



## Assessing the Thoughts of Martyr Mohammad Baqir Sadr on Governance Jurisprudence and Comparing it with the Thoughts of Imam Khomeini (May God Have Mercy on Them)

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### Abstract

Followers of the school of Ahl al-Bayt (AS) have either been practically marginalized or sidelined in the corridors of power for fourteen centuries. Consequently, they have been deprived of establishing an Islamic government, and Shia jurisprudence remained an individual jurisprudence without anticipation of managing the system and forming a government. With the realization of the Islamic Revolution in Iran, the entry of jurisprudence into the arena of governance paved the way for new manifestations of jurisprudence, fundamentally shifting jurisprudential discourse towards comprehensive governmental action as a preamble to the establishment of a modern Islamic civilization. One of the fundamental reasons for the formation of a great Islamic government was the advancement of the Western world and the enemies of Islam to the stage of their own civilization, which required considering the level of confrontation with them as a level of civilizational confrontation. This research, using a content analysis method based on data collection and library studies, seeks to elucidate the main approach to jurisprudence of governance, namely the power of "institutionalization," by examining the perspectives of two main interpreters of this theory, the late Martyr Sadr and Imam Khomeini (RA), and comparing these two perspectives. It is demonstrated that jurisprudence is responsible for refining issues in all three domains of individual, political, and social, and in addition, by employing a special kind of engineering to establish meaningful connections between various branches of jurisprudence, it organizes and ensures them within a coherent system, mitigating potential conflicts.

**Keywords:** Imam Khomeini, Martyr Sadr, Jurisprudence, Governance, Jurisprudence of Governance.

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## 1. Introduction

Before the Islamic Revolution, Shiite jurisprudence was primarily individual jurisprudence for the lives of ordinary Muslims, sometimes also taking on a political dimension, and later, a social dimension emerged to some extent. However, the horizon of jurisprudence of governance transcends the individual, political, and social spheres, aiming to establish the interaction of jurisprudence within the framework of a governmental concept. Therefore, the main call and crucial aspect of this approach to jurisprudence is its "institutionalization," where all the capacity of jurisprudence is devoted to establishing various political, economic, cultural, and other systems. Accordingly, according to the proponents of this theory and foremost among them, Martyr Sadr and Imam Khomeini (RA), jurisprudence of governance considers itself responsible for refining issues in all three domains of individual, political, and social, and in addition, by employing a special kind of engineering to establish meaningful connections between various branches of jurisprudence, it organizes and ensures them within a coherent system, mitigating potential conflicts. This article examines the ideologies of Martyr Sayyid Muhammad Baqir Sadr in jurisprudence of governance and compares them with the ideologies of Imam Khomeini (RA), presenting existing views on this subject. To achieve the ideologies of Martyr Sadr in jurisprudence of governance and compare them with the ideologies of the Imam, the method of "content analysis" has been used; this method is based on data collection and library studies, and the tool for gathering information will be in the form of note-taking.

Therefore, in this research, first, the jurisprudential approach of Martyr Sadr, called "institutional jurisprudence," as the first jurist to enter the realm of institutionalizing jurisprudence, is examined. Then, the approach of Imam Khomeini (RA) in jurisprudence of governance, as the leading figure concerned with determining the authority and leadership of the Islamic society from the perspective of jurisprudence of governance, is discussed. Subsequently, a comparison is made between the two mentioned perspectives, and the differences in the presented opinions are highlighted. Presenting these topics serves as the infrastructure for the establishment of a modern Islamic government and civilization, and the readiness of this government for active confrontation with the decadent civilization of the Western world is necessary; because a civilization's power over its uncivilized rivals is undoubtedly influential, and in the event of mismatch, it will undoubtedly overcome other competitors. In short, liberation from passivity and submission to this civilizational hegemony will undoubtedly be possible through the establishment of a modern Islamic government based on desirable jurisprudential principles.

Some theorists do not consider jurisprudence to have any significance for

managing people's livelihoods or its evolutionary aspects. Others consider jurisprudence to have a grand narrative, but this narrative is not about regulation and planning for guiding and coordinating a government or civilization; rather, it is mostly symbolic and emblematic and limited to oversight areas. However, there are those who, in addition to the grand narrative of religion, also attribute comprehensiveness to it and consider jurisprudence as fundamentally responsible for producing, growing, controlling, and guiding various dimensions of government and civilization (Mirbaqeri, 2017: pp. 21-34). In this approach, all aspects of jurisprudence are activated for managing human life, and unlike the previous approach, we are not only witnessing a supervisory jurisprudence. Advocates of this approach are divided into two main categories: those who consider existing jurisprudence sufficient for governance and those who advocate the necessity of developing jurisprudence in proportion to civilizational issues. In this approach, not only has jurisprudence's role in various dimensions of human life been accepted, but it has also been recommended (ibid.). The present study is based on this recent perspective.

Therefore, the most important objectives of the forthcoming research are: 1. Reviewing the ideologies of Martyr Sadr and Imam Khomeini (RA) in jurisprudence of governance 2. Comparing these two ideologies with each other and 3. Extracting the civilizational capacities of these two perspectives.

## **2. Research Background**

Concerning jurisprudence of governance and its approaches, significant works have been compiled in recent decades, such as "An Introduction to Jurisprudential Approaches to Governance" by Seyyed Mohammad Mehdi Mirbaqeri, "Jurisprudential Approaches: Individual Jurisprudence, Social System Jurisprudence, Jurisprudence of Governance" by Ahmad Vaezi, "The Governmental Approach to Jurisprudence in the School of Imam Khomeini (RA)" by Saeed Ziaei Far, and "Methodology of Jurisprudence of Governance in the Horizon of Imam Khomeini's Political Jurisprudence" by Reza Khorasani. These works have made every effort to present a correct understanding of jurisprudence of governance, and each of its proponents has adhered to various evidences in proving their approach to it. However, there are fewer works comparing and delineating the similarities and differences among the proponents in this field. Therefore, this present research endeavors to extract the capacities of their jurisprudential perspectives relying on these two approaches, to take steps towards the ultimate goal based on these capacities.

## **3. Methodology**

This research endeavors to conclude the current investigation through the

method of "content analysis"; this method systematically focuses on the text and its constituent elements, including words, sentences, paragraphs, etc., to explain and achieve the thoughts, theories, and messages present in a text. In this method, efforts are made to find meaningful cores of the text that are related to each other, and their presence and frequency indicate meanings regarding the research objective (Barden, 1996: p. 120). In content analysis as a type of content analysis method, reliance is primarily placed on the themes and message content of the text. In this approach, instead of using pre-designed scales and questionnaires, the themes of the text are evaluated (Neundorff, 2016: pp. 192-193). Based on this, relying on the textual works of Ayatollah Martyr Sadr and Imam Khomeini (RA), the most fundamental themes of these works in the subject of jurisprudence of governance have been elucidated and analyzed using the content analysis method.

#### **4. Conceptual Framework**

"Innovation" in Persian means thought, contemplation, fear, and anxiety (Moein, 1983: Vol. 1, p. 377) and is equivalent in meaning to "contemplation" in Arabic (Ibn Manzur, 1986: Vol. 10, p. 37).

The term "jurisprudence" absolutely means "understanding, knowledge, and perception" (Ibn Manzur, 1986: Vol. 13, p. 522), and sometimes it is interpreted as "knowledge in the path of religion" (a group of scholars..., 2013: p. 90-91). This term in its current terminology refers to "the set of issues discovered from the permissible and impermissible and various divine ordinances or issues extracted through the efforts and diligence of a jurist from religious sources and documents" (ibid, p. 92).

"Governance" means "rulership" and "governing" (Ashouri, 1994: p. 141) and in terms of expression refers to: "the process of implementing organized policies and decisions of administrative authorities within a specific political entity and its authority by means of a legal system that is maintained by force in the implementation of its policies" (Giddens, 1998: pp. 324-325).

There are also various definitions about jurisprudence of governance, referring to its famous definition, it is depicted as follows: "Jurisprudence of governance is the knowledge of subsidiary religious rules based on detailed evidence within the framework of an organized system relying on the authority of the ruler in a state - country" (Serami, 1991: p. 70). The writer believes that according to this approach, in jurisprudential discussions and the expression of the actions of the obligated individuals, people should be considered as individuals of the citizens of the Islamic government, not as separate obligated individuals from society and government. Therefore, jurisprudence of governance is not considered as a part of jurisprudence, but rather as the

dominant approach to all jurisprudence, and jurisprudential deductions must be based on the governance jurisprudence and all the chapters of jurisprudence related to the administration of the country.

Based on this definition, all the processes of systematization, institutionalization, legislation, and supervision of the implementation of laws in the Islamic government should be carried out by jurisprudence of governance; in other words, jurisprudence of governance is the approach governing all jurisprudence and cannot be considered as independent knowledge; in the sense that the jurist, in the capacity of inferring jurisprudential issues, infuses governance approach into inference and considers the requirements of governance in jurisprudential interpretations.

## 5. Findings

### 5-1. Jurisprudential Approach of Martyr Sadr (RA) in Jurisprudence of Governance

Row	Text	Basic Content
1	Anyone studying Islamic economics is confronted with a completed system, the theoretical structure of which has already been completed. His task will only be to outline the real system, determine its main benefits, remove the dust of history from it, neutralize the effects of time on it as much as possible, and demonstrate the scientific inaccuracies. And at the same time, shield oneself from the influence of foreign cultures (Sadr, Undated, Vol. 2, p. 26).	The Necessity of Designing Islamic Systems
2	1. Emphasizing that the Islamic system has a doctrinal aspect, not a scientific one (ibid, p. 16). 2. Through this passage, one can well reach the doctrinal economic system in Islam (ibid, p. 22).	1. Belief in the Doctrinal Economic System 2. Belief in the System and Structure 3. Internal coherence among the elements of a system and coordination between different systems
3	1. The theories and rules of the doctrinal economic school form the "substrate" and legal system of the country. However, laws and regulations determine the general direction of the economic system (ibid, p. 42). 2. This fact that the economic substrate and law are interrelated does not conflict with the idea that the economy itself, in turn, is interrelated with another substrate. Because the theoretical structure of society is based on a common foundation and each class has a relationship of substrate and superstructure with the other (ibid).	Possession of Legal Judgments from Substrate and Superstructure
4	Reminding also of the point that in understanding other systems, one can directly achieve the goal by referring to the primary economic sources, but in the case of Islam, it is not so, and the economic system must be studied indirectly, through the study of the superstructures, to find the kernel of the economic system (ibid, p. 27).	Movement from Legal Superstructure to Substrate and Achieving Doctrinal and System

Row	Text	Basic Content
5	"Concepts" which refer to the interpretations of natural, social, or legislative events and are an important part of Islamic culture, can also be used to explore the economic school, such as judgments and legal rules (ibid, p. 31).	The Role of "Concept Exploration" in Achieving the School
6	1.The zone of Absence does not indicate a defect in legislation by neglecting events and incidents in terms of law and decree. This zone has been entrusted to the maneuver center and the power of legislation to the Guardian (Sadr, 2005, p. 804). 2.Some interests are variable and cannot be regulated within a fixed framework, so their control is entrusted to the Guardian (ibid, pp. 129-130).	The Zone of Absence, the Place of Variable Aspects of Systematization

#### Content analysis of the works of Martyr Sadr

##### 5-1-1. Martyr Sadr and Systematization

Martyr Sadr believes that subjects and rules should be examined within a unified and coherent system, in a way that the coherence between subjects and their relationships is observed, and rules are distanced from minor and separate rules, approaching a coherent epistemic system. (Sadr, 2005: pp. 43-44).

In the book "Our Economics," Martyr Sadr presents a model of discovering religious systems and believes that it is the duty of the mujtahid to discover Islamic systems (economic system, political system, educational system, etc.); in other words, the Islamic jurist faces a system whose structure exists within revelation, and his duty is to represent it as it is in reality, demonstrate its structure, discover its fundamental rules, remove the dust of history and long time intervals between it, and mitigate the influence of other people's thoughts that sometimes overshadow it; therefore, in one word, the duty of the mujtahid is to discover the system, not to invent it from scratch. He believes that to discover a system, one must move from the superstructure of religious issues to its substrate. Because when we seek to discover a system for which a specific plan of the whole or some aspects of it has not been stated, and its substrates are unknown, for example, we do not know whether this system in economics believes in private ownership or public ownership, in this case, we must move from superstructure to substrate and from legal rules to fundamental rules, which are considered the basis of those laws, because various laws are always based on a set of fundamental theories, which constitute the perspective of that school. He believes that in discovering the economic system, two stages must be followed. The first stage: the superstructure of the system, and the other stage: reaching its substrate (Sadr, 2005: p. 439).

**First Stage:** The Superstructure of the System: The superstructure stage has two parts: a) Gathering Rules In the first step, we must address the collection of rules that form the superstructure of the school, and in fact, branches and roots that are the same substrates of the school. This task varies depending on which

of the Islamic systems and schools we are seeking to discover; for example, if we are seeking the Islamic economic system, it means the economic rules of Islam, i.e., the rules related to transactions and natural resources, and laws that express the economic relationship between the government and the people, as well as other rules in this regard, must be collected; and if we are seeking the political system, we must collect the rules related to it (Sadr, 2010: p. 43).

b) **The Role of Concepts in Discovering the System** The concepts mean opinions, theories, interpretations of Islamic realities, social issues, and legislative commands. For example, the belief that the world depends on God and is for Him (Surah An-Nisa, verse 126). It is an insight that explains Islam's view of existence. Concepts, which are an important part of Islamic and Quranic culture, can help in discovering the school and system and have an undeniable influence on this process (Sadr, 2005: p. 439).

**Second Stage: Discovery of the Substrate and System:** This stage consists of the operation of combining rules and coordinating them in a system specifically for presenting a general plan. In this stage, the rules previously collected are studied as a whole, and each rule is considered as part of that whole to discover the system and school. In this way, each set of rules in any field is considered together, and based on the movement from superstructure to substrate, we move towards discovering the fundamental and foundational rules of the system. In this way, all the rules under consideration are examined, and ultimately the system set is inferred and fully related to the superstructure (ibid, pp. 641-655).

### **5-1-2. Review of Martyr Sadr's Systematization Approach in Political Jurisprudence**

In the systematization approach, the elements of "system basis" and "system goal" are of particular importance, and therefore, this approach examines subjects and rules within a unified and coherent system; in a way that the connection between subjects and their relationships is observed, and rules, based on subjects, distance themselves from minor and separate rules and approach a coherent epistemic system.

Perhaps no one has addressed this issue as extensively, systematically, and innovatively as Martyr Sadr, and he is the first jurist to engage in systematization and is considered a pioneer in the field of jurisprudential systematization. This unparalleled perspective of the eminent Shiite scholar, alongside his numerous other scientific and practical fields, has made him an extraordinary figure. Martyr Sadr's concern with presenting social systems first appeared in general terms in the book "Our Philosophy," where he criticized the theoretical foundations of economics and politics and introduced the initial idea of discovering the Islamic economic school and then elaborated on it extensively in the books "Our Economics" and "Islam Leads Life" as a proposal

for the fundamental law of the Islamic Republic. (Mirbagheri & Abdollahi, 2017: p. 53).

### **5-1-2-1. Main Topics of Martyr Sadr's Discussion**

Among the main topics of discussion by Martyr Sadr, the following titles can be mentioned:

1) Necessity of Designing Islamic Systems Martyr Sadr believes that in the face of foreign social systems [mainly socialist and capitalist economic systems prevalent during his time], he felt the void of a social system arising from divine teachings and the doctrines of the Ahl al-Bayt (AS) and sought to present an alternative to Eastern and Western systems that could lead to the presentation of executive systems and regulate and guide human social life through social systems (Sadr, 2005: p. 439).

2) Internal Cohesion among the Elements of a System and Coordination between Different Systems Sadr considers the social system as the "method and way of regulating social life in practice." The first point in explaining the social school is the coherence and coordination of its elements; therefore, unlike the existing jurisprudential rulings—which are formed from a series of separate chapters and each ruling is inferred as the duty of the obligated individual separately—to achieve the economic school, rules cannot be considered independently of other dimensions of society—such as politics and culture; rather, all social structures must align with the realization of religion in the social sphere and be coordinated uniformly, like pieces of a puzzle, providing a unified framework and background for all social systems; in a way that a proposed form and package in the fields of politics, culture, and economics shape and interact with other Islamic social systems. (ibid, p. 162).

3) The Domain of Flexibility, the Place of Variable Aspects of Systematization. Since the social system is responsible for regulating social life, it must have two dimensions, fixed and variable. Therefore, a part of this school constitutes the domain of variable elements, which is called the "Domain of Flexibility." In this domain, the task of making rules and legislating laws is entrusted to the governing authority. The Domain of Flexibility, which forms the flexible part of the school and the social system, synchronizes the social system with the developments of the time. It is defined as "a part of Sharia that does not have a mandatory fixed ruling." Filling this vacant domain is done by the ruler, and the religious jurist must present the Domain of Flexibility through a jurisprudential process appropriate to the interests and needs of society and based on Islamic concepts and in line with the objectives of Sharia. Consequently, the ruling authority can establish mandatory rulings—both for action and omission—in the area of determinations and permissions, where the legislator initially demands a mandatory ruling. This part of the Islamic school

increases Islam's ability to confront the conditions of time and place. (Sadr, Sayyid Muhammad Baqir, 2005: p. 804).

4) Exploration of the Method of Achieving the School. Martyr Sadr's method is based on the idea of "exploration," meaning that the extraction of the Islamic economic school must be done through deepening and careful study of the texts and jurisprudential fatwas. Access to the principles and concepts required should be obtained from the addresses of the religious authority and the branches of jurisprudence, and then, based on them, the school should be designed. In this method, reaching the destination will be from "branches" to "roots" and from "surface" to "foundation." For example, social justice, the negation of economic classes, the principle of respect for ownership, the principle of work in creating ownership, and so forth, are among the issues that are not explicitly stated in jurisprudential rulings but are inferred through analysis and examination of the collection of rulings and fatwas. (ibid, p. 424).

## 5-2. The Jurisprudential Approach of Imam Khomeini (RA) in Political Jurisprudence

Row	Text	Basic Content
1	The Issue of Guardianship of the Jurist is not something created by the Assembly of Experts. Guardianship of the Jurist is something that God, the Exalted, has established. It is the same guardianship as that of the Messenger of Allah. (Imam Khomeini, 1409 AH: Vol. 10, p. 308)	Religious Government and Guardianship of the Jurist, an Extension of the Guardianship and Caliphate of the Immaculate Imams
2	Government signifies the practical aspect of jurisprudence in dealing with all social, political, military, and cultural issues; practical jurisprudence is the complete and actual management of human life from cradle to grave. (ibid, Vol. 21, p. 289).	1. Guiding and overseeing society is the primary mission of government. 2. The completeness of the Islamic religion and having a comprehensive plan in individual, social, and political domains.
3	Government, which is a branch of the absolute guardianship of the Messenger of Allah - peace be upon him and his family - is one of the primary injunctions of Islam; it precedes all subsidiary injunctions, even prayer, fasting, and pilgrimage. (ibid, p. 177-178).	Prioritizing collective interests and governance over individual interests and benefits

Analysis of the content of Imam Khomeini's (RA) works

### 5-2-1. Guardianship of the Jurist as an Extension of the Governance of the Prophet of Islam (peace be upon him and his family)

Imam Khomeini (RA) considers the assignment of the authority and supervision of the Islamic society to the jurists as a significant matter for those concerned with the governance of jurisprudence. According to him, religious governance and the guardianship of the jurist, from their perspective, as an extension of the guardianship of God and the Prophet (PBUH), are responsible for the supervision

and guidance of the entire community, with the formulation of its rules and regulations entrusted to the jurists. (Imam Khomeini, 1409 AH: Vol. 2, p. 633).

### **5-2-2. Principles and Foundations of the Approach to Jurisprudential Governance of Imam (RA)**

The principles and foundations of Imam Khomeini's jurisprudential governance approach are as follows:

1) Religious government and the guardianship of the jurist are an extension of the guardianship and caliphate of the Immaculate Imams (AS).

Imam Khomeini (RA) regards governance as following the course of the caliphate of the infallible Imam (AS), whose mission is to establish monotheism, guardianship, and Sharia. Since the foundation of the religion is monotheism and guardianship, the primary mission of religious governance should lay the groundwork for the realization and expansion of monotheism and guardianship.

Imam Khomeini (RA) considers the foundation of Islam to be "government" and "guardianship," counting its injunctions as laws and rituals. This is a central and key principle in the Imam's political thought, demonstrating his overall view of the relationship between "government" and "injunctions." He also presents the purpose of the prophethood as "establishing government" and "establishing justice" (Quran 57:25), not merely "proclaiming injunctions and issuing religious edicts." (Imam Khomeini, 1386: pp. 71, 73).

According to this perspective, safeguarding and protecting Islam by the jurist will not be realized except through his guardianship, and the proofs of the Imamate and the authority of the infallible (AS) all necessitate the requirement of governance in the era of occultation and the guardianship of the jurist in all its affairs, which goes far beyond authority in injunctions. (Imam Khomeini, 1409: Vol. 2, p. 633).

Imam Khomeini (RA) believed that the possibility of establishing monotheism, guardianship, and Sharia is contingent upon the establishment of government. Thus, government is a prerequisite for the course of the caliphate of the Immaculate Imams. Therefore, the mission of government is not summarized merely by adhering to Sharia. He writes in his will: "The highest goal that the Supreme Leader of the world from eternity to the hereafter, all the prophets and saints strived for its realization, you noble nation stood up for it and sacrificed your lives and wealth, is the 'school of divinity, in its broadest sense'."

2) Guidance and Guardianship of Society, the Primary Mission of Government.

From the perspective of Imam Khomeini (RA), the flow of divine guardianship and governance after the Immaculate Imams (AS) during the occultation era is entrusted to the "Guardian Jurist" to guide and oversee the

society according to religious standards. Therefore, laws and social structures should be defined around the "Guardian Jurist," and the framework and path of the guardianship of the jurist should be established in society. Thus, laws alone are never sufficient for guiding and managing a society, and the need for a ruler and authority figure arises (Imam Khomeini, 1386: p. 25).

Fundamentally, in all countries of the world, laws and social regulations require an executor, and mere legislation is not always adequate. Therefore, Islam, while legislating laws, has also assigned executive authority, and the Guardian Jurist is responsible for assuming the executive power (ibid).

However, it is evident that delegating authority over subsidiary injunctions is based on criteria and standards, and the performance of the Guardian Jurist must also be lawful and under jurisdiction, not subject to whims or even societal opinions: "One of the things that is incumbent upon the guardianship of the jurist, and unfortunately these clear-minded people do not understand what the guardianship of the jurist means! One of them is the definition of these matters; for example, ownership is considered sacred by the holy Sharia, but the Guardian Jurist can limit this legitimate ownership to the extent he deems contrary to the welfare of Muslims and Islam, and confiscate it from him by the decree of the jurist" (Imam Khomeini, 1409: Vol. 18, p. 481).

According to Imam Khomeini's (RA) perspective, Islam does not limit itself to subsidiary Sharia injunctions, and these injunctions are a branch of "government" and its subsidiary; because this government is the continuation of the caliphate and guardianship of the Immaculate (AS) in human society. Imam (RA) states: "Government signifies the practical aspect of jurisprudence in dealing with all social, political, military, and cultural dilemmas; true and complete jurisprudence is the management of human affairs from cradle to grave" (ibid). Elsewhere, he refers to religious texts (like Nahj al-Balagha, sermon 158), stating: "A true jurist must have the ability to guide a large Islamic and even non-Islamic community and besides sincerity, piety, and asceticism that are befitting of a jurist, he must truly be a manager and administrator" (Imam Khomeini, 1409: Vol. 21, p. 273). Such comprehensive jurisprudence, with theoretical and practical aspects, can be called "Jurisprudential Governance."

Of course, it is natural that such jurisprudence reaches a desirable level when, alongside traditional and invaluable components, it also encompasses other elements in the extension and evolution of that jurisprudence, among the most important of which are the elements of "time, place, expediency, and dynamism," which have been emphasized most in Imam's (RA) discourse.

### **5-2-3. Components of Imam Khomeini's Jurisprudential Governance Approach**

Imam Khomeini's (RA) approach to jurisprudence is characterized by certain components, such as:

1) Striving to establish the grounds for the practical application of jurisprudence and religious scholarship in various aspects of life through the establishment of a religious government. According to Imam Khomeini's perspective, the present era witnesses a scene of full-scale conflict between the sovereignty of faith and disbelief, and the two fronts of truth and falsehood, with "pure Islamic thought" on one side and "Eastern and Western ideologies" on the other. To establish the Islamic school, jurisprudence and religious scholarship must manifest in practical terms through a religious government and materialize in political, cultural, and economic domains (Imam Khomeini, 1409: Vol. 21, pp. 217–218).

2) Prioritizing collective interests and governance over individual interests. Imam Khomeini (RA) regarded attention to planning for the benefit of Muslims as central to his work and prioritized it over individual interests. Based on this, he considered understanding society and government as fundamental conditions for exertion and deduction in contemporary times and believed that government stems from primary injunctions (ibid). He advocated for granting extensive powers to the Islamic state based on the criterion of expediency and believed that state intervention is not limited to emergencies and necessities but encompasses any decision deemed necessary for the public welfare (ibid).

### **5-3. Comparison of Ayatollah Sadegh's and Imam Khomeini's Jurisprudential Governance Perspectives**

By studying the two approaches of "legal systems" and "guardianship jurisprudence," these two perspectives can be compared in five major axes:

#### **5-3-1. Comparison from the Perspective of Fundamentals**

The fundamentals of an ideology can be examined in three main axes.

**1) Necessity:** From the perspective of necessity, the approach of "legal systems" seeks to deduce social systems from religious sources with a different outlook on social developments. It believes that Islam, as a rich source of teachings and values, can offer religious intellectual doctrines and social systems in addition to enunciating laws applicable to the duties of the obliged individuals, and this requires a new level of thinking termed "legal systematization"; otherwise, the social life structure in the Islamic system would be entrusted to foreign doctrines and systems, gradually isolating Islam. (Sadegh, 1424: p. 439).

However, the approach of "guardianship jurisprudence according to Imam Khomeini," in addition to systematic consideration and comprehensive analysis of the sphere of life and the role of religion in this sphere, enjoys the advantage of observing major issues, structures, and social systems in the constant evolution in the path of social development managed by the unified governance

apparatus (Imam Khomeini, 1386: pp. 71 and 73). From this perspective, systems should be considered—not as static and fixed—but within the framework of the society's path of movement and under unified management; this movement itself is either toward divine proximity at a macro level or toward material development.

**2) Objectives:** In terms of objectives, the legal systems approach believes that the ruling of the Legislator must be deduced systematically and proportionate to the social scale, and also that presenting models of social life based on religion should be the cornerstone of religious jurisprudence (Sadegh, 1424: p. 162); however, the guardianship jurisprudence approach according to Imam Khomeini (RA) perceives its ultimate goal as social evolution towards divine proximity, which surpasses merely enforcing the obligations of legal rulings or achieving "social systems" (Imam Khomeini, 1409: Vol. 21, pp. 273 and 289); based on this, in summarizing Imam Khomeini's (RA) perspective on his interpretation of jurisprudence, it can be said that jurisprudence, in its desirable position, is: "A science that, based on religious sources, creates a framework for the realization of divine guardianship in all aspects of individual and social life and seeks to maximize the sovereignty, authority, dignity, and grandeur of Islam in confronting the tyrant system." Although such a program may deviate considerably from the desired and ideal system, it must be grasped within the existing framework through precise and comprehensive planning.

**3) Subject:** The subject of the legal systems approach aims to present social systems in various domains of social life; in a way that these social systems, relying on religious goals and values, are designed and implemented (Sadegh, 1424: p. 439); however, the "guardianship jurisprudence" approach, which seeks to undertake the guidance and supervision of society comprehensively, defines its main subject as "supervising social evolution" and states: The movement of the religious society in the path full of ups and downs and in confrontation with the arrogant front of the world necessitates the presence of a government entity that can guide and lead all areas and social systems. Achieving this requires a cohesive knowledge system (Imam Khomeini, 1386: pp. 71 and 73).

### **5-3-2. Comparison from the Perspective of Thematology**

The thematic approach in legal systems is based on a holistic logic that attempts to design the subjects of a system in interactive relationships and create a "cohesive whole" and ultimately carefully deduce this set of considerations to the ruling of the Legislator (Sadegh, 1424: p. 162); however, in the guardianship jurisprudence approach according to Imam Khomeini (RA), besides considering the holistic approach to subjects and striving for their cohesive consideration, the element of time and movement is also taken into account, and attention to this element clarifies the necessity of "management and supervision" of

these subjects around the axis of the government entity (Imam Khomeini, 1409: Vol. 21, pp. 217-218); therefore, thematology can be considered to have two levels, "holistic" and "evolutionary," in accordance with the two discussed approaches.

### **5-3-3. Comparison from the Perspective of the Obligated**

In the legal systems approach, the obligated and the addressee of social systems, the "society," are interconnected as a cohesive unit with elements of unity and social abundance. While individuals have their own autonomy, they also share a social unity, and this collective will becomes the subject of governance jurisprudence (Sadegh, 1424: p. 804); however, from the perspective of guardianship jurisprudence, besides this point, two other aspects can also be mentioned: First) Guardianship jurisprudence aims to guide and govern society and its systems; the central presence of a "guardian" at this level is essential, and all social relations must be determined within the axis of the social guardian (Imam Khomeini, 1409: Vol. 2, p. 633). Second) Obligated individuals in a changing and evolving social system. Therefore, the societal movement plan is considered a social obligation at each stage of this evolutionary path, which must be prepared and implemented under the supervision and guidance of the social guardian (Imam Khomeini, 1386: p. 25).

### **5-3-4. Comparison from the Perspective of the Mandatory Act Ensemble**

In legal systems, individuals perform a set of actions in a coordinated, cohesive, and reciprocal manner that results in a comprehensive and complex action (Sadegh, 1424: p. 162); however, in guardianship jurisprudence, proportional to the progress and evolution of the ensemble, this coordination and coherence must be preserved and optimized until the last moment, so that the quality of others' compliance affects the determination of each individual's obligation (Imam Khomeini, 1386: pp. 71 and 73).

### **5-3-5. Comparison from the Perspective of Deductive Method**

In the legal systems approach, the legal ruling of a "set" and "system" is based on the Legislator, apart from the rulings of its elements, and the identity of an element is subject to its position in the system and framework (Sadegh, 1424: pp. 162 and 371); however, in the guardianship jurisprudence approach, in addition to a systematic view, the deductive method must empower jurisprudence to firstly cover all social dimensions and secondly, gradually lead society towards its ultimate goal by considering all potentials and obstacles (Imam Khomeini, 1409: Vol. 21, p. 289).

### **5-3-6. Differences in the Perspectives of Shahid Sadr and Imam Khomeini (RA)**

There are differences between the perspective of Imam (RA) and the late Shahid

Sadr, among which the most important ones can be mentioned as follows:

1) The Scope of the Guardianship of the Jurisprudent from the Perspectives of Shahid Sadr and Imam (RA) The scope of the guardianship of the jurisprudent in the view of Imam (RA) is not limited to the realm of other rulings; rather, it originates from the primary rulings of Islam. Furthermore, this guardianship is not merely based on obligatory rulings; rather, its realization extends beyond obligatory rulings. If there is ever any conflict with these rulings, precedence will be given to obligatory rulings (Imam Khomeini, 1409: Vol. 21, pp. 177-178); in other words, this perspective is different from stating that the government in the void area plans, arranges, and legislates based on the Islamic system and religion and should only comply with obligatory rulings in other matters (Sadegh, 1424: p. 804).

2) The Difference in the Concerned New Issue between Shahid Sadr and the Issue Addressed by Imam (RA)

The new issue facing Shahid Sadr is the "confrontation with the communist economic school and also the capitalist school," so he, feeling the danger that these corrupt systems could become the basis for the formation of the social life of Muslims, contemplated the presentation of social systems (ibid, p. 439); however, the difference between the new issue facing the late Imam and Shahid Sadr is that the issue facing Imam (RA) is not solely economic and political systems; rather, it encompasses the "entire modern government and civilization." He sees the mission of the government and the guardianship of the jurisprudent as confronting the entire material civilization and changing the balance of power. Therefore, he raised the theory of absolute guardianship of the jurisprudent and comprehensive jurisprudence. Thus, the new issue facing the late Imam was the entire Western civilization, against which a religious government and Islamic civilization had to be formed. It should have the power to dominate human society on the same scale; meaning, not only should it not be passive against the infidel civilization but also it should grasp the pulse of human society and move ahead of its time. Imam (RA) says in this regard: "It is unacceptable for the people, the youth, and even the commoners that their reference and mujtahid says, I do not express my opinion on political matters! Being familiar with dealing with the tricks and deceptions of the dominant culture in the world, having insight and economic vision, understanding the quality of dealing with the global economy, knowing the policies and even politicians and their dictated formulas, and understanding the situation and strengths and weaknesses of the two poles of capitalism and communism that actually outline the strategy of ruling the world, are the characteristics of a comprehensive mujtahid. A mujtahid must have the intelligence and wisdom to guide a large Islamic society and even a non-Islamic one and, in addition

to purity, piety, and asceticism that are worthy of a mujtahid, he must truly be a manager and strategist... Governance reflects the practical aspect of jurisprudence in dealing with all social, political, military, and cultural problems; jurisprudence is the real and complete theory of managing humans from cradle to grave. The main goal is how we want to implement the solid principles of jurisprudence in the individual and social practice and be able to respond to problems; all the arrogance fears this very issue, that jurisprudence and ijihad become tangible and practical, and it brings the power of confrontation into existence among Muslims... All the world conspiracies against us, from imposed wars to economic sanctions, have been for us not to say Islam is the answer to society and necessarily obtain permission from them in matters and actions." (Imam Khomeini, 1395: pp. 290-291).

Not only does this perspective differ from the perspective of Shahid Sadr regarding the guardianship of the jurispudent, but it also differs from all those who have advocated for the guardianship of the jurispudent throughout history. Moreover, the understanding of the mission of this guardianship is on a supervisory scale, and its mission cannot be summarized within the framework of existing jurisprudential rulings; rather, it must be a government that is constantly engaged with the modern government and, during the balance, considers the superiority of Islam and its interests and increases its power. Here, it is not just the issue of a school that Sadr raised, and it is not just the political arena that is considered during the constitutional period, parliament, and public opinion; rather, the new issue addressed by Imam (RA) is the material liberalist system based on the title of humanism; that is, modern thought that seeks to become a global system.

## Conclusion

In terminology, "government" means "rulership" and "governance," and in the sense used here, it refers to "the organized process of implementing policies and decisions of administrative authorities within a specific political entity, with its authority maintained by a legal system enforced through coercion." The term "jurisprudential governance" means that jurisprudential inferences must be based on the jurisprudence of governing the political system, and all aspects of jurisprudence related to governing the country must be formulated.

"Approach" means the angle of view on the subject, which is referred to as "direction" and "perspective."

Regarding "jurisprudential governance approaches," three approaches can be mentioned: the thematic jurisprudential approach, the system jurisprudential approach (Shahid Sadr), and the jurisprudential supervision approach of Imam Khomeini (RA), which are discussed in this paper. The term "systematization

approach" refers to an approach that examines issues and rulings in the form of a unified and cohesive system, so that the connection between issues and their relationships is observed, and rulings, based on issues, move away from detailed and separate rulings and come closer to a cohesive cognitive system. The pioneer of systematization jurisprudence is Shahid Sayyid Muhammad Baqir Sadr.

The important axes of Shahid Sadr's discussion (RA) include: "the necessity of designing Islamic systems, internal coherence among the elements of a system, the zone of indeterminacy as the place of variable aspects of systematization, and the discovery of the method of reaching the school."

"Jurisprudential supervision" is a title for "perspectives that consider the function of jurisprudence to guide and supervise all aspects of society," and Imam Khomeini (RA) is a pioneer in determining the position of the guardianship and supervision of the Islamic community for jurisprudence; in his view, the religious government and guardianship of the jurisprudent are responsible for supervising and guiding the entire society.

The guardianship of the jurisprudent and the religious government in the view of Imam Khomeini (RA) have the highest potential in creating and strengthening Islamic civilization. The scope of the guardianship of the jurisprudent for Imam is not such that it only includes other rulings; rather, it is from the primary rulings of Islam; he considers the government as the "principle" and the rulings as "subsidiary" and perceives them from the "governmental affairs"; moreover, he does not consider the actions of the jurisprudent as secondary rulings. On the other hand, the new issue facing Imam (RA) is not just economic and political systems; rather, it is the "entire modern government and civilization"; therefore, he considers the mission of the government and the guardianship to also confront the entire material civilization and change the balance of power.

Between these approaches, a comparison and correlation are mainly made from five perspectives: "foundations, thematic analysis, obligated, the scope and necessity of ruling, and the method of inference," which have been referred to in this article.

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