is a narration that has been accepted by fuqaha as a valid tradition without examining the authenticity or weakness of its chain of transmission. In other words, even though some of those who appear as its transmitters may be weak and unreliable, some evidences that support the soundness of the text compel the fuqaha to ignore such weakness.

Umar ibn Hanzala, who was a disciple of Imam as-Sadiq (pbuh) said[7]:

I asked Imam Sadiq whether it was permissible for two of the Shi'a who had a disagreement concerning a debt or an inheritance to seek the verdict of the ruler or judge. He replied: 'anyone who has recourse to taghut [*i.e. The illegitimate ruling power*]*, whatever he obtains as a result of their verdict, he will have obtained by forbidden means, even if he has a proven right to it. For he will have obtained it through the verdict and judgment of the taghut, the power that almighty God has commanded him to disbelieve in.*

"They wish to seek justice from illegitimate powers, even though they have been commanded to disbelieve therein". [***Al-Qur'an, Chapter 4, Verse 60***]

Umar ibn Hanzala then asked what was the correct action for two the Shi'a to take under such circumstances. Imam Sadiq replied:

They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as hakim [*judge*][8].

No Imami jurist disputes that this tradition firmly establishes the authority of a faqih with regards to the administration of justice (*Wilayat al-qada*). However, many leading scholars such as Mirza al-Nayini, Sayyid Mohammad Reza Gulpaayigani, Shaykh al-Ansari[9] and Imam Khomeini believe that the text does not confine the authority of a faqih to *Wilayat al-qada*. They assert that the Imam designated the

faqih as trustees of universal authority (*Wilayat al-amma*) when he said: "I appoint him [faqih] as hakim [judge]".

However, a judge's role is not limited to merely resolving disagreements amongst the people; their conflicts and disagreements compel them to not only recourse to judges, but also to possessors of political power. The tradition of Imam Sadiq (pbuh) unconditionally prohibits any referral to illegitimate authorities (*taghut*) and there is no reason to assume that the Imam solely commanded his followers not to refer to judges appointed by an illegitimate government, while allowing them to recourse to the same government for the regulation of their affairs. By appointing the faqih as hakim, the Imam made it incumbent upon all Shi'a to refuse any kind of recourse to illegitimate authority. Hence in all aspects of disagreement it is necessary for them to refer to a faqih, whether it is in a governmental or judicial capacity.

There are no problems surrounding this hadith's chain of transmission. All of the transmitters (Muhammad ibn Yahya, Muhammad ibn al-Hussain, Muhammad ibn Isa, Safvan ibn Yahya and Dawood ibn al-Husayn) are reliable. And although there is no specific confirmation that Umar ibn Hanzala himself existed, fuqaha generally accept this and other transmissions from him.

The Tradition of Abu Khadija

Fuqaha such as Imam Khomeini and Shaykh Muhammad Hassan[10] appeal to a famous transmission that was narrated by Abu Khadija (who was one of Imam Sadiq's companions), to argue in favor of *Wilayat al-amma*. The tradition is mentioned by Shaykh Tusi, Shaykh Sadiq, and Shaykh Kolayni. According to them, Abu Khadija said:

I was commanded by the Imam [*Ja'far as-Sadiq* (*pbuh*)] *to convey the following message to our friends* [*Shi'a*]*: 'when enmity and dispute arise among you, or you disagree concerning the receipt or payment of a sum of money, be sure not to refer the matter to one of these malefactors for judgment. Designate as judge and arbiter someone amongst you who is acquainted with our junctions concerning what is permitted and what is prohibited, for I appoint such a man as judge over you. Let none of you take your complaint against another of you to the tyrannical ruling power*[11].

The explanation of the argument here is similar to the previous narration. Even though the Imam says: "I appoint such a man as judge", a statement that explicitly concerns *Wilayat al-qada*, it is essential to recognize that the final section of this transmission is not merely a repetition. Rather it is a prohibition of recourse to tyrannical authorities in matters relating to the executive. In the first instance, the Imam has commanded his followers to turn away from illegitimate judges, while in the second he has prohibited them from referring to other illegitimate powers with regard to non-judicial issues. This indicates that the appointment of a faqih is necessary in all matters of judgment and of government.

Many experts in the field of biography (*Elm al-Rejal*) testify that Abu Khadija is a trustworthy narrator. In

addition, the hadith is well known amongst the fuqaha and classified as mashureh (famous), consequently there is no problem regarding its chain of transmission.

One might suppose that the designations issued by Imam Sadiq in the previous two traditions are temporal and limited to his lifetime. This possibility is based on the assumption that his successors may have dismissed the fuqaha from authority, just as the successors of a ruler may dismiss his previous commands. However, this supposition obviously overlooks the status of Imams within Imami *Shi'ism*; their commands and instructions are not equitable to those of an average ruler and their orders must be obeyed both during their lifetime and after their death. Furthermore, Imam as- Sadiq referred to a verse of the Qur'an (4:60), which ordains disbelief in *taghut* (oppressive authority) and prohibits any recourse to illegitimate government as a ground for his designation of the fuqaha as 'hakim'. This is a strong indication that his edict is not restricted to a specific time, and that it is forever obligatory for people to turn away from tyrannical authorities.

These three traditions are considered reliable and act as solid foundations for the establishment of *Wilayat al-amma*. Nevertheless there are some disagreements amongst Imami jurists pertaining to the transmission and interpretation of the texts. Most critics maintain that the above-mentioned traditions confirm little more than the administration of justice (*Wilayat al-qada*) by the fuqaha.

Aside from the three aforementioned traditions, advocates of *Wilayat al-amma* also appeal to a set of transmissions that, although too weak to prove the universal guardianship of the faqih by themselves, certainly reinforce and verify the doctrine.

The First Tradition: The Sound Transmission of Qadah

Ali bin Ibrahim, from his father, from Hamad bin Eisa from Qadah (Abd al-Allah bin Maimun) from Imam Sadiq (pbuh), who narrated the Prophet (pbuh) as saying:

The superiority of the learned man over the mere worshipper is like that of the full moon over the stars. Truly the ulema (scholars) are the heirs of the Prophet (pbuh); the prophets bequeathed not gold (dinar) and silver (dirham) instead they bequeathed knowledge, and whoever acquires it has indeed acquired a generous portion of their legacy[12].

According to this tradition, the just and pious religious scholars (ulema) are the heirs of the Prophet; consequently, they must fulfil all the attributes and responsibilities that Allah designated for him (aside from receiving the divine revelation). Hence they are entrusted with maintaining his authority (*Wilayat*) and the integrity of Islam. And, as has become clear from previous discussions, the Prophet has been appointed as the guardian and leader of the ummah. As the Qur'an says:

The Prophet has higher claims over the believers than their own selves. **[*Chapter 33, Verse 6*]**

So his right to rule and govern over the believers is also entrusted to the scholars.

Critics believe that the tradition discusses the knowledge rather than the status of the prophets. So the scholars are the heirs of the Prophet in the field of knowledge. The hadiths' chain of transmission is sound and the fuqaha usually accept it.

The Second Tradition: Saduqs' Morsala76

Shaykh Saduq in several of his many books mentions the following hadith:

Imam Ali narrated the Prophet (*pbuh*) *saying: "O God! Have mercy on those that succeed me"* [*Kholaphayi*]. *He repeated this twice and was then asked: "O Messenger of Allah, who are these that succeed you?" He replied: "They are those that come after me, transmit my traditions and practice and teach them to the people after me*[13]."

The interpretation of this tradition is similar to the previous one. Those who are successors of the Prophet (pbuh) should have his status (in all areas apart from those such as receiving divine revelation), as Imam Khomeini says:

To be a successor means to succeed to all the functions of Prophethood. In this respect, what is implied by the sentence, 'O God! Have mercy on my successors' is not less than what is implied by the sentence: 'Ali is my successor', since the meaning of successorship is the same in both cases[14].

The Third Tradition: The Fuqaha are the Trustees of the Prophets

Shaykh Kolayni mentions the following hadith from the
Prophet (pbuh):

The fuqaha are the trustees of the Prophets, as long as they do not concern themselves with the world (*dunya*). *The Prophet was asked: 'what is the sign with their concern to this world?' He replied: 'By seeing whether they follow Kings* (*sultans*). *If they do that, then fear for your religion*'[15].

The argument is that the fuqaha are trustees of the Prophet not merely with respect to deducing Islamic laws, but with all the duties and functions of the Prophet (pbuh) and this encompasses the establishment of a religious government and a just social system.

The Fourth Tradition: The Ulema are the Rulers

Amody transmits a tradition from the Commander of the faithful, Ali (pbuh):

The ulema [*scholars*] *are the rulers* [*hakim*] *over people*[16].
The meaning of this tradition explicitly supports *Wilayat* al– amma, but the chain of transmission is weak.

The Fifth Tradition: Imam Hussain's Sermon

During a sermon about enjoining good and forbidding evil, Imam Hussein (pbuh) addressed the scholars and said:

...The disaster that has befallen you is greater than what has befallen others, for the true rank and degree ulema has been taken away from you. The administration of the country and the issuing of orders should actually be entrusted to religious scholars (ulema) who are guardians of the rights of God and knowledgeable about Gods ordinances concerning what is permitted and what is forbidden. But your position has been usurped from you, for no other reason than you have abandoned the pivot of truth and have disagreed about the nature of the sunnah, despite the existence of clear proofs. If you were strong in the face of torturing and suffering and prepared to endure hardship for God's sake, then all proposed regulations would be brought to you for your approval and for you to issue[17].

If it were not for the weakness of its chain of transmission, the tradition would have been the most explicit verification *Wilayat al-amma*.

The Sixth Hadith: The Fuqaha are the Fortress of Islam

Shaykh Kolayni mentions the tradition from Imam Kazim (pbuh):

Believers who are fuqaha are the fortresses of Islam, like the encircling walls that protect a city[18].

The statement, which is that the fuqaha are the fortresses of Islam, means that fuqaha have a duty to protect Islam. They must do whatever is necessary to fulfil that duty hence they need to follow the Prophet as a good example for every believer. The Qur'an says:

Certainly there is for you in them a good example, for him who fears Allah and the last day. [***Chapter 60, Verse 6***]

The Prophet (pbuh) as the fortress of Islam did not restrict himself for training and teaching to protect Islam, rather he undertook socio-political duties and functions as well, hence all the tasks entrusted to the Prophet Muhammad must also be fulfilled by the well qualified fuqaha, as a matter of duty to become the true fortresses of Islam.

Wilayat al-amma as Hisbah

By referring to textual evidences (the Qur'an and ahadith), advocates of universal authority (*Wilayat al-amma*) intend to illustrate that well qualified fuqaha not only have priority over others to govern the believers, but are also explicitly designated as guardians (*Wali*) of the Muslim community. However, some Imami jurists maintain that even when you overlook the traditional proofs of *Wilayat al-Faqih*, one can establish the same authority for the faqih by considering '*hisbah*'. Although this method of reasoning

cannot confirm the designation of the faqih as *Wali*, it does emphasize the priority of the fuqaha to undertake these social duties and makes clear that their authority is legitimate.

'*Hisbah*' as a word literally means reward or spiritual wage, and it is usually applied to deeds that are done to please God and seek heavenly reward (*thawab*). In Islamic jurisprudence, this term refers to something that God is not willing to ignore or overlook. For instance, there are people who are minors or suffer from insanity, who are unable to discharge their own affairs and need someone to take care of them. If they have no father or grandfather, someone else should undertake their responsibilities and since these who prepare themselves to be in charge of their affairs do that for the sake of God, it is called '*hisbah*'.

There is an important difference between '*hisbah*' and what is referred to as sufficient necessity (*wajib al-kefai*). Sufficient necessity is an obligation that everyone one can fulfil, but if undertaken by a sufficient number of individuals, other people are relieved of their duty, whereas '*hisbah*' should be undertaken by the faqih. If a qualified jurist is not available, then only the just believers (mumineen adil) have the right to be in charge of such affairs.

Having clarified the meaning of '*hisbah*', we will now examine an argument that presupposes the extension of its denotation. People who adopt this line of reasoning argue that '*hisbah*' is not restricted to its traditional examples such as in the case of minors and the insane. Rather, the philosophy and reasoning behind such a role demand its extension to social and political affairs. This argument has two major premises:

(a) Muslims are obliged to observe the instructions and prohibitions of Islam in all areas of their personal and social lives, and some of these realistically require the authority and apparatus of a state in order to be practically implemented. Furthermore, it is impermissible for the believers to allow illegitimate and unjust rulers to govern their society, while they have the potential to manage their own affairs independently. From a juridical perspective, this premise is universally accepted.

(b) A just faqih must undertake the duty of social and political guardianship for two reasons: either that the traditional evidences supporting *Wilayat al-amma* are sound, or the just faqih has priority over others to undertake this duty. The reason behind this is that no one has the right to establish his authority over another unless they are qualified to undertake the duty of '*hisbah*' (guardianship). And the protection of Islam and Islamic society is an instance of '*hisbah*', which means God is not willing to ignore or overlook it, consequently well-qualified fuqaha have priority over ordinary people to bear this responsibility. In other words, necessarily someone has to undertake the function. We have two options; either to delegate the authority to those who have no professional knowledge about Islam or approve the authority of a just faqih. We have natural misgivings about the former when the later is feasible. Therefore, the fuqaha have a duty and a right to fulfil it[19].

Despite the traditional arguments illustrating that the fuqaha have been designated as *Wali*, this

argument merely establishes the priority of a faqih to be in charge of governmental affairs similar to other cases of *hisbah*.

The Rational Argument

Recourse to rational argument has a long history amongst Shi'a scholars. Some believe that the rational theory was first adopted by the Zaydi Shi'a, al-Qasim ibn Ibrahim (785 – Medina 860), who argued that divinely appointed political authority is necessary due to the imperfections of human nature[20].

Mullah Ahmad Naraqi (d. 1829), the author of 'Avaed al-Ayyam', was the first Imami jurist who appealed to logical reasoning to support the concept of universal authority (*Wilayat al-amma*).

This approach adopts a similar structure to those rational arguments upon which Shi'a scholars base the necessity of Prophethood and Imamate; that it was necessary for God to appoint some people as Prophets and Imams in order to provide divine guidance to mankind. Therefore it is only reasonable to assume that in the absence of such infallible guidance, God would entrust the responsibilities of religious and political leadership to those people best qualified to undertake it as deputies of the absent, infallible Imam.

Two strands of argument are presented as a justification of *Wilayat al-Faqih*. The first of which is an argument consisting entirely of rational premises without reference to the Qur'an or traditions, while the second is an argument established by a combination of reasoning and textual evidences. However, purely rational arguments are generally unable to definitively establish the prophecy or leadership of a particular person. Rational arguments must typically consist of universal, certain and necessary premises, and consequently, pure reasoning can prove the necessity of Prophethood and Imamate, although these rational arguments often encompass an explanation of qualifications that the ideal leader should have (e.g. sinless or just). Although there are many different lines of reasoning, it will suffice here to mention a few of them. In his volume concerning theology, Avecina (Ibn Sina) presents a discussion based on the necessity of a well-organised social order in order to establish the necessity of prophets[21].

Although this argument has naturally been appealed to by Muslim scholars and philosophers in order to establish and define Prophethood, the addition of some premises gives it the potential to confirm the necessity of its continuation in the vicegerency of the fuqaha. The structure of modified version of the proof is as follows:

(a) Man is a social being and therefore necessarily needs social order to overcome many of his conflicts and affairs.

(b) Human social life and order should be designed so that it provides individual social happiness.

(c) A set of adequate and perfect laws and the existence of one who is capable of executing these laws and leading society are two necessary conditions for the establishment of an ideal society.

(d) It is not in the power of human beings to establish an ideal, just, and truly well-ordered society without the aid of God and His divine laws.

(e) To avoid any deficiency, interference or possession of God's message (revelation), the Prophets who delivers His message must be infallible.

(f) The explanation of the contents of the perfect religion and the execution of its laws prerequisite the appointment of infallible Imams.

(g) When there is no access to infallible Imams for attaining the above-mentioned aim (3), the leaders who are just and are expert in religious knowledge (Just faqih)22.

The first four premises prove the necessity of prophecy and that it is necessary for God to send prophets. The sixth one extends the reasoning to the question of Imamate and the necessity of an infallible Imam. And the final premise establishes the necessity of a qualified religious leader in the era of the absent Imam.

Another rational argument has been presented by Ayatollah Borujerdi who applied some historical and religious premises in his reasoning.

(1) The leader and ruler of a society must be entrusted with the protection of social order and meet the essential needs of the people.

(2) Islam has paid attention to those essential needs and has legislated suitable laws. The ruler (*Wali*) of Islamic society is responsible for the execution of these laws.

(3) Within the early period of Islam, the Prophet (pbuh) and the Imams (pbut) were the legitimate political leaders and the organisation of political and social affairs was their duty.

(4) The need to regulate social relationships according to divine laws and values is not confined to a specific period of time. Rather it is a crucial need for every age and generation. Certainly when infallible Imams were present amongst people, they appointed reliable people as their representatives to undertake Shi'a social affairs and prevent their followers from recourse to tyrannical governments (*taghut*) for their affairs. The assumption that Imams encouraged people to avoid referring to *taghut* without presenting an alternative solution to their problems is illogical.

Considering the previous premise, it is also logical that just fuqaha should be appointed as their representatives and deputies in the era of greater absence because there are only three possibilities:

(1) A non-faqih (one who is not a just faqih) is designated as the Imam's deputy. This supposition is obviously unwise and impractical, as a person lacking the essential knowledge or qualifications would be unable to provide guidance.

(2) In the era of occultation, Imami have a duty to avoid any recourse to illegitimate government for their social affairs, however the Imams did not introduce any alternative point of reference. This theory is equally impractical.

(3) The Imam has designated the just faqih as his deputy to undertake these affairs and that is what we are seeking[23].

Before concluding the internal justifications of *Wilayat al-faqih*, it is necessary for the sake of our discussion to examine what qualifications a deputy of the Imam must have. Although we have previously mentioned that only a well-qualified jurist may be considered the Imam's deputy (neyab), we have not yet discussed what qualifications he requires according to Islamic sources, i.e. Qur'an and Sunnah.

The Characteristics of Wali al-Faqih and the Problem of 'A'lamiya'

When compared to other political doctrines, Imami political thought has some significant advantages. For example, when it insists that the ruler of the society must possess specific characteristics. In modern democratic systems, factors such as popularity, being telegenic and having the support of a powerful party and large corporations are the most important factors, while individual virtues and qualifications are often neglected. Shi'a political thought, on the other hand, makes the personal characteristics of a political leader an essential factor. Some of these are as follows.

Ijtihad (Proficiency in Islamic Jurisprudence)

Since the implementation of Islamic laws and values in the various aspects of social life are one of the most important aims of an Islamic state, the ruler must naturally have expertise and knowledge in Islamic thought in order to be able to make socio-political decisions and issue orders according to the Islamic point of view. Many traditional proofs of *Wilayat al-amma* insist that the *Wali* (hakim) must be a faqih: In maqbula of Umar ibn Hanzala, Imam Sadiq (pbuh) says:

They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well acquainted with our laws and ordinance, and accept him as judge and arbiter, for I appoint him as hakim[24].

In the tradition of Abu Khadija too, Imam says:

Designate as judge and arbiter someone among you who is acquainted with our injunctions concerning what is permitted and prohibited[25].

In a signed letter the Absent Imam (may Allah hasten his reappearance) writes:

As for events that may occur, refer to the transmitters of our teachings[26].

As we have already discussed, these titles and attributes correspond with a just and competent faqih's (mujtahid) abilities, and not those who merely transmit traditions.

Justice

Justice is a quality required of all forms of authority and leadership in Imami political doctrine; judges and prayer leaders must all be considered fair and capable, and their roles are considerably less than those who rule an entire state. In addition, the Qur'an teaches Muslims to have no inclination and cooperation with unjust people and tyrannical authorities:

And do not incline to those who are unjust, lest the fire shall touch you, and you have no guardians beside Allah, then shall you not be helped. [***Chapter 11, Verse 113***]

In some verses of the Qur'an Allah Almighty invites the believers to show their disobedience to unjust people, those who commit great sins:

And do not obey the bidding of the extravagant, (***those***) ***who make mischief in the land and do not act right.*** [***Chapter 26, Verses 151-152***]

Do not follow him whose heart we have made unmindful to our remembrance and he follows his low desires and his case is one in which due bounds are exceeded. [***Chapter 18, Verse 28***]

Although justice has not been stipulated in the traditional proofs of *Wilayat al-Faqih* examined in the course of this subject, the Qur'an and a number of transmissions criticize unjust rulers and those who are obedient to tyrannical governors. They also maintain that a community founded on Islamic laws and teachings, cannot be run by someone who does not believe in or behave in accordance to justice. To cite an example, Imam Muhammad al-Baqir (A) said to Muhammad b. Muslim:

O Muhammad, surely the unjust rulers and those who follow them are separated from God's religion. Certainly they went astray, and led many astray[27].

Prudence, Trustworthiness, Administrative Facilities, and Courage

Such qualities are obvious requirements of any appropriate political leader, thus there is no need to mention evidences regarding them.

Knowledge

Many evidences stipulate that a trustee of Islamic political authority must be amongst the most knowledgeable (*'alem*), competent and qualified of Islamic scholars. This criterion is somewhat contentious however, as many of the traditions mentioned in it's support have weak chains of transmission.

According to the book of Solaim b. Qais, Ali (p) says:

Does anyone deserve to be the ruler (caliph) over the ummah except one who is most knowledgeable of God's book (Qur'an) and the Prophet (pbuh)'s traditions (sunnah). Allah says in the Qur'an (10:35), "Is he then, who guides to the truth, more worthy to be followed, or he who himself does not go aright unless he is guided?[28]

It is transmitted from the Prophet (pbuh) that he said:

One who leads his people, while there are among them more knowledgeable than he, their sovereignty (the people's) would begin to decline forever[29].

As we mentioned in the previous chapter, a just faqih has various functions. Some of them like the administration of justice (qada) and '*hisbah*' are categorized as '*Wilayat*', whilst others such as 'ifta' do not require a designation from the Imam. In the context of the present subject, it is essential to determine which of these functions is dependant on '*alamiyat*' (being the most knowledgeable).

Reference to Imami jurists' decrees shows that those who consider '*alamiyat* as a condition have merely concentrated on 'ifta'. Ayatollah Sayyid Kazim Yazdi, the author of 'al- 'urwat ul-wuthqa' writes:

With regard to a mujtahid's functions, none of them are restricted by al-'alamiya but taqleed (ifta). The matter of his Wilayat however, is not conditioned by al-'alamiya[30].

Many great Imami jurists who have commented upon this important book (al-urwat ul-wuthqa), such as Ayatollahs Haery, Mirza al-Nayini, Aqa Ziya al-Araki, Sayyid Abul- Hassan al-Esfahani, Burujerdi, Khomeini, Khui, Milani, and Gulpaayigani, do not add any marginal notes to this decree of Yazdi, which means they agree with him that the functions of the faqih that exercises his authority (*Wilayat*) are not conditioned by being the most knowledgeable.

Shaykh al-Ansari also maintains that 'alamiya is not necessary in the designation of a faqih as *Wali* (hakim)'. Every just faqih has the right to undertake affairs which require justified authority (*Wilayat*). He believes that only when fuqaha have different decrees (fatwa) the decree of the one who is most knowledgeable ('alam) has priority over others[31].

Shaykh Muhammad Hassan, the author of 'Jawahir al- Kalam', also believes that the traditional proofs, which state that the fuqaha are designated as '*Wali*' and the deputies of the Imam, emphasize on the professional knowledge about Islam (fiqahat) and not upon the 'most knowledgeable' as the condition of a faqih's *Wilayat*[32].

Essentially with regards to some functions of the faqih such as 'qada', it seems incredible if one supposes that it is conditioned on 'alamiya because this implies on a very large scale that the Shi'a community has only one faqih who has legitimate authority to judge.

Finally, we have indicated that 'Ijtihad' has various aspects and therefore it is quite reasonable to assume 'X' is the most knowledgeable (a'lem) in chapters of Islamic jurisprudence concerning worship (such as praying and fasting), while 'Y' is a'lem in the chapters of transactions (moamelat) and 'Z' is the most knowledgeable in the context of the administration of justice and punishment (hudud). Consequently, we have to take into account the relationship between a function that a faqih wants to undertake and the kind of knowledge that is a prerequisite to that function. There is no sufficient reason to convince us that one who is the most knowledgeable in chapters of worship would be able to perform the function of 'qada' better than a faqih who is most knowledgeable in administration of justice.

On the other hand, ijtihad and fiqahat are but one characteristic that a leader of the Islamic society should have. There is no reason to concentrate on the priority of 'a'lem' and thereby ignore other qualifications that *Wali*s (fuqaha) must possess, which might provide them with the necessary abilities and characteristics of a ruler. Certainly, in a situation wherein a few faqih are completely equal in all qualifications of leadership except ijtihad, one might claim that the authority of a'lem has priority over others, especially when he is the most knowledgeable in social– political aspects of Islamic law. But it should be noted that even this is merely a 'rational preference', because as the author of Jawaher al–Kalam indicated, the traditional proofs of *Wilayat al–Faqih* are silent about alamiya as a condition of *Wilayat*.

The External Justification

Many political theories are known as 'guardianship' in spite of the profound differences they have with one another. By guardianship, we mean a political system in which the state is governed by qualified rulers (guardians).

The ruler or rulers are not subject to election and do not come to office through free election. They deserve to govern the people due to their specific qualifications and abilities. Therefore, the delegation of authority in a guardianship model of state is not due to a democratic process, but rather to the qualities of a guardian. Advocates of guardianship commonly believe that the entrustment of political power to a highly qualified minority, who has exceptional expertise, guarantees the interests and good of the people. Although the followers of guardianship disagree about the qualifications the guardians must have, or about the interpretation of happiness and people's good. This is why the guardianship supported by Plato is rationally different from the Marxist Leninist interpretation of it. Plato's guardians are a minority of well– qualified philosophers, whereas the latter's are an organized group of revolutionaries.

There are many arguments to justify guardianship over democracy. Although on the other hand, guardianship in turn faces many criticisms, especially from advocates of democracy. So if we admit that '*Wilayat al–Faqih*' is a political doctrine belonging to the guardianship model of state, it must be able to overcome its critics and eventually establish itself as a reasonable, rational and legitimate political doctrine. That is what is meant by 'external justification', which, contrary to 'internal justification', does

not rely on religiously accepted reasoning.

First of all, we must assess why and how '*Wilayat al-Faqih*' poses as a guardianship regime. According to this theory of state, a just, capable and pious jurist, who possesses a number of qualities, has legitimate authority to govern the society in the era of occultation (ghaibat). This obviously indicates that other kinds of experts and average people have no equal access to the highest political office and only specific experts (jurists) have the right and the opportunity to attain the highest level of political leadership. Moreover, they are not elected by people, but are instead designated by Imams as '*Wali*' and possessors of the authority.

On the other hand, the unique example of this political system, whose detailed blueprints are embedded in the constitution of the Islamic republic of Iran, does not adopt a pure system of guardianship. After all, it's constitution respects a limited democratic processes in that the majority of governmental institutions, even the political leadership is chosen through elections. According to article 107, a group of elected experts (a few jurists are elected by people every seven years) shall elect a well-qualified faqih as the political leader. Both the authority of *Shari'ah* (*Wilayat al-Faqih*) and the sovereignty of the people in this political regime make it a mixture of democracy and guardianship. Hence it should be categorized as a 'meritocracy', because it does not go hand in hand with all the standards of guardianship.

What distinguishes this model of 'meritocracy' from guardianship is the role of the people in participating in the distribution of political power and in shaping political decisions through their representatives. However, people and their representatives are not religiously free to delegate the political authority to a non-faqih or those who have no tendency to rule, legislate and execute within the framework of divine laws and Islamic values and teachings. Consequently, in this meritocracy, a just Imami jurist as '*Wilayat al-Faqih*' and a group of fuqaha as the 'guardian council', supervise and control the decisions and functions of representatives and bureaucrats, who are themselves subject to the democratic process. The central discussion here concerns the relationship between '*Wilayat al-Faqih*' and what traditionally are stated as the foundation and justification of the guardianship. We must now evaluate whether these foundations are adequate to cite as justifications of '*Wilayat al-Faqih*' and how could this doctrine overcome the critiques of guardianship.

Some advocates of guardianship hold that ordinary people lack the necessary qualifications for ruling. They seem to lack much understanding of their own basic needs, interests and good. Many of them are unable or unwilling to do whatever may be necessary to attain deep knowledge about their own needs and good as well as the appropriate means to achieve these needs and goods. In conclusion, people have no political competence to govern themselves. Their deficiency is partly in knowledge, partly in virtue i.e. strong tendencies to seek good ends; hence they are not qualified to govern. This approach undermines the fundamental ground of democracy and supports the idea that guardians who have sufficient political competence should govern people.

Obviously, the doctrine of '*Wilayat al-Faqih*' does not rely on the political incompetence of people to

justify the priority of the faqih's authority. Neither in traditional proofs of '*Wilayat al-Faqih*' nor in the rational ones, do Imami scholars stress on people's deficiencies. Some rational proofs of '*Wilayat al-faqih*' depend on the belief that it is not in the power of human beings to establish an ideal, ordered society with no aid of God's revelation. Clearly, this premise expresses the deficiency of human beings as such, and not simply the imperfection of ordinary people, confirming the competence of a small minority as guardians. Indeed, this deficiency justifies man's need of religion, and its important role in organizing social relationships.

The second foundation mentioned as a reason for guardianship consists of a specific conception of governing. For them, ruling people is an art. Therefore, rulers must be experts of a certain type, meaning experts in the art of governing. They as guardians would be specialists whose specialization would make them superior in the art of leadership, not only in comparison with ordinary people but also with other kinds of experts such as economists, physicists, engineers and so on.
Although most people are potentially capable of acquiring the qualifications needed for leadership, they lack the time to acquire them. A society needs many different types of experts. The need for acquiring different skills and then implementing them, makes it impossible for each and every person to spend the time they would need to gain the moral and instrumental competence for ruling. To suppose that a large number of people each have the capacity to acquire and use numerous specialized skills is not realistic. Consequently, in a well ordered society some persons should be rigorously trained and selected to function well as rulers (guardians). Because leadership is so crucial nothing could be of greater importance than the education of our rulers[33].

Apart from the fact that many scholars have misgivings about the actual existence of the art of governing, this argument exclusively supports the Platonic version of guardianship. There is no single art or science that can provide us with the moral and technical knowledge and abilities required for being an ideal leader. Many versions of guardianship, including '*Wilayat al-Faqih*', do not look at guardians as specialists in the art of governing. Instead, they believe that the duty of governing should delegate to a few qualified persons, because of some certain qualifications and abilities that they have. Guardians have a advantage over others in matters of leadership, such as their in depth knowledge of ideological, great commitment to the ambitions of specific party, being vanguard and leader in revolution or possession the knowledge that is necessary for shaping particular social formation.

The unique reason that justifies (apart from traditional religious reasons) the ruling of the fuqaha as guardians, pertains to their knowledge about Shari'a which must be accompanied with personal virtues and moral competence. It is true that moral competence is not confined to a small minority and that many people have the capacity to gain moral competence and become just and pious. However, what distinguishes the just fuqaha and render them the unique group who has legitimate authority to rule over the believers is their expertise in Islamic jurisprudence. The justification of the guardianship of fuqaha is owed to the fundamental role of Islamic law in the lives of Muslims. Islam obliges Muslims to adopt Islamic laws and values in both their individual as well as public lives. Consequently, one who has the

ability (as a jurisprudent) that is necessary for undertaking this task must be in charge of ruling the people. Therefore, the question of '*Wilayat al-Faqih*' is not a question of having a specific art. It has roots in a religious belief that sees a crucial role for *Shari'ah* in Islamic society.

The distinction between the general good and personal interests could provide the advocates of guardianship the third reason for justification. The case of guardianship sometimes rest on assumption that the composition of the general good (general interest) and how the knowledge of what composes the general good may be acquired. If the general good were only composed of individual interests and if we were to believe that everyone could pursue his personal interests without guardians, then the guardianship model of state would be unnecessary and undesirable.

But if the general good and interest of society consists of something more than an aggregation of personal interests, then to achieve it will require more than this. To bring about the general good would then require an understanding of the ways in which the general good differs from a combination individual interests. If it is also true that most people are mainly concerned with their own individual interests instead of that of the general public, then the task of deciding on the general good should be entrusted to those especially trained to understand what the general good consists of. Obviously, that depends on what is meant by the general good[34].

Although the followers of '*Wilayat al-Faqih*' do not fully accept this argument, however, a modified version of it would sufficiently justify this model of guardianship. Islam as a perfect religion aims for real human happiness, hence, its laws and teachings are necessarily established for the ultimate self-realization of the human being and for gaining true salvation. From this point of view both the good of the individual as well as the general public are harmonized with the contents of Islam. Concepts such as public interest should not be defined without considering of the crucial role played by Islam in both the public and private spheres. When one acknowledges this fact, which is especially true in a society where most people believe that Islam is the ultimate way to salvation, the following argument could be supposed as external justification for the doctrine of 'Willayat *al-Faqih*':

(1) General interest and public good are not merely a composition of individual interests and they must be determined through a higher source.

(2) Within an Islamic society the real public good and interest cannot be known while neglecting Islamic laws and values. It does not mean that other kinds of expertise play no role in the process of determining public good, rather, the key point is that all political and economic decisions, various legislations as well as government orders must take Islamic teachings (especially jurisprudence) seriously and harmonize themselves with the demands of Islam.

(3) eople are mostly concerned with their own individual interests so the task of deciding the public interest, at least in cases that are specifically dealt with by Islam should not be entrusted to the ups and downs of public opinion.

(4) Technocrats and those who are experts in the various sciences are often more concerned than average people with the good and interest of the public. However, as mentioned in the second premise, in an Islamic society technocrats as policymakers can not have a full understand of the public good, unless they are experts in Islamic thought.

Policymaking, legislation, organizing the system of rights and duties and other significant functions of government must be done under the supervision and authority of a well qualified faqih (or fuqaha) who is just, brave, honest, intelligent, knowledgeable about social and political issues, and an expert in Islamic ideology.

This external justification seems quite convincing within a specific context, that is, for those who pursue Islamic culture and support the establishment of an Islamic society. For those who do not believe in Islam, the premises of this justification (particularly the second and fourth) need further evidence.

Criticism of Guardianship

Advocates of democracy usually criticize guardianship and its justifications. We have to consider briefly a few of these criticisms to assess how the connection between the doctrine of *Wilayat al-Faqih* and these critiques might be? In my view the three following criticisms are more significant than the others:

(i) Adversaries of guardianship insist that the keystone of this theory that tries to justify the deserts of guardians to rule based on their knowledge is disputable. The possession of this religious knowledge is not sufficient enough to prove that political power should be entrusted to a fagih to protect and promote public welfare and prosperity. How can we know that the guardian is not seeking his own interests rather than that of the general public? Is there any system of control over them to prevent hem from abusing his authority? In the guardianship model of state, since the people do not delegate authority to the guardian, they cannot legally or constitutionally withdraw political power from the guardian. The guardians are free of popular controls.

(ii) Unlike democracy that provides people with the opportunity to engage in governing themselves and to improve their moral-political experiences, the guardianship system of rule prevents an entire population from developing their social, political and moral capacities. This is essentially because only a few people (guardians) are engaging in governing. Therefore, only a few people have the opportunity to learn how to act as morally responsible human beings. Only guardians can exercise the freedom of participating in the process of making laws, while in democratic states the whole population enjoys that freedom. Even though in many democratic states, the cooperate and political elite are far more powerful than ordinary citizens, however, they cannot be compared to guardians. These elites are not despots and people can still play a role in the distribution of political power and in making political decisions.

(iii) Guardianship is based upon the idea that there is a set of truths, objective propositions and valid knowledge that can determine public good or true social interests. The second pillar of guardianship

rests on the point that only those who have this knowledge[35] (what does public good consist of and by what means can we achieve it?) are exclusively competent to hold political authority. Some critics of guardianship criticize the first pillar of the argument. They emphasize that there is no such thing as rational, unquestionable, or objective knowledge. There are no determined truths as 'science of ruling' that can justify the authority of a few people as guardians. In addition, they believe advocates of guardianship face the problem of validation because they can not establish why their understanding of public good and social interests is objectively true. Robert Dahl writes:

In judging the validity of statements about the general good we can and should employ reason and experience. Nonetheless, no assertion that 'the public good definitely consists of such and such' can be shown to be 'objectively true' in the same sense that many statements in mathematics, logic, or the natural sciences are understood to be objectively true[36].

To clarify the relationship between these critiques and the Imami political doctrine of *Wilayat al-Faqih* we have to keep in mind that these criticisms are targeting 'pure guardianship', a political theory that leaves no room for people in political affairs while entrusting complete political authority to non-elected minority (guardians). In the next chapter it will be explained that *Wilayat al-Faqih* is compatible with a specific version of democracy called 'religious democracy'. In any case the mixture between the authority of a just faqih who represents both the authority of Islamic jurisprudence as well as the authority of the people, renders some of these criticisms essentially irrelevant to the doctrine of *Wilayat al-Faqih*. For example the second critique mentioned above is absolutely inapplicable to the guardianship of the faqih. Moreover, according to what has been discussed in the previous chapter about the meaning of absolute authority of a just faqih, the first criticism is also irrelevant, because the guardianship of a faqih is not beyond the control of a group of elected experts who supervise and control his usage of power and authority. In addition, it is the religious responsibility of all Muslims to be not neutral about the behavior of their governors and leaders.

In the previous pages it is clear that the guardianship of the faqih is not base on the assumption that leadership is a specific art or knowledge that consists of a set of truths and skills. Therefore, the final criticism cannot undermine this version of guardianship either. Almost all Shi'a scholars believe in rationalism, hence, the problem of validation is very important in their eyes. This is true not only with regards to fundamental Islamic beliefs, but also in other aspects of Islamic thought including political thought. They attempt to justify their system of beliefs through rational arguments, as well as through traditional evidences. As a result, Shi'a political thought is based upon a set of true, valid and objective doctrines about human nature, the philosophy of life, and morality. It consists of a set of philosophical-theological statements that produce an Islamic world 's view. Indeed, this theory of state like other political theories is rested upon a comprehensive philosophy and the justification of this political thought is due to the justification of its moral-philosophical foundations as well. However, we do not believe in 'hard rationalism', which demands that all religious statements and beliefs must be verified by decisive rational proofs, exactly as with mathematics. Obviously, religious statements and beliefs should be

categorized according to their own appropriate methods of justification. Islam consists of objective truths and valid statements; however, one can not prove its validation by recourse to a unique methodology (rational proofs). Unlike the fundamental doctrines of Islam (usul al- Din) that can largely be validated and justified through rational arguments, the validation of Islamic law is, to a large extent, based upon trust in the commands of God, which in turn can be established by appealing to rational proof.

The key point is that the validity of this model of guardianship (*Wilayat al-Faqih*) does not acquire its approbation from the assumption that there is an objective art or science for ruling people or a specific knowledge used for understanding public good and finding the means for achieving them. Its verification is due to the validation of Islam's moral, philosophical and theological foundations including the importance of Shari'ah for our ultimate happiness.

The external justification of *Wilayat al-Faqih* consists of two independent sides, the positive and the negative. Positive justification aims to justify the validation of this theory directly and through the emphasis on the necessity of the Islamic legal system and the implementation of its laws for the establishment of an ideal social and personal existence. However, the negative side refers to any efforts undertaken to prove the priority of this doctrine over its alternatives. Since the doctrine of democracy in general and the theory of liberal democracy in particular is the most important alternative theory facing guardianship, the external justification of our political theory would be insufficient if we fail to assess the relationship between the theory of *Wilayat al-Faqih* and democracy. The next chapter will attempt to make complete the external justification of this political doctrine by evaluating the nature of democracy and its possible connections to this version of guardianship.

There is another significant reason why we should discuss democracy. Some Muslim thinkers maintain that Islam fundamentally disagrees with democracy. Hence, in their eyes our interpretation of imami political thought that mixes the guardianship of the faqih with elements of democracy is totally wrong and is against the foundations of Islam.

1. For example, Shaikh Muhammad Hassan in Jawaher al-Kalam, Volume 15, p. 422, Shaikh Morteza Ansari in al-Aada wa al-Shahadat, p. 46, Shaikh Morteza Haeri in Salat al-Jum'a, p. 154, Kashif al-Qeta in al- Ferdus al-A'la, p. 54.
2. Shaikh al-Saduq, Ikmal al-Din, Ali Akbar al-Qafari (ed), Qom, 1405AH, Volume 2, Chapter 45, p. 483.
3. Muhammad ibn Hassan al-Tusi, Kitab al-Qayba, Qom, 1411AH, p. 290.
4. Imam Khomeini, Islam and Revolution, p. 85.
5. Imam Khomeini, Islam and Revolution, p. 86.
6. Seyed Kazim Haeri, Wilayat al-Amr fi asr al-Qayba, Qom, Majma al- Fikr al-Islami, 1415AH, pp. 123-124.
7. Shaikh al-Kolayni reports the tradition in Al-Kafi, Kitab al-Fazl al-Elm, Chapter of Ekhtelaf al-Hadith, Volume 1, p. 67 also Al-Tusi, Tahzib al- Ahkam , Kitab al-Qada, Volume 6, p. 218, Hadith 514.
8. Translated in Islam and Revolution, p. 93.
9. In Kitab al-Qada wa al-Shahadat, p. 48.
10. In Jawaher al-Kalam, Volume 21, p. 395 and Volume 40, p. 17.
11. Al-Kolayni, Al-Foru' men al-Kafi, Kitab al-Qada, Volume 7, p. 412; Al-Tusi, Al-Tahzib, Kitab al-Qada, Volume 6, p. 303; Shaikh al-Saduq, Man la Yahzoruhu al-Faqih, Volume 3, p. 2.
12. Shaikh al-Kolayni, Al-Kafi, The Book of Virtue of Knowledge, Volume 1, p. 34.
13. Uyun al-Akhbar al-Reda, volume 2, chapter, 31, p. 37 also Ma'ani al- Akhbar, p. 374 also Man la Yahzurohu al-Faqih,

Volume 4, p. 420.
14. Imam Khomeini, Islam and Revolution, p. 72.
15. Kolayni, al-Kafi, Volume 1, p. 46.
16. Amodi, Qorar al-Hekam, Volume 1, p. 137, 506.
17. Harrani Iibn Shobeh, Tohaf al-Huqul, Qom, 1404 A.H. Volume 1, p.238.
18. Al-Kolayni, Al-Kafi, Volume 1, p. 38.
19. Seyed Kazim Haeri, Wilayat al-Amr fi Asr al-Qayba, p. 96.
20. Antony Black, The History of Islamic Political Thought, p. 40.
21. Ibn Sina, Al-Shefa, The book of Al-Elahiyat, The 10th Article, Chapter 2, p. 487.
22. Abdullah Javadi Amoli, Wilayat ul-Faqih, Qom: Esra Publication, 1378 AH, pp. 151-152.
23. Hussain Borujerdi, Al-Badr al-Zaher fi Salat ul-Jom'a wal-Mosafer, Qom, 1367AH, pp. 72-78.
24. Muhammad Hassan Hor al-A'meli, Wasael al-Shi°a, Qom: Ahl ul-Bait Institution, 1412AH, Volume 27, p. 137.
25. Al-Kafi, Volume 7, p.412.
26. Sheikh al-Saduq, Ikmal al-Din, Volume 2, p.483.
27. Al-Kafi, Volume 1, p. 184.
28. Solaim ibn Qais Al-Helali, Kitab al-Solaim, Tehran: Dar al-Kotob al- Islamiya, p. 118.
29. Barqi, Al-Mahasin, Volume 1, p. 93.
30. Al-Urvat ul-Wosqa, The Chapter of Ijtihad wal-Taqlid, Question 68.
31. Shaikh al-Ansari, Taqlid, Published by International Congress of Shaikh al-Ansari publications, p. 67.
32. Jawahir al-Kalam, Volume 40, pp. 44-45.
33. Democracy and its Critics, pp. 62-63.
34. Democracy and its Critics, pp. 70-71.
35. There is no agreement among advocates of guardianship about the nature of this knowledge therefore they disagree about the qualifications of this small minority of rulers (guardians). For instance, in the eyes of Plato this knowledge consists of a set of propositions about what is best for the community. This knowledge is based on rational certainty that ordinary people have no access to. Unlike true philosophers, ordinary people just have opinions (uncertainties) instead of knowledge (rational certainty). From an entirely different perspective, Marxist-Leninists maintain that this knowledge consists of the laws of historical development based on 'historical materialism' as a rigorous methodological approach rooted in the belief that the structure of society and human relations in all their forms are the product of material conditions and circumstances rather than of ideas, thought or consciousness. Consequently, for them the guardians are a few revolutionaries who know the laws and material conditions that rule over these historical developments.
36. Democracy and its Critics, p. 71.

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