

Why Guardianship of the Jurist?

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ABSTRACT

The first question, which is raised about the Islamic state and the way of governing it, is the question of "Guardianship of the Jurist" as the head of the Islamic system. The topic "Guardianship of the Jurist" is an opportunity to talk about some of the issues related to it. The "Guardianship of the Jurist" is one of the issues, which its imagining verified it, and does not need several arguments; it means that everyone, who has understood the Islamic beliefs and law even briefly, when received the "Guardianship of the Jurist" will consider it as the necessary and obvious issue. The Guardianship of the Jurist manifests the political values of Islam, which has the privileged and unmatched position because the Guardianship of the Jurist is a soul in the body of Islam and the other provisions are manifested scientifically on its basis. Imam Muhammad al-Baqir (AS) said: Islam is established based on five bases: prayer, Zakat (alms), Fasting, Hajj, Guardianship, and there is no issue which is called more than the Guardianship (Kulayni /1401 AH/ Vol. 2 / 17). In this paper, the rational and quoted evidence, the Guardianship of the Jurist and the philosophy, and its necessity are reviewed.

KEYWORDS: The Guardianship of the Jurist; Islamic state; security; justice; political authority

INTRODUCTION

If the concept of "Guardianship" and the meaning of "Jurist" are deeply and fundamentally discussed, the importance and position of this issue will become broader and deeper and the various dimensions of discussion become clearer. "Guardianship" is rooted in "Guardian" means the proximity and closeness (Ibn Fares/ 1404 AH/ Vol. 6/ 141) and will have three meanings: "friend", "friendly" and "helper". The term Guardianship has two other meanings in addition to these three: Sultanate (Reign) or dominance, leadership or governing. (Ibid)

The extremely strong and inviolable foundation of theory the "Guardianship of the Jurist" is established in the depth of human nature and wisdom and every man, who looks at this issue fairly, reason, will be easily faced with the acceptable rational and revealed remarks under which the human should pass along the straight divine path and remove all his darkness and obliquity by the light of revelation and wisdom. The principle of Guardianship is one of the most important principles of Islam.

When we review the wise individuals' words, first we find out that the man is a social being, who needs the law and regulations for governing the society and these laws will never be without an executive or the one, who guarantees the execution, and will require implementing and executing in the context of individuals' lives.

Since God is the creator of universe and human beings and has and will have the "wisdom" along with the "power", undoubtedly has provided the most complete and significant rules and modern and prosperity-making guidelines in order that all human beings will be faced with tomorrow and their own futures with inner valuable calm and confidence. God sent the prophet Muhammad (PBUH) as the "Guardian", guider and executive of law in order to establish the Justice and Security in the Islamic society. After the Prophet (PBUH), the infallible ones (as) were responsible for this important duty and at the time of Imam Mahdi's (as) absence the Muslims' "Guardian of jurist" is responsible for this task.

Philosophy of Guardian of the jurist

The human society needs the state essentially because it includes people with different and conflicting interests, styles and tastes. Friction of interests, challenges among the people, and disturbance in the order and security are the issues which make a powerful and prestigious institution essential for addressing these issues and implementing the order and security. Therefore, the society without the state or government, which has the necessary political authority and power of planning and decision-making, will be incomplete and will lose its own viability and survival.

The secret to need a "Political Guardianship" is not depend on the defects and weaknesses of human, but is laid on the human complex weakness and defects. Thus, if a community of people, who are qualified and also grateful, are provided, we still will need a Political Guardianship and State, because there are issues, which are related to the community and need the overall decision-making at the general level, and the person, since he is an individual, cannot be a decision maker in this case.

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In the Shiite political thought, the eligible and supreme jurist is responsible for the political authority in the absence era, because the duty and responsibility of state is to match the Muslims' affairs with the teachings of Sharia. The objective of religious state is not just establishing the security and prosperity in any forms and ways, but the issues of society and its relations should be matched with the religious provisions, principles and values, and this important issues requires that the director of Islamic state to have the necessary abilities in the field of management, be familiar with the God's order in these cases and to have the necessary jurisprudence in the social and political affairs.

Imam Ali (AS) stated: "O people! The most competent one to be as the caliphate and governor is who is the most capable and knows the God's order well in this issue" (Mohammad Dashti/1375/173). Hence, the Islamic community needs the political guardianship and authority, as any other community needs it for removing some of its social shortcomings and deficiencies and providing the order and security. This political authority is delegated to the capable and just jurist because the management of Islamic community needs the Islamology and the study of Jurisprudence as well as the directorial abilities.

The Guardianship of the Jurist from the Jurists' perspective

According to the some of the major jurists' statement, the principle of Guardianship of the Jurist is confirmed by them and is one of the famous views among the Shiite jurists. The late Naraghi one of the scholars in 1245 AH wrote: "The Guardianship of the Jurist is totally among the social Shia and none of the jurists have fussed about the Guardianship of the Jurist". (Ahmad Naraghi/ 1408 AH/ 186)

Ibn Idris, who was one of the Jurists in the sixth Hijri century, wrote: "Imams have delegated all their own authorities to the Shiite jurists" (Ibn Idris/ 1411 AH/ Vol. 2/ 25). Saheb Javaher (Died in 1266) stated: "The one, who is tempted to be as the guardian of the jurist, has not understood the jurisprudence and the meaning and secret of the infallible ones' words" (Javaher al-kalam/ 1374/ Vol. 2/ 298).

Imam Khomeini (RA) also stated in this field: "The issue of Guardianship of the Jurist is not a thing, which we have made, but this issue was first discussed. All Ulema (scholars) followed Mirza Shirazi's command in the respect of tobacco because it was a governmental order; late Kashef al-ghata stated many of these issues. Late Naraghi thought that all Prophet Muhammad's (PBUH) values were the same for the jurists and Mr. Naini also stated: This issue has used the issue accepted by Omar Ibn Hanzaleh... This is not a new issue..." (Imam Khomeini/ 1373/ 112).

Therefore, the major differences are in its coextensive, Guardian of jurist's authority, and the way it is proved, and there is no difference in the principle and necessity of Guardianship of the jurist. Ayatollah Khamenei has said in his regard: "The Guardianship of the jurist, governing the society, and administering the social affairs in any era and time are the pillars of the right Twelver religion and rooted in the principle of Imamate (leadership). So if someone believes the opposite of it with reason, he will be excused, but he should not make division and difference". (Ayatollah Khamenei/ 1416 AH/ p. 18)

Guardian of Jurist's characteristics

Imam Khomeini (RA) said:

"The characteristics, which are necessary for the ruler, are directly resulted from the nature and way of Islamic state, thus there are two main conditions as follows in addition to the political and social wisdom, tact and insight:

1- Having knowledge about the law, which means being the jurist, 2- Justice, which comes from the virtue

Because the Islamic state is the state of law, the ruler should know the laws and as it is presented in the narratives this knowledge is not only necessary for the ruler, but also for everyone in any job or task or authority; however the ruler should have the scientific superiority. Our Imams had reasoned for their own Imamate (leadership) with this issue that the Imam should be superior to the others. The drawbacks, which the Shiite scholars (ulema) have stated about others, were related about this issue when an order was asked the caliph and he could not answer, so he was not deserved the Caliphate and Imamate. Knowledge about the justice is the essential condition and pillar based on the Muslims' view. What was related to the Caliphate, discussed at the time of Prophet (PBUH) and our Imams (AS), and obvious among the Muslims is as follows: The ruler and caliph first should know the Islamic provisions; it means that he should know the law; second, he should be just and have the religious and moral perfection.

Ruler should have the religious and moral perfection, be fair, not be a sinner; the one, who wants to implement the current Hudud (limitations) or the Islamic penal code, be responsible for public funds and spending and income of country, and receive the responsibility of humans' wills from God, should not be a sinner and "The elevated and almighty God does not give the oppressor any authorities". (Imam Khomeini/ 1373/ p. 50)

He believed that: If the ruler is not just, he will not behave fairly in giving the Muslims' rights, collecting the taxes, spending it correctly, and implementing the criminal law and probably his own stooges, relatives, and families will be imposed on the society and the Muslim public funds will be spent on personal purposes and sensuality. Thus, the theory of Shia about the way of governing and who should be responsible for it from the

Prophet's demise (PBUH) until the absence era is obvious and according to it the Imam should be accomplished, know the provisions and laws, and be fair while implementing them.

Guardian of jurist's authorities

By reviewing the "Guardian of jurist's authorities" from the jurists' perspective, the most beautiful and comprehensive view was found in Imam's (RA) pithy words. He stated said in his book "The Guardianship of the jurist":

If a competent person, who has two characters including the justice and being the jurist, comes and establishes a state and has the guardianship, which the Holy Prophet (PBUH) had in running the society, all people should obey him. The illusion, which the Prophet Muhammad's (PBUH) state authorities were more than Amir al-Muminin (AS) or Amir al-Muminin's (AS) state authorities were more than the jurist's authorities, was wrong and false. Despite the fact that Prophet Muhammad's (PBUH) moral virtues was more than others and after him Imam Ali's (AS) virtues was the most, the moral virtues does not increase the governmental authorities, and the same authorities and guardianship, which the Holy Prophet and other Imams (AS) had in the providing and mobilizing the army and employing the governors and guardian, collecting the taxes and spending them in the Muslims' interests, God has considered those authorities for the current state.

When we say that the guardianship, which the Holy Prophet (PBUH) and Imams (As) had, now the "just jurist" has after the absence, no one should have the illusion that the position of jurists is the same as the Imams' (AS) and Prophet Muhammad's (PBUH) position because here we do not talk about the position but the duty. The Guardianship means the managing and administrating the country and implementing the laws of holy Sharia; it is an important and momentous duty and do not create an unusual position and dignity for someone or give him a higher level than the ordinary human level. In other words, in contrary with the idea, which many people have, the discussed guardianship or the implementation and administration is not a privilege, but it is a momentous task". (Ibid/ p. 51)

Reasons of Quran for the Guardianship of the jurist

Imam Khomeini (RA), who had the divine insight and knowledge, had drawn the conditions, authorities, and position of guardianship of the jurist in a way that the positions were not mixed and based on his view, the Prophet (PBUH) and Imam's (as) position are beyond the jurist's position and implementing the divine laws and Sharia is what makes the jurist's responsibility important.

Many verses have considered the topic "Guardianship of the jurist", but one of the most subtle verses includes:

"obey allah, and obey the messenger and those of you who are in authority" (AN-NISA (WOMEN)/ 59) in this verse, first the legal guardianship and then the guardianship with the meaning administration and governing are considered; now this question about the prophets (PBUH) and Imams' (AS) domain of guardianship is raised why when the legal guardianship is denied, all the legal provisions, which monitor the human actions, will be sent out of the guardianship area in the current meaning.

The answer to this question is that the prophets and saints' domain is within the implementation of general laws and matching those laws with the partial matters and employing the law executives so that this set of strategy is called as the "governing and stewardship".

Therefore, the domain of "Guardianship" means governing in the implementation not in the principle of legislation, because the legislation is the Guardianship on the legislation (Sharia).

And this verse: "obey allah, and obey the messenger and those of you who are in authority" (AN-NISA (WOMEN)/ 59) expresses obeying the divine appointees because this verse, which commands to obey the authority, do not consider anyone, who is in charge of the society, but it express the necessity to obey those who are as the authorities; even if = this verse considers anyone, there is no doubt that this consideration is bounded by many other such as this verse:

"And do not obey the bidding of the extravagant (AL-SHUARA (THE POETS): 151)" which prohibits from obeying the extravagant. Or this holy verse:

"and do not obey 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 (AL-KAHF (THE CAVE): 28)", which prohibits from obeying those whose heart are unmindful to God remembrance, or this noble verse:

"And do not incline to those who are unjust (HUD: 113)" in which the tendency to unjust one is prohibited.

In any case, with a variety of reasons, which expressed before, there is no doubt that appointing the Guardian of jurist in the absence era for the leadership and authority of society on behalf of God is necessary and inevitable.

At the same time, referring to the conditions in Quran is one of the easiest ways to prove the Guardianship of the jurist through the Quran, and it can be done only by the guardian of jurist after the infallible ones, these conditions in Quran are:

1. Islam and faith: Allah says: (and Allah will by no means give the unbelievers a way against the believers) (AN-NISA (WOMEN)/ 141). And (let not the believers take the unbelievers for friends rather than believers; and whoever does this) (AL-E-IMRAN (THE FAMILY OF 'IMRAN)/ 28).

2. Justice (against the oppression): God does not accept the unjust ones' government and guardianship, thus the ruler should be righteous: (and do not incline to those who are unjust, lest the fire touch you) (HUD / 113); this trend and tendency is interpreted as the "Friendship and Obedience" in the traditions. (Ali bin Ibrahim/ 1386/ Vol. 1/ p. 338)

Moreover, God told Prophet Abraham (Ibrahim) about the conditions of Imamate (leadership): "my covenant does not include the unjust" (AL-BAQARA (THE COW)/ 124).

3. Being jurist: The Islamic ruler should know about the Islamic commandments in order to be able to implement them. At the time of Prophet (PBUH) and infallible Imams (AS), this knowledge was given to them by God and in the absence of infallible Imam (AS) the most knowledgeable one about the commandments, i.e. the jurists, have this knowledge.

Quran says about the condition of science: (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? what then is the matter with you; how do you judge?) (YUNUS (JONAH)/ 35); with a specialization, which the jurist has tried for it for years, the jurist is able to extract the Islamic commandments from the Quran, tradition, wisdom, and society; he has this specialization and the Islamic commandments should be learned from the jurist.

4. Adequacy: It is the ability and competence of administrating the society affairs and is interpreted as being director and resourceful. Prophet YUSUF (JOSEPH) said: (he said: place me (in authority) over the treasures of the land, surely i am a good keeper, knowing well); (YUSUF (JOSEPH)/ 55).

In addition, it has been mentioned in the story of Moses and Shuayb's daughter (truly the best of men for thee to employ is the (man) who is strong and trusty) (AL-QASAS (THE STORY)/ 26).

All of these verses present an overall image of commandments from the perspective of Quran. In the logic of Quran, the governance and statesmanship belongs to those who have scientific and ethical qualifications and necessary capabilities. This image can only be obtained by the "Guardianship of the jurist" in the absence of infallible Imam (AS). On the other hand, the Islamic state is the state of God's rule: (whoever did not judge by what Allah revealed, those are they that are the unbelievers); (AL-MAEDA (THE TABLE)/ 44); and it will be impossible without the sovereignty of the religion expert and the specialist in executing the God's commandments (just and qualified jurist). (Makarem Shirazi/ 1381/ Vol. 10/ p. 68)

Different interpretations have been done about the "Authority" in this verse, including:

1. All of the Shiite commentators have interpreted that the infallible Imams (AS) were deserved to the "Authority" according to the quoted narratives and symmetries in the verse because numerous interpretations implies that the "Authorities" are the infallible Imams (AS). Holy Prophet (PBUH) stated in response to this question: "They are my successors and the infallible Imams (AS)" (Allameh Tabatabai/ 1363/ Vol. 4/ 407).

Therefore, the purpose of "Authority" in this noble verse, were those who were infallible like the Prophet (PBUH) and never did sin or wrong deed, in the other words they were the twelve Imams. Thus inherently the "Authority" is Imam al-Mahdi in absence era.

2. Sunnis have interpreted it as an absolute ruler and emir (Sultan). (Suyuti/ 1365/ Vol. 2/ 176)

3. Some commentators have said: The "Authority" includes the right rulers and thus the noble verse implies the necessity of obeying the qualified of the jurists who are appointed by the infallible one. This interpretation has been accepted by some Shiite scholars. (Imam Khomeini/ 1360/ 174)

Based on the second and third interpretation, the "Authority" is directly contained the "Guardianship of the jurist". According to the first interpretation despite the fact that this verse is not directly contained the Guardian of the jurist, it considers obeying the guardian of the jurist necessary because based on the numerous traditions and narratives, the guardian of the jurist has been appointed by those honorable ones for administrating and governing the Islamic society in the absence infallible Imam (AS).

Validity Reasons of the Guardianship of the Jurist

One of the reasons of validity is "Omar bin Hanzaleh's" narrative quoted which has been cited by the Shiite jurists during the history. In this narrative, Imam Sadeq (AS) stated: "People should be careful and select the jurist among the jurists, who are the narrator of the hadith, know the lawful and unlawful orders, and are familiar with the orders by the Imams' family, and accept him as their own ruler, because I have chosen him as your ruler". (Kulayni/ 1401 AH/ Vol. 1/ 67)

Kulayni (AS) stated about his own document by Omar bin Hanzaleh: "I asked Imam Sadeq (AS): Is it permissible if two of us (Shiites), who have conflicts about the "Religion" and the "legacy", go to the king or judge [oppressive regimes] in order to solve it? Prophet said: Whoever goes to them in the right or wrong cases, in fact has referred to the Idolatrous one and demanded for the judge. And then I asked: Then what should they do? People should refer to those of you (Shiite) who are the narrator of our hadith, know the lawful and unlawful orders, and are familiar with our orders (Just and scholar) and accept him as their own ruler. I have chosen him as your ruler, thus if he orders our rules, but his order is not accepted, the God commandment is

denied and we do not accept these people and this manner is at the level of disbelief in God. As a result of this narrative, it is clear that referring to the idolatrous one is not permitted and the Sharia ruler (Current guardian of jurist) should be referred in order to judge about the religious matters, and it is necessary to refer him or the ruler and his representative in order to resolve the disputes.

Imam Reza said: (Allameh Majlesi/ 1403 AH/ Vol. 23/32) If anyone asked why the Almighty God has considered the "Authorities" and order us to obey them, I would answer that the God has done it due to the numerous causes and reasons including:

1. Because people are held in a certain way and ordered not to exceed this way and deny the determined limits and rules because they will be faced with the corruption by this violation and encroachment. On the other hand this case will not be achieved and people not choose the certain way and remain it, will not held the divine laws, except the "powerful" and trustworthy one is appointed for them and be responsible for this case, thus he does not allow them to exceed their own rights or abuse other individuals' right because otherwise if a powerful one with the deterrent force is not appointed, people achieve their pleasure and benefit with the other individuals' corruption and oppress others in order to provide their own pleasure and interest ...

2. The other reason is because none of the sects and nations and different religions followers could survive unless they had an individual, head, or leader, who managed and established the order and law, because people need this individual in order to live under the religion and in the world. Therefore, in the wisdom of the Almighty God or the creator the people are not left without the leader because God knows that they need this one and their entities will not be strengthened unless he is existed, by his leadership they will fight against the enemy, divide the public revenues, hold the Friday prayer, and cut the oppressors' hand from the privacy of oppressed ones' rights.

3. The other reason and causes is that if an Imam, who hold the law and order faithfully, and is a trustworthy guardian and keeper, is not appointed for them, the religion will be old and aging, the faith will be disappeared, the Islamic traditions and orders will be inverted and changed, the heretics will add things in the religion and atheists reduce the other things and show it in another way for Muslims, because we see that people are imperfect and incomplete need the perfection; in addition to having differences, they have different tendencies and various manners; hence, if a person who established the law and order and was as the custodian of what the Prophet (PBUH) had brought for people, was not appointed for the people, they would be corrupted as mentioned above, the Islamic rules and traditions, and orders be changed, the faith and its content be altered, and this change will cause the corruption of all peoples and humanity.

Imam Khomeini explained and interpreted this sacred evidence by Imam Reza (AS):

"These causes, reasons and ways are not temporary and limited to the time and therefore the necessity of establishing the state is constant; for example the individuals' violation of Islamic limits and other individuals' right and people's privacy of right for providing their own pleasure and interest are constant. Thus the one, who is supreme and righteous, should rule people.

And the wisdom of life is based on this fact that people live fairly and take steps in the domain of divine commandments; this wisdom is permanent and immutable and one of the Almighty God traditions, thus today and always the presence of "Authority" or the ruler, who is the guardian and holder of Islamic order and law, prevents the violations and abuses of individuals' rights, is trustee and the custodian for God creatures, guides people to the Islamic teachings, beliefs, provisions and systems and prevents the changes, which the atheists and enemies make in the religion, laws, and systems. Was not Amir al-Muminin's caliphate for these reasons? There are those causes and requirements, which caused that he became an Imam, now, the difference is that there is not a certain person, but the subject has been considered as the title in order to be always protected.

Therefore, the state of guardianship of the jurist is necessary in order to maintain the Islamic rules, prevent violating poor people's rights, prevent the minorities, who are ruling, from providing their own enjoyments and benefits by plundering and corrupting people, establish the Islamic order, all people behave through the fair Islamic way and do not exceed it, prevent the changes and legislating the non-Islamic laws by the fake parliaments (Majlis), and remove the foreigners' influence in the Islamic countries; these cases cannot be achieved without the government and state enterprises, however the competent government is necessary.

The Islamic state is not one of the ways of current states, for instance it is not authority, under which the president of government is autocratic and obstinate, plays with people and their properties, and owns them arbitrarily. The Islamic state is not autocracy and dictatorship, but is constitutional. However, not the constitution in its current meaning, in which the legislation of laws depends on the individuals' and majority's vote, but a constitution in which the rulers consider a set of conditions, which are determined in Quran and Holy Prophet's (PBUH) tradition (Sunnah), in implementing and administrating. A set of conditions is the Islamic provisions and laws, which should be respected and implemented; therefore, the Islamic state is the state of divine law.

In this way of state, the sovereignty is limited to God and the law is God's commandment and order; The Islamic law and God's commandment rules totally the people and Islamic government. All people, from the Prophet (PBUH) to the caliphs of the Prophet and others, are forever subject to the law; the law, which is sent by the Almighty God and is expressed in the Quran and by the Prophet. If the Prophet (PBUH) was responsible for

the caliphate, it was the command of God and the Almighty God chose him as the caliph: "God's caliph in the earth" and he should not establish a state based on his own view and want to be a president for Muslims". (Imam Khomeini/ 1373/ p. 46-47)

In a text written by Imam Mahdi (AS) he stated: In the events, which are occurred to you refer to our hadith narrators because they are my proof for you, and I am the God's proof for them.

In this narrative, the jurist is also introduced as the proof of Imam Mahdi (AS).

One of the occurred issues is the religion sovereignty in today's world and we should refer Imam Mahdi's (AS) the proof and deputy; Iranian people referred and as a result the sovereignty of jurist in Iran and the constitution of Islamic system created.

Prophet (PBUH) said: Obey and listen to the one who God has appointed him as the Muslim's authority. In fact, he is the Islamic system. This narrative has expressed the divine position of authority and also considered his pivotal role and also the necessity of obeying him. (Sayyed Morteza Sharif/ 1403/ 7)

Rational reasons for Guardianship of the Jurist

If we want to consider the wisdom as the criterion for identifying the necessity of Guardianship of the Jurist and the state, the strongest proofs can be mentioned as they have been presented in the book "The Guardianship of the Jurist" by Ahmad Loghmani:

Based on the Islamic thought, the human life is not limited to the worldly affairs, but it is in direct relation with the eternal life. Thus, the Islamic rules are responsible for the refinement of soul, protecting the faith, and guiding the human wisdom before the tact and organizing the physical affairs. And two principles are noteworthy for the rational reasons and the Guardianship of the Jurist: (Ahmad Loghmani/ 1386/ 85)

1. Principle of "going to the expert": "The intellectuals of world, with any cultural, intellectual tendency have a clear and public manner towards taking any decision about the social, cultural, intellectual, economic, familial, political, and cultural and ... affairs. When need a thinker, scholar, skilled or artist one, they make the best choice in order to gain the countless blessings in their own decision making and be protected from any possible damages.

In this regard, if the aim is greater and more vital, then the consultation, being familiar, visiting the specialist will be more accurate calculated; therefore, the investigation about purchasing a required object for life will be significantly different with searching about the qualified doctor and surgeon for the brain or heart surgery.

With no doubt, spending all the power for the valuable and crucial objectives is the way which the wisdom and intellect present for the humans in order to prevent any economic, familial or physical losses, which will be irreparable in some cases. Now, will the individuals' sensitivity to choose the best qualified, reliable and caring specialist be more than before if the importance and this loss be considered in the intellectual and cultural ideas and motives as the valuable essence of human character?

"Since the man is the creators' sublime creature and all moments of his life are very valuable and they should not be easily sold for the desires and evil tendencies in order to be plundered by the transient pleasures, the wisdom and wise individuals order us to present our thoughts, feelings and desires to the qualified professional, who has the moral competencies and human traits; based on the believers this person is called "the guardian of the jurist" and has the qualifications beyond the ayatollahs' scientific and practical criteria. He will have the political insight of correct social understanding and the global macro vision. "Being the jurist" means having the knowledge along with the "justice"; in the other words the moral competencies along with the macro management of society or the "competence" has given him the privileges, which provide the superior confidence and more comfort in following for followers, and this choice is and will be thoughtful". Enemy has recognized the importance of this issue well because he believes that if you want to grab the spirit of hope and martyrdom-seeking and belief in religion from Muslims, you need to cut the root of the Guardianship of the Jurist and if this principle is destroyed, dominating the Muslims and their resources will be easier". (Ahmad Loghmani, 1386, 86)

2. Principle of "gradual decline": Whenever an affair is desirable and acceptable for scholars in any country but implementing it is difficult or impossible, they will never quit the effort and give it up, however they will follow a lower or next level. In other words, when they fail to implement a more important affair, they try the important one in order to replace it and gain the major part of works and values.

In all societies and based on the scholars' view, this way is always called the "principle of gradual decline" and not only can be seen in the range of religious dos and don'ts, but also in the serious manifestations of routine life, and social, economic, political and ... aspects is considered as a usual and proper manner among all the intellectuals and scholars. For instance, when the specialist doctor is not present at the hospital and when we cannot access him, we will not leave our dear patient and do not put him in the grip of death in excuse for the absence of the best specialist in the country but with no hesitation we raise this question:

Who will be the best after him? Or when we have the medical prescription in our hand and are disappointed of supplying the required drugs, never feel comfortable and leave the patient because there are not drugs in the

pharmacy, but we refer to the doctor and ask for the "similar drug". Undoubtedly, in this decision no one blames us and we will feel comfortable and relaxed on our conscience". (Ibid)

Therefore, it can be seen in different aspects of juridical and religious practices. "As, the best status for the prayers will be doing a fresh Wudu and standing faced the Lord, but if we cannot, we do Tayammum instead of Wudu and pray even while we are lying instead of standing, but we do not give up doing the Wudu or quit the prayer because we do not have the ability. Based on the jurists and experts' view, this religious way is called the "gradual reduction" and changing the "most important to the important one". The just jurist is the closest person to the Imam; in the belief system of Islam the sovereignty is considered for the God, but since the Almighty God does not intervene directly in the human social affairs and makes the prophets and infallible Imams (as) responsible for ruling, if the infallible Imams (as) does not have clear and obvious presence in the society, one of three ways below can be selected:

1. abandon the society and ignore the religion and being the religious because of the lack of an infallible one who does not do the fault or mistake!!
2. Since there is not an infallible Imam among us and doing the job, social needs is considered essential, based on the lottery, chance, happening and... choose an individual for the leadership of the society despite the fact that perhaps he is considered as the most ignorant one!!
3. Do not abandon the society and block the door of religion and being religious, or do not select any individual for administrating the society based on the Luck and chance falcon, but select the most similar one to the infallible Imam in order to lead the society; every wise person would choose this option in order to keep the society against the various events and enemy's weapon, and in all societies, it is noteworthy that a knowledgeable and aware person should say of the final word and the rest of officials and people should obey him; in many European countries we have seen this issue and final decisions by a trustworthy one in their choice, despite the fact that this matter is not comparable with the Islamic community because in the Islamic laws the just, resourceful and virtuous jurist is introduced in the absence era and he has the spiritual and divine position.

Prophets' main objectives

If we look at sending the divine Prophets and their objectives with reason and wisdom, we will know the objective of establishing the social order, security and justice at the level of human society, and Imam Khomeini (RA) stated about the Prophets' objectives: "The religious system with the guardianship of the jurist monitoring, is a government under which the prophets' ideals are perpetuates all over the society. The divine Prophets' high ideal is to create the "eternal life" for all people who believe in the religion. The set of law is not enough for reforming the society. In order to change the law to the essence of human being's welfare and reform, we need the executive and the one, who execute it; therefore, the Almighty God has established a state, executive structure and office as well as sending a set of laws and regulations or the Sharia (legal) commandments.

"Prophet (PBUH), who was at the head of executive and administrative structures of Muslim community, quoted the revelation, and expressed the ideas, commandments, and Islamic systems as well as executing the provisions and establishing the Islamic systems in order to create the government of Islam. Essentially, the social provisions and systems need the executive. It is always the same in all countries around the world that the legislation is useless alone. Legislation, solely, will not ensure the human happiness; after describing the provision the executive should established. The holy Prophet's (PBUH) traditions and practices (Sunnah) are the reason for the necessity of establishing the government because he, himself, established the government; and the history certificates that he established the state, implement the laws, established the Islamic system(s) and managed the society.

Obviously, implementing the provisions and their necessity, which has made establishing the Prophet's (PBUH) state necessary, is not limited to his time and also is continued after the Prophet's (PBUH) demise. According to the noble verse, the Islamic provisions are not limited to any time and place. Thus, the Sharia and wisdom and what was necessary during the Prophet (PBUH) and Amir al-Muminin's (AS) life, means the state, executive and administrating system after him and in our time are needed. Based on the wisdom and necessity of religions, the Prophet Muhammad (PBUH) and the prophets' (AS) objectives were not only expressing the problem and commandments. For instance, they had not be just the narrators; it means that it is not true that the Holy Prophet (PBUH) only had received the issues through the revelation and the Prophet, Amir al-Muminin and the other Imams (AS) were just the narrators, who God appointed them in order to quoted people the issues and provisions without the traitorousness, and they had also devolved this loan to the jurists in order to transfer, what they had received from the prophets, to the people without betraying. The meaning of "The jurists are the Prophets' trustees" is not that the jurists should be faithful in quoting the issue, in fact the Prophets' (AS) major duty is to establish a social and justice system through implementing the laws and decrees, however the divine orders, teachings and beliefs should be quoted and promoted, as the meaning of this holy verse is clear obviously: " e verily sent our messengers with clear proofs, and revealed with them the scripture and the balance, that mankind may observe right measure... (AL-HADID (THE IRON)/ 25) In general, the aim of missions (Be'sats) is that the people to be ordered based on the fair social relation and this is possible with

establishing the state and executing the provisions; either the prophet (PBUH) became successful in establishing a state or his followers after him could establish a state and a fair social system. Thus, "The jurists are the Prophets' trustees" means all matters, which the prophets were responsible for, the jurists have the righteous duty to do and implement them". (Imam Khomeini/ 1373/ Guardianship of the Jurist/ p. 77)

Conclusion

This text concluded that the Guardianship of the Jurist has the divine nature, and the Guardianship, which was considered for the Prophet (PBUH) is fixed and true for the Jurist; and in fact the philosophy of establishing his state is for implementing the divine provisions, guiding the society, and preserving the Quran and Islam. Because the jurist has the characteristics such as the justice, courage, vision and thought he can keep the interests of Islamic homeland against the International plunderers' invasion and looting.

Nowadays, the nation remained from that kindness and dignity Prophet has shown their allegiance to the one "similar to Ali (AS)" and of Fatimah Zahra's (SA) offspring in the city of faith and they are stable and consistent in this covenant. Faithfully awakening of this nation prevents the repetition of history. Today, the "Guardianship of the jurist" punches on the West arrogance and unbelieving mouth and straightens the power of Muslims' "fatwa". Today, this late Imam's (leader) nation and this great Imam's followers respects the Imam Khomeini's way, revolution heritage, and the martyrs' ideals by adhering to the strong rope of "the Guardianship of the Jurist".

And it is all Muslims' and duty to follow and obey this light of guidance and orientation towards the prosperity and make the new generation familiar with the importance of the "Guardianship of the Jurist" by the insight and compassion.

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