

# Reexamination of the Relationship between the Absolute Guardianship of the Jurisprudent (Vilayat-e Faqih) and the Role of the Principle of Apostasy Prohibition from Religion

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## Abstract

Since there has been no research on the boundaries and authorities of the Valy-e Faqih in the principle of apostasy prohibition from religion, it is necessary to conduct a study on this matter. Therefore, the present study aimed to clarify the boundaries and authorities of the Islamic ruler in the principle of apostasy prohibition from religion. To this aim a descriptive-analytical method with using library sources was used. The results indicated that the Valy-e Faqih, based on the status and authorities derived from the Prophet (PBUH) and the Imams can temporarily suspend or modify rulings that lead to deviation from religion and aversion to religion, using considerations of time and place. Therefore, rulings that lead to dislike, aversion, and hatred towards religion, weaken and endanger Islam, are considered forbidden and prohibited. For example, in jurisprudence, actions such as not punishing a pregnant woman, changing the punishment of stoning, or making contracts with hostile governments that lead to aversion and dislike among people are considered prohibited and forbidden.

**Keywords:** Apostasy from Religion, Boundaries and Authorities, Valy-e Faqih, Deviation from Religion.

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### **Introduction**

One of the issues surrounding the Vilayat-e Faqih is how the government confronts the principle of prohibition of apostasy from religion. The Islamic ruler, having authority over the people, can enforce actions or prohibitions on individuals based on Islamic law and Sharia. This can be supported by religious documents. Additionally, considering that collective interests outweigh individual interests and ensuring the eternal happiness of society members is the fundamental goal of the Islamic government, the Islamic ruler can compel individuals to act or refrain from acting. In the Islamic system, legislation is done by God and takes into account individual and social interests. Various factors have played a role in the growth and dynamism of jurisprudence, such as temporal and spatial conditions, political developments, expediency, etc. The present study aims to examine the position of the principle of apostasy prohibition from religion and its relationship with the boundaries and authorities of the Valy-e Faqih by utilizing jurisprudential sources in this regard. The content of the principle of apostasy prohibition from religion also states that any action that leads to dislike, aversion, and hatred of people towards religion is forbidden. If an action mandated by Islamic law leads people to deviate from religion, it can and indeed should be prevented; except for rulings that the Sacred Law is never willing to abandon under any circumstances (Noori, 1987 AD/1408 AH: 18/27; Tabatabaei Haeri, 1997 AD/1418 AH: 2/77).

Accordingly, ‘Can divine laws be strictly enforced, or should societal interests be considered, leading to temporary suspension or nullification of rulings?’ The crucial point here is ‘What is the duty of the Islamic ruler regarding this principle?’ ‘Can he suspend divine laws simply due to aversion from religion?’ ‘Which category of rulings is subject to change due to this issue?’ Some research has been conducted on the principle of prohibition of apostasy from religion, such as:

- Nobahar (2005 AD/1384 SH), which examines the jurisprudential principle of apostasy prohibition from religion and its relation to other jurisprudential principles in this area. The researcher in this study only compares the principle of apostasy with other jurisprudential rules such as the principle of Saddi Dharāyi‘, negation of harm, precaution (Taqīyyah), sanctity of insulting sacred things, etc., and to some extent discusses the evidence for this principle. However, he has not addressed the position, boundaries, and authorities of the Vilayat-e Faqih in the principle of apostasy prohibition from religion.

- Shaykh Movahhed (2020 AD/1398 SH) has investigated the relationship between the jurisprudential principle of apostasy prohibition from religion and governmental rulings in an Islamic government. The researcher in this study seeks to clarify that if the enforcement of a ruling from the primary laws of Islam leads to general aversion, it can be prevented by governmental decree. In fact, the researcher in this study aims to resolve the conflict between the implementation of a ruling causing general aversion and governmental rulings. However, in the previous research, the boundaries and authorities of the Vilayat-e Faqih in the principle of apostasy prohibition from religion are examined.

- Ranjbar (2022 AD/1400 SH) in an article titled "The Relationship between the Jurisprudential Principle of Apostasy Prohibition from Religion and Governmental Rulings in Defining Physical Punishments" has examined this issue from the perspective of physical punishments. The researcher in this study, considering the issuance of governmental decrees and the viewpoint of the Islamic ruler, believes that based on the jurisprudential principle of apostasy prohibition from religion and global trends against the implementation of physical punishments, it is possible to define such punishments. In essence, the researcher argues that based on governmental decree and the opinions of the Islamic ruler, physical punishments can be withheld from implementation regarding the presence of aversion and dislike, and therefore, the execution of the ruling should be suspended. Although the researcher in this study considers the principle of prohibition of apostasy from religion as the viewpoint of the Islamic ruler, he has not seriously delved into the boundaries and authorities of the Valy-e Faqih in this principle.

Therefore, what distinguishes the current research from other studies is the clarification of the boundaries and authorities of the Valy-e Faqih in this principle.

### **1. Vilayat-e Faqih Concept and Its Scope**

The term "Vilayat" has been used to mean support, authority, control, and so on (Zabidi, 1993 AD/1414 AH: 20/313; Ibn Manzur, 1993 AD/1414 AH: 15/410). The word "Valy" is derived from the root "W-L-Y" (Sahib ibn Abbad, 1993 AD/1414 AH: 10/379). This word is used for proximity in place and relative, religious, forgiveness, and support (Farahidi, 1989 AD/1410 AH: 8/365; Jawhari, 1989 AD/1410 AH: 6/2528; Ibn Faris, 1983 AD/1404 AH: 6/141; Humayri, 1999 AD/1420 AH: 11/7284; Ibn Athir, (n.d.): 5/227; Raghīb, 1991 AD/1412 AH: 885). Also, anyone entrusted with another task is called their "Valy" (Askari, 2011 AD/1390 SH: 278; Tehrani, 1997 AD/1418 AH: 1/17).

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Therefore, it can be said: A "Valy" is a person or someone who is entrusted with a task, such as the Friday prayer Imam who is responsible for conducting the Friday prayers or the leader of the community who is in charge of governance.

Vilayat-e Faqih, based on the definitions provided by the jurists, means supervision, control, and authority of the comprehensive jurist in the affairs of others (Ansari, 1994 AD/1415 AH: 3/545), and in other words, it is the management of the Islamic society for the implementation of Islamic laws and the realization of religious value (Montazeri, 1988 AD/1409 AH: 1/11; Javadi Amoli, 2000 AD/1379 SH: 129). The comprehensive jurist, Valy-e Faqih, or Valy-e Amr is also called the Jurist. In terminology, Valy-e Faqih is someone who is knowledgeable about religious policies and enforces social justice among the people. He is the fortress of Islam, the heir of the prophets, and the successor of the Prophet of God (PBUH) and is like the prophets. He is the best creation of God after the Imams (AS). The management of affairs, rules, and commands are in his hands, and he is the ruler over the rulers (Khomeini, 1989 AD/1410 AH: 2/94; Javadi Amoli, 2000 AD/1379 SH: 45). The reason for this statement by researchers is the verses and traditions.

The application of verses from the Holy Quran (al-Nisa/59; al-Hashr/7) indicates that obedience to the leader of the community is like obedience to the Prophet (PBUH). It is also mentioned in traditions that a scholar chosen as the leader of the community possesses the authority of the Prophet and the impeccable Imams (AS) (Kolayni, 1986 AD/1407 AH: 1/32; Saduq, 1985 AD/1406 AH: 131). For example, in a tradition it is mentioned:

The reins of affairs and rulings of the people are in the hands of scholars who are trustworthy in matters of lawful and unlawful (Fayd Kashani, 1985 AD/1406 AH: 15/179; Majlisi, 1989 AD/1410 AH: 97/80). Jurists, based on this narration and other traditions, believe that the implementation of Islamic laws and boundaries is the responsibility of the Guardian Jurist of the Muslims, and their guardianship is absolute (Naraqi, 1996 AD/1417 AH: 534; Khoei, 1997 AD/1418 AH: 419).

Based on the traditions and the inclusion of verses, it can be said: the leader of the community holds the same authorities and duties as the Prophet and the impeccable Imams (AS), and is responsible for safeguarding and protecting the Islamic community. Therefore, if the leader of the community is not aware of something that is in the best interest of the community, officials should not take it into consideration, and if they know something to be in the best interest of the community,

officials should pay full attention to it. Therefore, the missions and responsibilities entrusted by God and His religion to the Valy-e Faqih who meets the conditions of governance and leadership are exactly the same missions and responsibilities that the Prophet and the impeccable Imams (AS) have, which include preserving Islamic commandments from deviations, preaching and implementing Islam, reforming the affairs of Muslims, guiding and instructing them, defending the oppressed, confronting oppressors, and establishing social justice. These missions and responsibilities, just as they require absolute power and governance for the Imams (AS), also require absolute power and governance for the jurist responsible for governance and the Islamic state. Otherwise, many laws will not be implemented, will remain in abeyance, and will not serve to strengthen the interests of society.

Considering the above, it can be said: The leader of the community can change a ruling in a place where the ruling causes resentment and aversion among the people or a specific group, such as replacing a ruling of espionage (execution) with something else like a fine.

For example, in the case of the espionage of Jason Rezaian, instead of executing him, a substantial amount was taken from a foreign enemy and many benefits were provided for the community, and on the other hand, the creation of animosity among some self-serving individuals was eliminated. Furthermore, the leader of the community can implement the same action in a place where changing a ruling would attract an individual or a group, so that the individual is attracted to the Islamic Republic of Iran.

## **2. Explanation of the Principle of Detestation Sanctity**

Detestation, from the root "N-F-R," means to push back, drive away, distance, as well as discomfort and aversion (Ibn Manzur, 1993 AD/1414 AH: 5/227). It means repulsion, estrangement, aversion, hostility, detestation, and avoidance (Motahhari, 2011 AD/1390 SH: 16/155; Shahroodi, 2005 AD/1426 AH: 2/644).

Scholars believe that the essence of this principle is that any action that causes people to detest and abhor religion is forbidden (Nobahar, 2005 AD/1384 SH: 135; Movahhed, 2019 AD/1398 SH: 161; Ranjbar, 2021AD/1400 SH: 167).

However, adhering to this principle is never tantamount to surrendering religion to prevailing social customs and norms. Religious teachings, whether doctrinal or non-doctrinal, have divine and revelatory validity, regardless of people's acceptance or rejection. This principle also applies to rulings that the sacred lawgiver never agrees to abandon. For example, the implementation of prescribed punishments

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and disciplinary measures on criminals, even though they may be detested, is entrusted to the religious ruler and the sacred lawgiver does not agree to abandon them.

### **3. Documentation of the Principle of Detestation Sanctity from Religion**

This principle is supported by narrative and rational evidence, which are discussed below:

#### **3.1. The Holy Quran**

Regarding the sanctity of detestation, there are verses that can be cited to establish this principle positively, meaning they command Muslims to do this action or negatively, meaning they command not to do it. That is, Muslims should not do this action and should not be like this. Therefore, these verses guide the Prophet in this path.

**Verse 1:** Among the verses that can be used as evidence for the principle is the statement of God: "And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge." (al-An'am/108)

In fact, this verse indicates that the insult of the idols by Muslims causes severe aversion and detestation of the polytheists towards the Almighty God, which is forbidden (Tabatabaei, 2011 AD/1390 SH: 7/314; Makarem Shirazi, 1992 AD/1371 SH: 5/394). Scholars have stated under this verse that Muslims should not cause aversion and detestation (Ardabili, (n.d.): 340; Sobhani, 2002 AD/1423 AH: 2/528), and this itself is a new evil (Kashf al-Ghata', 2002 AD/1423 AH: 55).

The prohibition in the verse is for the sanctity of not insulting the idols of the idolaters, so sensitivity to polytheism and not insulting idols and the gods of disbelievers and enemies in the Quran indicates that Muslims should pay special attention to the implications and consequences of their actions. It causes them to also insult the sanctities of Muslims. Imam Ali (AS) as the leader and ruler of Muslims also refrained from this act because he knew it would lead to aversion and detestation. As he said: "I do not like you to be obscene and abusive." (Sayyid Radi, 1993 AD/1414 AH: 241)

This narration indicates that speaking inappropriately, besides being inappropriate for a Muslim, stirs up the emotions of the enemy and leads to more aversion and detestation. Therefore, this verse commands not to insult the disbelievers and opponents, as sometimes this insult leads to confrontation and retaliatory behavior, creating animosity and hatred, turning the religious atmosphere into a dualistic one instead of friendship and love, as they also show a reaction against you. This verse

itself indicates that the issue of aversion and spreading hatred is also prohibited in the Holy Quran for its negative consequences. This is similar to when some Muslims insult those who do not wear the hijab or treat them badly, which leads to their aversion and detestation towards the religion and creates polarization in society, leaving negative impacts on the community.

**Verse 2:** The Prophet's (PBUH) gentleness and good manners are among the factors that attract people to the religion of Islam. Therefore, one of the verses that demonstrate the intensity of the Prophet of Islam's (PBUH) compassion and love is the verse of great character (Qalam/4) and the verse: "And if you had been rude and harsh-hearted, they would have disbanded from about you." (Al-Imran/159) Having good morals and avoiding violence is one of the important matters in attracting people to the religion of Islam (Jazaeri, 1987 AD/1408 AH: 1/155; Montazeri, 1996 AD/1417 AH: 411).

Scholars have stated that this verse refers to the aftermath of the Battle of Uhud. After the defeat of the Muslims at Uhud, those who had fled from the battle approached the Prophet (PBUH), expressing regret and seeking forgiveness. In this verse, God issued a general command for their forgiveness (Makarem, 1992 AD/1371 SH: 3/141).

Therefore, in this verse, the Merciful God reminds them of one of the most important examples of the Prophet's (PBUH) gentleness and flexibility, which is forgiving and pardoning them. If the Prophet had acted differently, the ground would have been completely prepared for the dispersal of the people; because the people who were affected by that defeat, with all the killing and injuries, had a great need for love and healing for their emotional and physical wounds to quickly heal and be prepared for future events. If instead of flexibility, reproach and rebuke had been the order of the day, they would have distanced themselves from the Prophet and his religion.

Therefore, the verse states that if you were harsh and hard-hearted, they would surely have disbanded from around you. This dispersal indicates the meaning of aversion and creating hatred in speech and behavior because although the expression is lenient in language, a part of physical action and behavior starts with language and being scattered and, to put it in another way, escaping from religion in verbal behavior and practical behavior like anger and bitterness. It means that the Prophet (PBUH) is essentially carrying out the correct religion and mission, but God warns that if his method is flawed, it will lead to aversion. A clear example of this can be seen in the 1401 riots. Although the rioters caused a lot of harm and damage to Iranian society, the esteemed leader created the grounds for forgiveness and pardon through

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his gentleness and flexibility; because if all the rioters were punished, it would have led to a climate of hatred and aversion in society. Therefore, he instructs the authorities not to be like the rioters and to create conditions for their freedom so that they do not turn towards the enemy out of hatred and aversion, and so that Islamic society does not fall into dispersal and polarization, or turn away from the religion of Islam altogether.

**Verse 3:** The relatives and close associates of the Prophet play a significant role in attracting or repelling people to the religion. Explicitly stated in the Quran, if the wives of the Prophet commit an indecent act, their punishment will be double compared to that of other people. The commission of indecent acts by the Prophet's wives can lead to the weakening of the faith of the believers and their turning away from the religion; as the Quran states: "O! wives of the Prophet! If any of you were guilty of evident unseemly conduct, the punishment would be doubled for her." (al-Ahzab/30)

Some commentators have mentioned the reason for the double sin of the Prophet's wives, being a role model for other people in terms of influencing society and harming the status of the Prophet (Tusi, 1999 AD/1378 SH: 8/335). This is a matter that, considering the relevance of the subject and content in the verse, can be understood that the actions of the Prophet's wives, in relation to their connection to the Prophet, can guide a group astray or lead them on the right path (Qarashi. 1996 AD/1375 SH: 8/351). That is, when one of the Prophet's wives commits an indecent act, it can actually lead people to disregard the religious laws or even cause them to feel hatred and aversion (Makarem, 1992 AD/1371 SH: 17/284). This commandment also applies to other individuals who hold positions in society. Therefore, a prominent example of this behavior can be seen in the transgressions of officials and clerics. When people see that a religious preacher does not act according to the religious teachings, his actions can cause people to turn away from the religion, or when there is oppression and injustice in society, and people develop hatred and aversion towards leadership and turn away from the religion. Just as some members of society, considering the actions and performance of officials, develop hatred towards the religion of Islam and even reject the Imams (AS) and turn to false religions like Cyrus-worship and Iranian nationalism. Therefore, the elite play a crucial role in society, and people and the masses follow their lead. Therefore, their correct or incorrect behavior can either lead society towards happiness or towards hatred, aversion, and turning away from the religion.



**Verse 4:** The Noble Quran has identified one of the uses of Zakat as being the factor that affects their hearts (Mofid, 1992 AD/1413 AH: 241). Therefore, it states: "Indeed, [prescribed] charities are for the poor... and [for] those whose hearts have been made to incline [to truth]..." (al-Tawbah/60)

In the terminology of jurisprudence, "Those whose hearts have been made to incline [to truth]" refers to individuals to whom, by paying Zakat to them, their hearts or the hearts of others are attracted to Islam, or they strive to support Islam and the Islamic country." (Ravandi, 1984 AD/1405 AH: 1/225)

This verse is an injunction and commands Muslims to attract others and repel their evil and hatred by giving Zakat (Mohaqqiq Hilli, 1986 AD/1407 AH: 2/573). When these individuals are present in society, their presence can also lead to turning away from religion and spreading hatred, and when Islam gives them money and capital, it saves them from confusion. Therefore, they are attracted to the religion of Islam and refrain from hatred and evil deeds. In fact, Quran in this verse instructs Muslims to provide the groundwork for attracting others by giving Zakat. This action is also mentioned in the Prophetic tradition. For example, the Prophet (PBUH) inclined Safwan ibn Umayyah's heart towards Islam (Ibn Asaker, 1994 AD/1415 AH: 9/193).

Or the financial support of the Prophet to some polytheists after the conquest of Mecca led to about two thousands of them accompanying him in the Battle of Hawazen (Ibn Athir, 2006 AD/1385 SH: 2/262). As observed in the Prophetic tradition, giving money to certain individuals has led to their attraction, and when individuals are attracted to the religion of Islam, they refrain from their hatred and aversion. A prominent example of this behavior can be seen in the conduct of celebrities. In many places, they insult Islam, the revolution, and sacred things, and seek to spread hatred in society. Therefore, when they are confronted or when money is given to them, they refrain from their actions and become supporters of religion and the revolution.

### **3.2. Tradition**

In hadiths, references to this principle can also be observed. In confirmation of this matter, a narration from Imam Sadiq (AS) has been reported as follows: Two neighbors, one a Muslim and the other a Christian, would sometimes talk about Islam. The Muslim, who was a devout and religious man, described Islam so much that his Christian neighbor became inclined towards Islam and accepted it. However, the Muslim would take the new Muslim, busy him with various acts of worship in the mosque for 24 hours. The new Muslim, however, was upset and disgusted by the Muslim's actions, so the new Muslim said:

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"Last night when I returned from the mosque, I also decided to give up following your religion! Go and find someone even more idle than me who has nothing to do and can spend all his time in the mosque. I am a poor and needy person; I have to go look for work and earn a living." (Kolayni, 1986 AD/1407 AH: 2/43)

This narration clearly shows that the actions of the Muslim individual led to the resentment and aversion of the new Muslim, not only failing to preserve his Islam but also driving him away from the religion of Islam and presenting Islam to him as a false religion. Other examples have also been mentioned in history, which is explained below:

**A)** Thoughtful selection in sending missionaries to various regions and inviting people to the religion plays an important role in attracting individuals. In reputable historical texts, it has been stated that the Prophet always instructed the missionaries and envoys sent to various regions to avoid causing people to turn away from the religion (Bukhari, 1993 AD/1414 AH: 1099). When the Prophet sent Mu'adh ibn Jabal and Abu Musa Ash'ari to Yemen, he told them: "Make things easy and do not make them difficult. Give people good news and do not make them flee from the religion." (Ibn Shubah Harani, 1984 AD/1363 SH: 25-26)

**B)** In Islamic collective programs and social worship practices, special attention has been given to the theme of refraining from harshness and rigidity and not exhausting individuals. The Imams (AS) have given numerous recommendations so that neglecting the well-being and preserving the vitality of individuals does not lead to aversion, repulsion, and avoidance of Islamic worship and ceremonies, instead of creating attraction, interest, and productivity. For this reason, in numerous narrations (Tusi, 1986 AD/1407 AH: 3/274), it has been emphasized that congregational and Friday prayers and gatherings should not be in a way that, due to their length, the rights of the weak, elderly, and children are neglected and it causes aversion among them (Shahid Awwal, 1978 AD/1419 AH: 4/471; Naraq, 1974 AD/1415 AH: 8/117).

Therefore, the lifestyle and practices of the Prophet demonstrate that all of their behaviors and words towards friends and foes were in a manner that maximized attraction and they trained their companions with this purpose in mind. In Sunni narrative books, a famous hadith from the Prophet Muhammad has been reported that when some companions were sent to preach in the region of Yemen, the Prophet said: "Make things easy and do not make them difficult. Give people

good news and do not make them flee." (Ibn Abi Jomhur, 1984 AD/1405 AH: 1/381)

The scholars of the Shia school of thought have also referred to this narration in some chapters (Sharif Mortaza, 1984 AD/1405 AH: 2/246; Helli, 1982 AD/1403 AH: 15).

The Prophet not only prayed with moderation himself (Allamah Helli, 1991 AD/1412 AH: 6/304) but also multiple narrations convey that the Prophet always advised the prayer Imam to be moderate in prayer and to refrain from alienating people by prolonging prayers and making them insignificant. Accordingly, when Mu'adh ibn Jabal recited long chapters in prayer (and someone complained to Mu'adh), they were told to recite shorter chapters like Surah al-Duha (Saduq, 1992 AD/1413 AH: 1/390).

Imam Ali advised Malik Ashtar in his letter of appointment as the ruler of Egypt not to alienate people by prolonging prayers during the establishment of prayers and not to diminish the importance of prayer by conducting it quickly (Hurr Amili, 1988 AD/1409 AH: 8/421).

What can be derived from these narrations is that while the narrations may pertain to a specific aspect, the intention behind the prohibitions in the narrations is to prohibit alienation from the fundamental principles of the religion. Therefore, these narrations indicate that prolonging prayers by the Imam can lead to dislike and aversion among weak individuals and cause their dismay.

### 3.3. Reason

According to the ruling of reason, if a ruling from the religious laws causes people to detest the fundamental principles of the religion, the legislator will not insist on its implementation. This is because obligating people to adhere to the fundamental principles of the religion is much more important for the legislator than their adherence to a ruling from the religious laws. No rational person sacrifices the whole for a part unless that part holds an importance similar to the whole. The purpose of religion, as intended by God, is to guide and attract humans towards goodness and happiness. Victory in calling to and accepting the religion by the audience is among God's objectives, which are explicitly mentioned in the Quran. The divine will is for the religion of Islam to spread throughout the world and prevail over all religions (Saff/9; Tawbah/23; Fath/28).

3.4. Therefore, reason dictates that if an action is considered ugly (even as a secondary matter) in the societal norms, it is unjust. For example, if an obligation is deemed bad by the community, even though that ruling is beloved by the legislator and serves a purpose, reason

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considers it bad. In rulings that go against the capacity or have not yet been accepted by society, causing people to detest and harm the religion, **reason** deems it ugly. On the other hand, whatever is beloved by the legislator is beneficial, and reason governs its correctness. Anything that is not beloved by the legislator and causes corruption is considered ugly. Therefore, if a ruling creates aversion, it is not beloved by the legislator. An example of this is the clash between the important and the urgent, where someone, despite the necessity to save a patient, prioritizes performing prayers within the specified time, which is a rational principle that can be relied upon. This is because if a ruling from the religious laws causes people to detest the fundamental principles of the religion, the wise legislator will not insist on its implementation. This is because obligating people to adhere to the fundamental principles of the religion is much more important for the legislator than their adherence to a secondary ruling from the religious laws, which may lead to doubt in the fundamental principles of the religion. No rational person sacrifices the whole for a part.

#### **4. Extent of Implementing the Rule of Sanctity Detering from Religion**

Whenever a commandment from the religious laws is perceived as against the prevailing opinion of Muslims, or even non-Muslims, and of course the wise and customary, leading to a deviation from religion, the Islamic nature of that commandment and indeed its authenticity should be doubted and pondered upon. Although acceptable texts may indicate it and it may be from the time-bound rulings or from the secondary rulings of Islam that have been merely signed regarding their prevalence and dissemination in the society during the time of revelation and the era of the impeccable Imams, and the legislator has not seen the benefit in changing or modifying it (Nobahar, 2005 AD/1384 SH: 156).

The existence of general aversion prompts the Islamic ruler to reflect and doubt in the content of his fatwa, some of the real and eternal rulings of the religious laws, and even in some cases where divine rulings conflict with each other. They have prioritized the reason that includes a simple ruling over the one that includes a difficult ruling, the reason that includes an easier ruling and is more compatible with the religious laws. Since understanding the scope of a rule is based on understanding the extent of the rulings, a jurist can determine the importance of the religious laws by referring to the evidence of the rulings and discovering their criteria, and consequently rule which

category of primary rulings will be condemned as causing corruption regarding deterring from the religion. There are many examples of the sanctity deterring from religion in jurisprudence, which the legislator has temporarily suspended because it leads to disgust and aversion.

**Example 1:** Failure to make up missed prayers and fasts: A new Muslim does not need to make up prayers and fasts from before their conversion to Islam, and the reason for this ruling is based on narrations indicating (Majlisi, 1983 AD/1404 AH: 7/276) that if a new Muslim were to make up all these prayers and fasts, they would become pessimistic and averse to the religion of Islam.

**Example 2:** Non-punishment of pregnant women: Jurists believe that retaliation and the punishment of pregnant women are postponed until the birth of the child (Muhaqqiq Hilli, 1987 AD/1408 AH: 4/216; Shahid Thani, 1993 AD/1414 AH: 4/317).

The reason for this ruling is that if a pregnant woman is punished for retaliation or punishment, her child will also be killed, which would lead to people becoming disgusted and averse to the religion of Islam.

During the occultation of the Imam (AS), their authority is in the hands of the Jurist Guardian (Valy-e-Faqih), and the Jurist Guardian can temporarily change or suspend deterring rulings for the benefit of the Muslims. For example, nowadays due to negative propaganda against the Islamic Republic of Iran, certain rulings have become a cause of weakening the religion of Islam, and the Jurist Guardian has expressed new opinions on this matter. Based on this reasoning, Ayatollah Khomeini informally prevented the execution of stoning penalties in the early days of the Islamic Revolution (Mousavi Tabrizi, 1998 AD/1377 SH: 6).

Advanced jurists also believe that, for the benefit of society, the implementation of certain rulings should be changed or postponed. For example, the implementation of punishment for homosexual acts (Ibn Zahrah, 1996 AD/1417 AH: 426), as any ruling that weakens Islam is forbidden (Montazeri, 2008 AD/1429 AH: 35).

Some other jurists consider the performance of expired worship practices of new Muslims, both financial rights (such as Khums and Zakat) and non-financial rights (such as prayers and fasting) that were obligatory for non-Muslims before Islam, as leading to their aversion to Islam, and have ruled for their abolition (Najafi, 2005 AD/1404 AH: 15/62; Sobhani, 2005 AD/1424 AH: 1/118).

Therefore, if certain specific or general rulings in a particular region or at a certain time lead to public aversion towards Islam and its rulings, consequently weakening the foundation of the religion, the Islamic government or the authority in charge of the judiciary can suspend or

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modify the execution of those rulings or worship practices until the public perception towards Islamic regulations and boundaries is justified and strengthened.

This can be considered as a general rule applicable to all current rulings, as the implementation of certain rulings in a specific time or place will have negative consequences for individuals or the Islamic community. Therefore, an Islamic ruler can temporarily suspend or transform them into something else to preserve the Islamic entity. Many examples of such rulings can be observed in Iranian society, such as the harsh treatment of unveiled women, which leads individuals to rebel against Islamic regulations and become averse to them. Some individuals and officials seek interaction with hostile governments like the United States, which in turn causes aversion among revolutionary and loyal individuals, tarnishing the sacrifices of the revolution martyrs. On the other hand, the interactions of the Islamic Republic of Iran with governments like China and Russia, which seek to spread hatred among certain individuals, are moderated for the common interests of Iran and the thoughtful leadership of the society, ensuring the preservation of the Islamic entity without causing any weakening or aversion towards Islam and the revolution. Furthermore, the acceptance of certain international treaties such as the FATF or the 2030 Agenda, which led to the aversion and disgust of many Iranians, has been prohibited with the intervention of the leadership in these matters.

### **Conclusion**

According to the principle of sanctity of avoiding aversion from religion, committing certain acts that lead to people's aversion from religion is forbidden. Rather, the evidence of the sanctity of avoiding aversion from religion is proportionate to the ruling and subject of many primary rules of governance, and in fact, the title of aversion from religion is a secondary title and in specific circumstances, it can change the primary titles. Adherence to the provisions of this principle does not mean following the prevailing customs and human perceptions of various issues. Religious teachings in many cases address the guidance and orientation of human tastes and in some cases oppose and change prevailing customs and habits. Since in the Islamic government, the Jurist Guardian is responsible for the Islamic society and understands the situation and requirements of the society, in circumstances where the society is not in a suitable cultural and pious state, they can delay or suspend the implementation of some divine laws due to the principle of

sanctity of avoiding aversion from religion. They can do these things based on the authority they have. An Islamic ruler can regulate social relations by establishing new regulations and issuing specific orders, or by restricting, allocating, and even temporarily suspending religious rulings, in such a way that while preserving the principles, they respond to the specific needs of time and place.

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