

Analysis of The limits of the Authority of Supreme Leader with Emphasis on the Verses and Opinions of the Jurists

تحلیل حدود اختیارات ولی فقیه با تأکید بر آیات و آراء فقها

Received: 18/05/2019

Accepted: 03/02/2020

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Abstract:

In this paper, based on the verses of Quran and the traditions related to the supreme leader, it is about the supreme leader's jurisdiction. This is important because the theory of supreme leader is one of the most important achievements of political thought driven from Shia school that is stemmed in the verses and cabbalas. The theory of supreme leader has a long history among jurists and amongst no one has been denied the supreme leader, but the jurisdiction of the supreme leader in occultation has been debated and it raised questions and doubts. Today, in this sense, the Islamic Republic of Iran on the basis of the theory of supreme leader has been led and establishing the principle of supreme leader in the constitution and the objectification on the community, it is of special significant to discuss the jurisdiction; hence, the analysis of the jurisdiction of the supreme leader is also a topic that can be investigated using verses and cabbalas. This paper, by explaining the Quran' view and cabbalas on the authority of the supreme leader, investigates the issue.

Keywords: supreme leader, Quran, jurisprudence, absolute supreme

چکیده:

در این مقاله براساس آیات قرآن و روایات مربوط به ولی فقیه در مورد حوزه قضایی رهبر معظم انقلاب است. این موضوع به این دلیل مهم است که نظریه مقام معظم رهبری یکی از مهمترین دستاوردهای اندیشه سیاسی رانده شده از مکتب شیعه است که از آیات و روایات نشأت گرفته است. نظریه ولی فقیه سابقه طولانی در بین حقوقدانان دارد و در بین کسی از فقها، نظریه ولی فقیه رد نشده است، اما صلاحیت ولی فقیه در غیبت مورد بحث قرار گرفته و سؤالات و شبهاتی را ایجاد کرده است. امروزه جمهوری اسلامی ایران بر اساس نظریه ولایت فقیه رهبری شده و با تثبیت اصل ولی فقیه در قانون اساسی و عینیت بخشیدن به جامعه، بحث در مورد صلاحیت آن از اهمیت ویژه‌ای برخوردار گشته است. از این رو تحلیل صلاحیت ولی فقیه نیز موضوعی است که با استفاده از آیات و روایات قابل بررسی است. در این مقاله با تبیین دیدگاه قرآن و مبانی مربوط به مقام معظم رهبری، موضوع بررسی می‌شود.

کلمات کلیدی: ولی فقیه، قرآن، فقه، نظریه ولایت مطلقه فقیه.

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Introduction

In this paper, based on the verses of Quran and the traditions related to the supreme leader, it is about the supreme leader's jurisdiction. This is important because the theory of supreme leader is one of the most important achievements of political thought driven from Shia school that is stemmed in the verses and cabbalas. The theory of supreme leader has a long history among jurists and amongst no one has been denied the supreme leader, but the jurisdiction of the supreme leader in occultation has been debated and it raised questions and doubts. Today, in this sense, the Islamic Republic of Iran on the basis of the theory of supreme leader has been led and establishing the principle of supreme leader in the constitution and the objectification on the community, it is of special significant to discuss the jurisdiction; hence, the analysis of the jurisdiction of the supreme leader is also a topic that can be investigated using verses and cabbalas. This paper, by explaining the Quran' view and cabbalas on the authority of the supreme leader, investigates the issue.

Description of the issue

The issue of the supreme leader's jurisdiction was assessed in terms of which is the most important prerequisite of "leadership", and one of the most significant conditions, and the leader has no presence and appearance, no one else can be as "leader" of Muslims and take their religious and worldly affairs; because it is a rational and obvious principle that the supreme the most perfect were present, others not to be qualified, unless "absolute mandatory" leave it to him to be permitted- as the supreme leader in the absence of the Twelfth Imam (God Almighty hurrying

up the reappearance) - and he deals with the affairs of Muslims under the leader's supervision in his authority, shouldn't overreach; the status "the divine leadership" attributed to that the Imams who are immaculate and the Prophet (PBUH) will be assigned as "Caliph of Allah", which is aimed at the creation of human and the angels were genuflect because of this status but if not existing the leader, the land is took down folk in itself (Javadi Amoli, 2005, p. 61 70).

But the mandate which is attributed to others merely tenure in the followers' affairs would be on the area in which is allowed by the lawyer, for example, the father's mandate on the children is not comparable to the mandate of the lawyer on Muslims' social and religious affairs, since largeness and mandate authority are different for both. In other words, that is the mandate of God and the Prophet (PBUH) and Imam (AS) to the others would be of true kind and driven from their inherent capabilities and requirements, but others' mandate is of "creditable and conventional kind" and associated with the lawyer's canonization. If the realization and actualization of the mandate under Prophet (PBUH) and Imam (AS) at the community requires the people's attitude, obedience and submission to their possessions and commands and prohibition and it also needs for the people to refer to and be consent to their judgment and sentence otherwise that divine mandate in society does not have occurred and applied.

In Shiite's opinion it is essential "Caliph of Allah" to be understand and abode by his orders, prohibitions and judgments and rulings and if everyone refuses it, in fact, not accepting monotheism prophecy, and on the other hand, prerequisite on reception of God

would be monotheism and justice of God, accepting the prophecy and acceptance of both is required to accept the leader's mandate. This is driven from verses 3 of Surah Maedeh that knows the notification and introduction of mandatory as equivalent to announcement of prophecy and monotheism, and from verses 59 of Surah Nesa which puts obeying the mandatory along with obedience to God and the Prophet (PBUH), as well as the Thaqalien cabbala "the Prophet's family members" to be considered as the Holy Quran (Javadi Amoli, 2007, pp. 28-55). However, according to the Prophet and the Imams' authorities for believers' affairs, it can be achieved that this is held for the powers of the supreme leader of the believers, but in this article we will try to have a research-centered look based on Quranic verses and cabbalas to reveal the jurisdiction and examine what and how are these on basis of jurists' arguments of devolution from Imam to supreme leader in the absence of immaculate Imam.

Supreme Leader of the Prophet and the Imams on people

In this section, based on the verses and cabbala, the Prophet and the Imams' absolute mandate on the people is assessed and based on which in the absence era there have been several cabbalas this authority has been given to the supreme leader, the jurisdiction of the supreme leader will be considered in absence era.

According to the verses and cabbalas, it can be perceived the absolute and comprehensive mandate of the Prophet Mohammad (PBUH) and Ali (AS) established the infrastructure and the

management pivot and their government on the people and the society.

To prove this point, there are many verses and cabbalas to which the lawyer in this field invoked, they include:

God says in verse 36 of Surah Ahzab: "And no man and woman would not be authorized when God and their messenger command them in doing a work, and whoever disobeys God and the Messenger, being indeed gone astray; obvious astray" (Ahzab: 36).

In this verse, the orders and command by the Prophet get accounted for as that of God and the believers should obey perfectly, based on absolute mandate that the Prophet had ruled them. In this verse, God says that disobedience of the prophet Muhammad is as an obliquity for the believers because the Prophet, based on mandate has, knows best than themselves. This verse indicates well that trust to their own opinion and others' against the judgment of God and the Messenger has been considered the decisive error, and certainly it is forbidden, and the believers have no right to ask other will against the God and the messenger and it is clear that Practice of divine science or theology against the texts, is nothing more than to choosing her/his own will or others' against the judgment of God, the Prophet and governors (Yousefi Moghadam, 2008, p. 284). In verse 59 of Surah Nesa also expressing the mandate of God and the messengers on the people and the believers, it is mentioned: "the people who believe; obey the God and obey the Messenger and Governor those as like as you, so if conflict about something, returning it to Allah and the Messenger, if you believe in Allah and the Last Day"(Nesa: 59).

The importance of this verse is that it cited Governors' mandate explicitly, who are the Imams. To clear up the issue who Governors are referred to the Quran, it can be cited a cabbala of the Prophet Mohammad that it can be found in the era of Prophet Muhammad (PBUH) he himself had enforced the rules and the sacred religion, and then, the twelve Imams (peace be upon them) that the Prophet (PBUH) have been referring to them as the Prophet's family: "Verily I have left among you two precious weight, the Book of Allah (the ideal guideline) and the Prophet's family (immaculate anchors), and the both do not separate from each other until the next to the Kosar spring will arrive at me" (Majlesi, 1410, vol. 2, p. 226, Cabbala-3).

According to the narrators' quotes they had done precisely to record the temporal-and-space circumstances, the Prophet PBUH (peace be upon him) has seen the cabbala in at least four cases. Arafa day in the Farewell Pilgrimage (Tirmithi, Bitā, Vol.5, p. 432; Tabari, Bitā, Vol. 2, p. 402; Ibn Hisham, 1403, Vol. 4, p. 248; religious, 1407, Vol. 2, p. 709), day of Ghadir Khom (Nesa'ei, 1420, p. 119; Ganji, 2011, p. 53), the last speech in the mosque in Medina (Ibn Attia, Vol. 1, p. 34) and on the last Thursday of his life in his rooms (Ibn Hajar, 1403, p. 126)

The story is of special important in terms of that this has been expressed by successive various documents from the Sunni and Shia, therefore, based on which a great deal information in order to connect the mandate of God and Prophet to that of the Imams would be used, and thereby expressing a the realm of their authority. According to this cabbala, we can conclude that every prosperous society requires two things:

a) the ideal law,

b) a director who is manager and competent,

that they alone are not enough either (Len Yaftaraqa), and prosperous society needs for the both, the Messenger, (PBUH) on the same basis for the Muslim community, has introduced the two fundamental factors; and what guarantees survival and seal of Islam would be two the same factors, whether in presence era or in the absence era, with the difference that in the present era, the rule is the bible and the Imam (AS) is considered as an executive, but in the absence era, instead of immaculate Imam, priest deputies of the Imam are law enforcement.

Under that righteous law enforcement is required; the authorities could be specified based on the Quran. Sheikh Ansari based on Quranic verses and cabbalas (Ansari, 1990, p. 153) counted the scope of the mandate of the Prophet and Imam as follows:

1. The Prophet and Imams are mandated on the souls of the believers

Surah Ahzab, in verse 6 it is said "the Prophet is most competent to the believers than themselves" (Ahzab: 6).

Following traditions come from the Prophet's and the Imams' mandate on the believers' ego.

The Prophet Mohammad (PBUH) "the Messenger (PBUH) as the story of Ayub Ibn Attiyeh, said: I am the most rightful to each believer than oneself (Hour Ameli, Vol-551/17, Chapter 3, C 14)".

2. The Prophet and Imams are mandated on the doings of the believers

About the mandate of the Prophet and the Imams on what believers do, in verse 36 of Surah Ahzab, it is stated that "no man and woman who are faithful

have the right to select, after that God and the Prophet judged (ibid: 36)”

Also in Surah Nour, verse 63 says, in the sense that "those defy command and order of the Prophet must fear about the fact that inflammatory or painful statements touch them" (Nour: 63). And also, Verse 59 of Surah Nesa also states that in the sense that "Obey God and obey the Messenger and those mandatories [immaculate imams] (An-Nesa: 59). Surah Maeda, verse 55 calls the Prophet and the Imams are immaculate as guardians "Behold, your mandatory is the God and the prophet and those who believe [the Prophet family]".

There are many traditions of the Prophet's and the Imams' mandatory to the believers' doings that get mentioned, the cabbalas said that obedience of the Imams has been indispensable and they become refused to be like disobedience of the God which is prohibited: acceptable thing pertaining to Omar bin Hanzlh, being well-known attributed to Abu Khadija and that the events of Holy has been issued by Imam (AS) (Al-hourAlamly, 1988, vol. 13).

Sheikh Ansari writes: Consensus on the mandate of the Prophet and the Imams in the domain of social affairs related the people is shown obviously (Ansari, 1990, p. 153) It can be concluded on the basis of the above verses and cabbalas that the mandate range engages the adherence to them which is obligatory, and religion-based recommending to good and enjoining not, judicial, and vast areas and open field of macro and diverse policies of social and sphere of public interests, and common, ordinary and personal orders and commands.

In any case they that would know best interest can exert the mandate and can command everything and to wherever they want, according to their belief and faith in the infallibility, this is indicated to be interested by discussing the argument (s) and wisdom will consider accepting and following their instructions.

So based on verses and traditions about the disobedience of the Prophet's and Imams' mandate and command, if with handicapping, sabotage, and hatred motivation, and it will cause getting out of the religious and blasphemy source, and if driven from escaping from responsibility and from the lust, it is a sin. With overall overview and the compact assessment of the context of the Prophet and his mandate, it was clear: the Prophet's and Imam's mandate of the preaching of divine judgments, the judging the people, government and community leadership and the broad powers of governance in social, political things based on common interests are taken into consideration of the inevitable issues, without saying dialogue and proper of Islam.

But the mandate in particular, common, ordinary and personal things with case interest and depending on one among the community or on the Prophet and Imam himself or newly coming issues that it is not clear why this is on the interest, but relying on the credibility of the infallibility would not consider without the wisdom and interest.

Jurisdiction of the Supreme Leader in the absence era

Given the presence of infallible, matters of sovereignty and every empire of any nation's affairs, religious affairs, and

management of political and social issues get become under their possession, or they themselves overtake and supervise actions or delegate representatives. In the life of the immaculate, without his permission, no one has right of interference in the affairs of religious, social and political of the people.

But then when the twelfth Imam (as) was hidden front of the eyes and the greater occultation arrived and at this while, the community cannot impart of his holy grace seemingly, it should be noted that to what extent the jurisdiction of the supreme leader get determined against the Islamic criteria and the balances for provisions, and religious laws, defending the honor of Islam, protecting borders, preventing predatory and maintaining a healthy society versus thought bandit, community management and fulfilling the rights of people and so on. So taking about the Prophet's and the Imams' jurisdiction among the people and provisions of government establishment and the issues after death they have, it cannot be assumed that the Holy lawyer and the Imam (AS) in the history of the absence has released their Islamic followers to do what they want, and based on Quranic verses and cabbalas is that the Islam for believers and government in absence era has programs; and has identified one or individuals for the leadership of the society and people. According to the citations anyone else other than the jurist has all the features

of the supreme leader deserves the religious community leaders. According to Sheikh Ansari, it has been copied jurisdiction based on the verses and cabbalas, Sheikh Ansari writes¹:

The jurist with known features has the tripod positions and authorities:

1. The authority on adjudging to all what is necessary on the people's life and the place of the minor issues of religion and analytic proposition would have a religious order. The dignity is fixed to the supreme leader, both from the view of scientific and technical points and from award and theoretical viewpoints there is no difficulty and against.

2. The dignity and position of judgment between people, based on what he sees fit and the right. And so [in litigation, announcing the pass over and the wisdom to break the fast, the jurist's vote and comment is permitted. there is no inconsistency in that it is fixed dignity to the jurist.

3. The mandate related to intervention of wealth and lives of the people [in such independent or permitted mandate] and the same kind is aimed in our discussion.

Imam Khomeini based on verses and cabbalas spoke of jurists' position and dignities in discussion of jurisprudence and imitation; and he argued the leader's dignity, finally concluded the absolute mandate of jurist in controlling the societal affairs (Mousavi Khomeini, vol. 2, p. 9499).

¹. The jurist, who is qualified to capture the appointment as a mandatory (decree), must fulfill three conditions: First adjudging on what is related to the public and ancillary issues and works and inferential issues and propositions with respect to the need for ancillary statements. And there is no problem or contradiction in the stability of this position of the supreme; the second condition: it is the base and the

dignity, that is he can be issue the dictum related to litigation and other issues he believes it to be right. This position is also fixed with no conflict and differences in the context of the award; third condition: the mandate of intervention of the property and lives of the people and this section form our discussion.

It can be found some reasons from the Koran and the cabbalas to prove the jurist based on the three spheres of authority. On the grounds that these three areas are characterized which would be considered by dignity and the mandate in the absence of infallible to the supreme leader.

For example, the award authority may be reasoned by communications and news and the traditions of the wisdoms on the necessity to the uninformed referring to the scientist; but to prove legal status, some reasons such as the acceptable thing pertaining to Omar bin Hanzaleh, being well-known attributed to Abu Khadija and consensus and reasons for maintaining the system and like that become argued.

The jurisdiction of the supreme leader from the perspective of the jurists

Mohaghegh Kareki (B. 940 AH), while emphasizing the supreme leader and attributing it to great scholars and jurists raised before himself, such as Seied Morteza, Khajeh Nasir Tusi and Allameh Helli² and also explaining the meaning of the interest through expression of its examples, stressed on it as governmental regulations the basis (Kareki, 1989, vol. 5, p. 72) and recognized decisions and rules made by the mandatory to be invalid and reprobate whenever it is deemed not based on the interest and wrote:

"Supreme leader is a kind of mandate on the interest, for example, if one dedicated a location for purpose of mosque or shrine, it can be achieved in two ways. . . . Second one is done by the canonry lawyer"³ (Kareki, vol. 4, p. 87).

Shahid Sani (B. 1545) wrote: "What is meant by the supreme leader is a person who would engage in comprehensive requirements of award . . . He to preserve the public interest has been appointed by the Imam (PBUH)"⁴ (Shahid Sani, 1989, vol. 1, p. 48)

Shahid Sani (B: 1543) in different chapters of jurisprudence in the sense of interest and due to being criteria for judgments issued by the mandatory would think the same as Kareki, and just considered the criterion of interest to be valid for sentences, issued by the Imam appointed by the supreme leader.

(ibid, vol. 1, pp. 108, 155, 281 and vol. 2, pp. 81, 273 and 285), this great jurist who is powerful was considered as commentator of the martyr as bright as possible, spread out his views in this regard, and sometimes makes it reasonable (Al-Huor Amil, 1989, vol. 3, p. 72, and vol. 2, pp. 399 and 401, 399-400, 403, 397-398).

Mohaghegh Ardebili (677), while believing in the supreme leader, presented proper explanations about the Shahid Sani's sayings and Mohaghegh Kareki's on the relevance of sentences issued by the Supreme Leader and on the interests; for example, Ardebili on

². Ali Ibin Hussein Al-kareky, books under "treatises of Al-mohaqegh Al-kareky, research by R Mohammad Hassoun, treatises of Friday Prayers, Qom, Ayatollah Marashi Library Publications, vol. 1, p. 142, article Qathe Al-lejaj; it is about the problematic issues and may permit the dictum of vice-successor of the prophet, and considers it as the

Muslims' interests such as public properties" problem-solving research of tribute, p. 270.

³. And because the governor and the head of the State carry out the public interest and matters so is considered as his authority.

⁴. "What is meant by the Supreme Leader, where he was head, he is comprehensive to adjudge . . . He is appointed to protect the public interest by Imam (AS).

why the property found could be entrusted the governor, wrote:

"Because the ruler "deputy" is the absent one and appointed for the benefit of the society and people. ... The ruler kept this property and if knows best, he sells"(Ardebili, 1994, vol. 10, pp. 434 and 438).

On the relevant of interest with the supreme leader's provisions, apparently the contents of jurists shows they have said the provisions concerning the presence of the twelfth Imam (PBUH) and have taken to be silence about his absence that whether it can be enforced the ransom rules in the absence era or provisions is special to the presence era of twelfth Imam (PBUH). City's researcher wrote: "In presence era, the ransom rules would be clear, as he uses in way of which knows best. ... But in the absence era, it makes a problem. It may be said that the religious ruler who is Vice-Imam (PBUH) can catch a ransom and keeps it as treasury among Muslims and spend in the way of interests of Muslims ... "(ibid, vol. 7, pp. 518 and 519).

Thus, about the relation between interest and Supreme Leader, Mohaghegh Ardebili would point out that the before him it was not regarded. He on the same speech referred it and unlike the former jurists, he would not address such these issues and drew dictum on them only at the presence era, while in the absence era they would be required and affected, he complained and wrote: (Hosseini, 2002, p. 44)

"However, the problem is not clear whether anybody else is authorized other than Imam? As the reason was not found for this decision and there was not something in the words of the Shiite jurists, but their statements herein is dumb and succinct. Ironically, why

would they pose the statements are related to the absence and leave such this kind of issues, where people need for. Perhaps this is because they have not achieved the documentary and argument about it. But is worthwhile I would like to say explicitly about it that the mind of some as like as me becomes clear and doubts gets away"(Ardebili, 1996, Vol. 7, pp. 518 and 519)

Thus, the ideas of these three esteemed jurists in the Safavid era opened up new openings for jurists later in discussing and paved the ways to take the next steps in this path but soon after the movement of Akhbarian spread out throughout large part of the Shia world, and undermined in general these kind issues.

Mohammad Baqir al-Mohammad Akmal, Waheed Behbehani (B: 1814) in addition to the hard defense of the underline rules stability and correctness, and a re-revival of former jurists' approaches explicitly, knew the supreme leader and the religion lawyer to be considered as a vice-Imam (Behbehani, 1994, p. 501-503) and provided a context to clarify the question of the expediency of the occultation.

Jaafar Ibn Khidr Jenahi Najafi (Kashef Al-ghata) (B: 1807), who was an outstanding student of Vahid Behbehani, wrote the book "Kashef Al-ghata" during the war between Iran and Russia and in the chapter of war, this valuable book has paid more attention to the issues concerning interest than the previous jurists, then in the absence era, he made the relationship clear, between government and interest.

Naraqi in addition to a detailed survey of "supreme leader" established bona fide link between the mandate and interests more clearly.

Mohammad Hassan Ibn Mohammad Baqer Najafi (B: 1845) who was a student of Kashe Al-ghota and perhaps, of Vahid Behbehani, writing valuable and comprehensive book in field of jurisprudence under "Javaher Al-kalam" had made legal jurisdiction of the Supreme Leader in occultation more clear.

The supreme leader's provisions are put based on interest drums, in his viewpoint in general the mandate behooves to the Muslim that the mandatory always considers their interests (Najafi, 1983, vol. 21, p 181). In other words, everywhere the mandatory is obliged to take followers' interests in all decisions about perfectly into consideration (ibid, vol. 15, p 380). It is the same about the executor who bears responsibility for the testator's property (ibid, vol. 29, p 191) and about children and psychotic people and who is responsible for the mandate to Muslims, (ibid, vol. 29, p 213), the difference exists on the mandate-wide (Hosseini, 2002, p. 44).

The materials said by the author of Javaher indicates that he had insisted on observing important and the most important things (Najafi, 1983, vol. 22, p. 192, and C 21, p. 298, 92-80), and considered the interest to be valid that is regarded in the context of religious orders (Homo, vol. 21, pp. 66-68, 305-300)

The author of the book under "Al-Javaher" in the execution of statements by the Supreme Leader also said:

If the supreme leader is ensured the ruler not to abuse him or Shiites, the

execution of God is obligatory upon him (Najafi, 1983, vol. 15, p 358).

Imam Khomeini on the book under "Supreme Leader" wrote: The story was that the tenth Imam⁵ (AS) got questioned whether we refer to the rulers and governmental authorities and the judges, he replied it is forbidden to referring to the governmental undue authorities – whether the executive or the judicial - and he ordered that the nation of Islam must not refer to the oppressive rulers and the judges who are their agents; although they would be rightful and want to take action to reclaim and get it. The Muslim person, if his son had been killed or his home looted, he again has no right to go rulers fit for trial. Also, if he is a creditor and has a living witness at his hand, he cannot see the judges who are loyal to and agents of oppression. Whenever they conferred in such cases to them, this means referring to the "Satanic system", namely the undue powers.

And in case he achieved his inalienable rights by the undue power and systems, it will take, even if it was an inalienable right, this means it is unlawful and no right to the possession of it. ... It warrants political Islam.

This is a ruling that causes the Muslims would get withheld while referring to the undue power and their puppet judges that governmental agencies become closed are non-Islamic and violent, and the path will open towards the guiding Imams (AS) and those from whom they have the right to rule and judge.

⁵. Imam Sadeq says: Each of you who narrates our tradition and researches about our unlawful and lawful things and becomes as an expert and knows our rules and provisions should be accepted him as ruler; because I put him ruler over you, so if he governs

based on this and he is not obey, it is disrespecting to the commandment of God, and disobeying us, disobedience to us is equivalent to disobedience of God and it means to take a company of God.

The main point is that the rulers and judges who put into practice their intentions, would be not regarded as a reference, and people looking for following them. ... So what must the nation of Islam do? And in the occurrences and debates what do they do and where official do they see?

Said that for the dispute, refer to the narrators of our hadith who are familiar with lawful and unlawful things of God - as a rule - and recognize our laws in accordance with the intellectual and religious standards (Khomeini, 1999, p. 77-80)

"... The command issued by the Imam (AS) would of general and public ones, as Imam Ali (AS) during his apparent regime determined the governor and the exarch and the judge and it was the duty of all Muslims to obey them and interpreted as a word "In the manner of governor" that nobody assumed judicial "just matters" to put and not related to other matters to the government; apart from the top, and below of verses and stories mentioned in the cabbalas, it is used that the issue is not to determine the judge that the Imam (AS) appointed the judge only and didn't take decisions on certain other matters of Muslims; and as a result, he had not left one of the two questions with no answer which is about referring undue executive power to dispense justice. This is a description of clear things and there is no temptation of the document. There is no doubt that Imam (AS) appointed the jurists to judge and govern. It is requires that the Muslims obey this command issued by Imam"(ibid, p. 102-106).

Stabilized position of adjudging and decree and the mandate to the supreme leader

The position of supreme authority is stabilized by various ways. It can bring the exemplary traditions it stipulates that the scholars and jurists are superior to other believers, and as well as it can make some examples of the necessity and taste of jurisprudence and reasons of probate law and so on. For features, there have been differences and distinctions between credits of absolute discretion and erudition than judgment, decree and mandate.

In this case, it should be noted that there are some differences between the three jurisdictions for the supreme leader in terms of idea interferences and lodgment. And should not be known the consensus that is used to prove the judicial authorities claimed in error to be equivalent to the mandate of public or on public affairs (Mazinani, 1994, p. 33).

It should be noted, according the relationship between the jurisdiction of the supreme leader and the Prophet and the immaculate, that the based on the cabbalas, it can assume both the dignity and positions of the prophet and the Imam (AS) i.e. promoting and expressing the divine commandments (adjudging) and judgment among the people (decree) to be stable to the supreme leader; however, there is a difference of opinion among jurists on why it reasons this dignity and status, some depends the stories and some, consensus and some for proving the judgeship, probate way and sure enough.

So there is doubtful dignity of the Prophet and the Imams' jurisdiction on discussion of mandate and dignity and status of the mandatory and social leadership and in probate matters in the sphere of the necessary and inevitabilities of partial and personal,

such as protecting property and lives of children without any protectors, psychotic people, disappeared, the partial Supreme Leader of issues would be accepted without dialogue to all the scholars.

However, in how reasoning the supreme leader of portable matters with mentioned meanings, there are different perspectives, some have utilized the traditions and reasons of deputy and appointment and some, the matters of the sure enough (Khoi, 1997, vol. 1, p. 423)

But the mandate to the individuals' life, property and fate without province of the necessities and inevitable things and or social or public interest, but only to the will of the supreme leader would be a word that has no known speaker. No jurist and theoretician had this idea and adhere to it.

But what may be used according to a number of jurists' term that the lawyer has such mandate, it is not accompanied by a credible argument (Larry, Bitz, vol. 4, p. 154).

The findings:

According to the evidence based on the Quran and the cabbalas about the supreme leader's jurisdiction was brought, it is concluded that

1. Fully qualified jurists of Islamic in addition to the appointment of the mandate of the award, enforcing the legal statements, jurisdiction, monitoring the government and probate matters are mandated on political and social issues too and under the positions and authorities, it was used the argument called by Supreme Leader. It is obvious Imam (AS) would not appoint a certain person to rule, but has determined in general. It is necessary obeying to the

ruler of the general appointment from the immaculate, not accepting his sentence is seen as a rejection of the immaculate.

2. Being mandated on life and property and the fate of the people, without necessities and inevitable things and public and or social and public interest, but only in the will of supreme leader, it is the word that no jurist and theoretician had this idea and adhere to it

The jurist whit known features possesses the tripod dignity and position:

A. The position of adjudging has religious sentence to all what exist in life for the people and the place of the minor issues of religion and inferential propositions. This position is stable to the supreme leader, both from the point of view of scientific and technical and from award and theoretical, there is no difficulty and against.

B. Base and position of judgment between people is equal to what he sees fit and the right. Otherwise so [in lawsuit, the pass over and the wisdom to break the fast], the supreme leader's vote and comment would be executed. There is no inconsistency of this position to be stabilized to the supreme leader.

C. The mandate of intervention into the wealth and lives of the people [in such independent mandate and allowed mandate] this kind is the objective of our discussion.

3. According to the jurists if the supreme leader would be ensured the ruler not to abuse him or Shiites, the execution of divine statement is obligatory upon him.

4. The provisions of the supreme leader position are based on an interest

drum, the mandate behooves to the Muslim that the mandatory always considers their interests.

5. Finding out the jurisdiction of the Supreme Leader has a long history and it is found a lot of efforts among the jurists such as Mohaghegh kareki, Shahid Sani and Mohaghegh Ardebili in the Safavid era. This led to the beginning to find the jurisdiction of the Supreme Leader to get the criteria of the jurisdiction of the Supreme Leader in the absence presence, amongst the most significant criteria has been the relevance of the mandate with the interest under the issue of the supreme interest. This criterion can extend and develop supreme leader's authority in each time period based on the best interests of the period for the believers. The same issue made the measurements arisen in subsequent periods for recognition of the jurisdiction of the Supreme Leader in the absence era and caught this into three areas: award, judgment between the people and the possession of property and lives of the people based on the believers' expediency.

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