

A Comparative study of Velayat-e faqih (Jurist Guardianship)'s theory from the viewpoint of Imam Khomeini, Sheikh Ansari and Ayatollah Khomeini

Author or Writer: Asghar Qadkheodai aliaryrani

Presented at University of Tehran, Campus of Qom, School of Jurisprudence and Philosophy

Year: 2009

Abstract: Before the prominent cleric and late jurist Naraqhi, the concept of Islamic governances had always been explored in the books of the Ulema (scholars) in a scattered manner on the occasion of discussing various jurisprudence views on the issue.

Mulla Ahmad Naraghi (M-1248 AH) is the first jurisprudent to dedicate an independent discussion in his books about Waliyat Faqih. The jurists who came after him also usually deal with the subject of their involvement in the terms of the law.

In less than two centuries after the death of Mullah Ahmad Naraghi, Imam Khomeini, on the basis of the Waliyat-i-Faqih, rose up against the Shah regime and set up the Islamic system. The founder of the Islamic Republic of Iran, theoretically, promoted the political inspiration of the jurisprudents for the absolute divine rule.

Imam Khomeini well explains guardianship of the Jurist and proves its necessity from the basic Islamic sources. In addition, he examines and cites several narratives, and based on this evidence, that the holy Prophet (PBUH) of Islam and his infallible successors (peace be upon them)'s had attached great significance to political affairs related to the state. This proves jurists' responsibility to move for the interest of society and Islam.

In contrast to Imam Khomeini, Ayatollah Khomeini doesn't recognize the narrations as proof for Jurists' absolute authority in running the state matters but only its responsibility regarding religious dues affairs.

Also, Shaykh Azam, Morteza Ansari, in his book "Makasib" itself, "Waliyat-i-Faghih", only accepts Jurist role in religious financial dues and, in other cases, considers its role to be the unusual.

But on the other hand, according to some existing documents and political activities of Ayatullah Khomeini, as well as the possibility of inclusion of affirmative affairs on the governance and leadership of society, and on the other hand, with regard to some parts of the Sheikh's words in

the context of the Waliyat-e-Faqih and other evidence of their other books, shows the high significance of the issue. It cannot be He said with certainty that Ayatullah Khomeini did not accept the political leadership of the jurisprudent and that Sheikh Ansari limited the jurisprudents to preserving the just property or religious dues.

Keywords: *Imam Khomeini, Seyyed Abolqassem Khomeini, Sheikh Morteza Ansari, Velayat-e Faqih*