



COMPARATIVE STUDY ABOUT THEORY OF FAQIH IN AYATOLLAH SHEIKH FAZLOLLAH NOURI'S, AKHOUND KHORASANI'S AND NAEENI'S VIEW POINTS

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This survey is done by the aim of comparative study about theory of Faqih in the Ayatollah Sheih Fazlollah Nouri's, Akhound Khorasani's and Naeini's viewpoints. Faqih theory includes of conversation and political military. This theory is on the base of political and pontificate conversation and it has accepted in the Islamic area and political and leadership in the Islamic and political system. In the other hand, the relation between religion and politics is the most important question and challenge and political action. Politic is as an organization and public approach of society and country and the original of real life, in the one hand, and religion and specially Islamic as a doctrine, institution and theory and public and spiritual regime, moral and jurisprudence humanity, moderate and transcendental in the other hand. So public and religion are known by obvious interaction. Faqih is grown in the extend of this interconnection and religion politic and it becomes subjectivity and necessary in civil and political religion conversation and in the extend of theory and religion political system. The method of this survey is a qualify method and review of texts and library documents. Faqih is one of the most important challenges in constitutional history and there are some ambiguities for historians about the mentioned topic. Some characters have special thoughts and their thoughts need detailed descriptions and exact researches. These characters are Ayatollah Sheikh Fazlollah Nouri, Mohammad Hossein Naeini and Akhound Khorasani. There are two general viewpoints about this field: One of them is opponent's viewpoint which a character such as Sheikh Fazlollah Nouri is known as a defender of Islamic monarchy according their idea. And the second viewpoint is a compliant viewpoint which is known him as a real advocate of Faqih. These indictments are the same of Akhound Khorasani's indictments and introduced him as an adverse of Faqih. Although Akhound Khorasani's operation proved that he believed to Faqih in operational and theory direct, he dethroned Iranian Shah, he commination the selected agency of people and dismissal him from parliament. The results of this survey showed that Mirzaye Naeini had the same Akhound Khorasani's opinion about some problems such as in charge of political affairs and their ideas are different about defining the legitimate rule. And Mirzaye Naeini has the same Sheikh Fazlollah Nouri's opinion about tyranny and the rational necessity of government and it's a rational task. And their opinions are different about some problems such as principle of proxy and general Faqih.

Keywords: Faqih, Sheikh Fazlollah Nouri, Mirzaye Naeini, Akhound Khorasani.



INTRODUCTION

Faqih was a basic part of political and Shia juridical framework in approaching an Islamic society and handling political and social affairs of Muslim in each period of time and the root of it is from pontificate. Although, lack of belief to Faqih (whether in the effect of Ijtihad or imitation in absenteeism age doesn't cause to apostasy of Islam religion but promotion of creating schism through Muslims isn't allowed for it. Because Islam is the latest heavenly religion and it is continued till rise day and it is a religion of government and handling of society affairs, so all of levels in Islamic society should have governor and leader and Faqih is guarding from Islamic society system and he holds fairness in the society.

Some effective factors such as description Faqih's theory and some fans of constitutionalist such as Ayatollah Sheikh Fazlollah Nouri, Akhound Khorasani, and Allameh Naeini played an important role in organizing constitutional revolution of Iran and surveying about each of them can be a new research pattern for researchers. So, scrutiny of the role of scholar such as Ayatollah Sheikh Fazlollah Nouri, Akhound Khorasani and Allameh Naeini in constitutional revolution as the one of the most important groups in social forces mobilization is very essential. So, research in their life and their political thoughts as religious leaders of constitutional revolution guides us to have a clear and complete knowledge about constitutional movement and in addition, it gives us new information about the method of executing Islamic government and its duties (Khomeini, 40,1373).

Explanation and provision of political, social and economical development in the direct of spiritual and cultural sublimation with political balance in the one hand and synchronic adjustment and research as about individual legitimate freedom, social justice by the role of brokerage and pontificate and government approaches in the other hand is a landmark concern especially in critical circumstances and deadlock of theories and competitor political system and nihilism age and modernist humanist doctrine till post modernism. Islamic political approach and governmental approach of Faqih, with actual capacity and beyond that potential capacity and effectiveness in organization and national approach by noting some indexes in this research and if can provide public and national effectiveness dramatically (Rafie and Abaszadeh Marzbali 1394:87). Guardianship and pontificate in holy teaching of Islam has special importance and it interprets a Faqih in absenteeism age. Islamic government system is shaped based on Faqih principle and it surveys about qualification and competency of governor in absenteeism age.

Some opinionated believe that legitimacy of Faqih is depend to God's permission and it means that legitimacy is specific to God and this right surrendered to the prophet and Imam. So alike Imam's appointed to a leader from God's side, according to above specifics in jurisprudence, Faqih is appointed to a general position and general post of God and Imams. And God's wisdom explains this in social leadership in an important topic such as jurisdiction on and social leadership. Some other scholars believe that the will of the people is the reason of acceptability and legitimacy of Faqih. This aspect isn't acceptable in the view point of wisdom and governance of wraths. So nominated of governor without acceptability of people isn't rational and logical. And governor should be selected by people's opinion and in this way this acceptability is his supporter in the governance (Masoumi et al 1399: 82-81). "Faqih" is one of the most important in constitutional history and there are some ambiguities according to some characters viewpoints of that time about this topic. There are different arguments about Faqih theory although base of some of them are the same but some of them are different. So author is trying to survey about common and different ideas of Sheikh Fazlollah Nouri, Akhound Khorasani, and Naeini in comparing of each other (Ragheb Isfahani, 1392,570).



Method

Method of this survey is qualitative. This method can be directed to survey of biographies, behaviors, organizational operation, social movement and international relationships. Qualitative survey, provides the knowledge through data collection and observing samples and offer them to logical analysis. Qualitative survey, analyzing events set, observation and activities can be done by researcher so in this survey, qualitative method is used.

Background

Bahramian (1397) studied about difference of Sheikh Fazlollah Nouri's viewpoints and Akhound Khorasani's viewpoint about constitutional problem. He concluded that although leadership of constitutional revolution is the duty of Muslim scholars but after sometime conspiracy of advocate specially the government which was in dangerous and different viewpoint in it's structure about constitutional caused to attenuated religious strong lines and provided this field for division and suppress of constitutionalists. Javadzadeh (1393) studied about critical literature issues and background of research about Akhound Khorasani's political thoughts.

He included that the survey of Akhound Khorasani's political thoughts has three kinds of sources: a) Akhound Khorasani's compilations and written books of him in political area. b) Akhound's current quotes about them c) research and analytical methods about Akhound (with emphasizing to life and political thoughts).

He continued that there are two spectrums through of research and analytical resources about Akhound's political thoughts. A group of authors believed that the base of legitimacy of government is the will of people and he tried by lying to some documents, reports and offering analysis about Akhound's political positions in the legitimacy movement period. And his thoughts is compatible to western political thoughts and in contrast to other political thoughts and Shia jurist. In the contrast viewpoint of this approach, there are different and true idea that showed Akhound is agree with legitimacy government to jurist in absenteeism age and it introduced constitutionalism of Akhound Khorasani is parallel with other issues (as a political pattern which is based on fix political thoughts about public Faqih).

Khedrizade and Alizade (1392) studied about comparative of political thoughts of Akhound Khorasani and Sheikh Fazlollah Nouri in a paper. By noticing to this survey we can say that not only there isn't difference between Akhound and Sheikh's thoughts but understanding and interpreted of Akhound about constitutional has not close linkage to real constitutional aspect in secular system framework and democrat. For this reason through Akhound's favorit constitutional showed that constitutional and national parliament in Iran has a real gap.

The basic reason this situation in Iran constitutional revolution was: essence of creating evolution in Qajar political system by the aim of ending the power of Russia and England; injustice of Qajar kings and economical and political crisis without having experience and suitable pattern and imprecise attitude of Iranian illuminatis in constitutional field and without true attitude of constitutional scholars about the relation between constitutional and legitimacy and the ways of non responsible relations and tools and intellectual and scholars ideas about each other.

Razagi (1392) in the paper "governance and Faqih in Shia political thoughts" believed that humanism legitimacy in selective shadow without God legitimacy doesn't have special aspect.

In Islamic republic system the authority of Faqih determination was deposited to people whom determine Faqih with these situations by Imams in the first point and in the second point, they should be chosen and reliable for people and it means that legitimacy and god admissibility - humanity of Faqih should elected some reliable people and by the reason of the science about jurisprudence problems and essential situations for tenure of Faqih



and leader and by pointing to these situations they should discovered the relation between governor and Islamic society leader.

Mohammad Hossein Bayat (1392) studied Faqih's nature and it's position in formation and continuing of Islam government in the paper by the topic of " Faqih and it's position in Islamic government by lying on rational and imitation reasoning".

Author by citation of texts and appearances of verses and narratives and by lying on rational reasoning; showed that Faqih has a pivotal role in forming Islamic government and continuous executing of God's rule in the time of long term absenteeism of Imam Asr. At the rest we can say that mission of prophet is the reason of forming government and entity of Imams till martyrdom of Imam Asgari is the reason of Islam and Islamic government survive.

In this time of absenteeism of Imam, qualify Faqihs are responsible for that, so; Faqih government is only way that prevented collapsing of Islamic rulings.

Velayat Faqih

The root of Velayat is " Vali" and in political jurisprudence idiom' Velayat is meaning tenure and guardianship. On this basis, the meaning of Faqih is admission the quality of jurist in guardianship of Islamic society political affairs (Borji,1385:122).

Faqih is the idiom for Islamic government system after Imams. In this idiom Velayat is meaning that government and statesmanship in society affairs and Velayat Faqih is the aspect of Islamic society statesmanship from someone who is expert in jurist and he is qualified for Islamic society leadership (Naderi Ghomi,1385:17). Faqih in Islamic society leadership and handling society affairs of Islamic nation in each age is the basic part of EsnaAshari religion and the root of it is in the pontificate. If jurisdiction rule and imported appointment from leader of Muslims is not temporary in the time of issuance, is continues and pervasive. Unless new Faqih prefer to violation of it, he can violate it. (Ghazizadeh, 1386:190).

Absolute Velayat Faqih

There isn't any difference between Velayat Faqih and absolute Velayat Faqih in the nature and essence of qualify political Faqih guardianship in absenteeism age. Only difference of it is in the attitude and the way using this idiom.

Absolute Velayat Faqih which " absolute" adjective added to it means extending and coverage of guardianship. Based on absolute velayat Faqih, the essence of Islamic government admission is having absolute authority for Faqih. Jurist or Faqih is an absolute ruler and it has all of authority of Shia Imam.

Because absolute government is the meaning of obeying general benefits in social supervision and government field included general benefits without absolute guardianship, establishment of Islamic revolution one executing of religion rules isn't possible (Khoei, 1390:59). When Velayat Faqih is used without absolute adjective; it means that the same of government and statesmanship of society affairs in it is based on imitation and rational reasoning, and different verses and narratives in the absenteeism age of Imam, qualify jurist is responsible for that and qualify jurist is appointed for handling and managing Islamic society and he has governance right.

But, when absolute Velayat Faqih is used, it is observing to Authorities and spectrums of duties and responsibility of jurist nevertheless approve of guardianship for qualify jurist is the same of Velayat Faqih (Lahiji, 1372:461).

Political religion

Political religion is a recent idiom and it often used from some scholars for description of status and current political and thoughts revolutions in Islamic lands. Political doesn't have a unique and fix structure in Islam, but Quran has determined some principles and these are as the rule in Islamic society.

One of these principles is the council. In fact, governmental rules from prophets in Madinah was the first legislation in Islamic. Islamic republic of Iran was the first case in



Islam history and religious scholar are closest level to clergy in Islam which has governed on Islamic country directly. Islam could be a sever competitor of other governments by designing God legitimacy as a legitimacy source except of general legitimacy source and an important source for general mobilization of forces and increasing the legitimacy of Islamic government (JafarPishe, 1375, 46-45).

These revolutions caused to create political Islam idiom for description of it, by some political scholars. Of course may be at first this aspect means that a new aspect but in fact in term of content and background; it rooted in the first line of Islam and the purpose of political Islam means that political and religion complete each other in Islam (Fathali, 1383:41).

Similarities and differences of Velayat Faqih aspect in political thoughts of Sheikh Fazlollah Nouri, Akhound Khorasani and Mohammad Hossein Naini

The survey of written phenomena of constitutional scholar age such as Sheikh Fazlollah Nouri, Akhound Khorasani and Mirzaye Naini proved that all of them believed that constitutional government is better than authoritarian government in Qajar age. As remind in the part of Akhound Khorasani's tickening on Mirzaye Naini's book, he reminded preferences of constitutional government on authoritarian government in chapter 2 and he noticed that there are three kinds of usurpation in authoritarian government and there is one kind of usurpation in constitutional which can be legitimate by the allowance of qualify juristic allowance of similarities of Sheikh Fazollah Nouri's and Mirzaye Naini's viewpoints had been showed that both of them are advocate of authoritarian government and defender of independency of country and keeping benefits of people?

Ayatollah Naini in all of parts of Tanbiholomah book and Tanziah almaleh book described that government is the right of Imam and Faqih is responsible of that in absenteeism age.

Sheikh Fazlollah as Allame Naini believed that in rational essence of government and rational duties means protecting internal system of country and protecting it from advocate intervention. He believed that government and monarchy are God's honesty and he was disagree with monarchy government patterns (Rezai Hossein Abadi And Tarafdari, 1392: 193-212).

In the other hand, Sheikh Fazlollah Nouri as other Shia juristic believed that juristic is substitute of Imams.

In one of bills of Hazrat AbdolAzim refuted; he described that in Shia logic, government and monarchy which are duties of God, prophet, Imams and substituted of them (without righteous juristic) is not obligatory. Mirzaye Naini not only believed that legitimacy of government is related to appoint of Imam from God and substitute Imams but substitute of qualify juristic is considered in social affairs and exclusive political and he emphasized that non juristic government isn't legitimacy and he wrote that: public affairs mean that affairs which are belong to vassals people and considering about public affairs and public benefits of people is special for Imam and his substituted and it is independent of them (Naini, 1382, 74-72).

More accurate surveys showed that Akhound khorasani, Mirzaye Naini and other scholar of that age, believed that guardianship position and public substituted of them in executing of political and social duties are confiscated and abstraction of that time was impossible (Naini, 1378: 65). So, he recommended that secular and economical affair are the duties of Muslims and a sample of that is Darolshoara's Kebr.

The role is the something that Mirzaye Naini explained that in Tanbih Alomah about necessity of turning absolute monarchy to constitutional by the hypothesis of impossibility of applying guardianship and public substitution.

One of other similarities of Akhound Khorasani's and Mirzaye Naini's viewpoint is thenure problem of political affairs. Akhound Khorasani's offered a statement about this topic and believed that political affairs tenure from believes justice is possible when public substitute tenure is impossible. It is clear that he explained that a sample of this topic is

council parliament that be guardianship by determining supervising commission and it be bounded by ruling. So Akhound khorasani and Naini have similar ideas.

One of the other similarities point of Akhound Khorasani's theory with Mirzaye Naini is complete negation of kingdom system is the base of monarchy. Because both of them were faced to curing and blooding government and they were tries for stabilization of their government and injustice to deprived group in society. So, after monarchy age and deep knowledge about kingdom system nature, basically that system was benefit for Islamic system naturally and they believe that tyrannical king believed that the owner of people's life and properties and nation is himself vassals. While in Islam viewpoint, ruler is servitor of people and he is responsible for them (Naini,1382: 45:74).

Conclusion

The aim of this survey is comparing study about Faqih theory in Ayatollah Sheikh Fazlollah Nouri, Akhound Khorasani and Naini. In direct of the aim of this survey a special aim has been studied by this description explaining and analyzing of Faqih theory in constitutional age in agree and disagree viewpoints.

- Explaining and knowing the necessity nature of Faqih in Shia politic juristic by noting to the subject of survey about analyzing Faqih aspect in political thoughts in constitutional age: comparative study about Sheikh Fazlollah Nouri, Akhound Khorasani, Mohammad Hossein Naini's viewpoint. And a qualify method is used in this survey.

In summary we can say that in constitutional age, the problem of governance of juristic political isn't a pivotal problem and there isn't any group which noticed to this topic as a practical subject. In fact the goal of constitutionalist isn't juristic political governance and the goal of that was emphasizing to legitimacy and Shia juristic governance in constitutional system and supervising scholars on basic rules and council parliament and preventing religious and moral corruptions (in newspapers and lectures). - by noting to evidence of refuge bills of Abdolazim's Haram.

In the other word, scholars such as Sheikh Fazlollah Nouri was wishing that the approach of constitutional system should be religious and Islamic not be western or advocate of religion and legitimacy.

There isn't any document about direct governance of juristic in that situation; in none of the public subjects of constitutionalists.

Of course some lecture and written of them are emphasizing on public guardianship juristic theory. But these subjects defined in the shapes of western constitutional system that the legitimacy of them are in the base of vassals willingness not that following absolute governance of juristic in that situations practically and after that it wasn't related to Akhound and other scholars who are believed that practical corruption is the follow once of constitutionalist willingness and they are advocate of them.

Constitutional scholars such as Akhound Khorasani specially in short time monarchy are advocates of monarchy and their main concern was holding and stability the constitutional and public system and their written and lecture are supervision on the practical level not in original level. So some subjects aren't appointed to them- by the assumption of exporting aspects of them - which are the sign of their ideas about legitimacy seizure of people in public field are appointed to the theory (Behniafar, 1387: 45-76).

In the consideration of anti monarchy, Sheikh Shahid alike Marhoum Naini believes that rational essence and rational responsibilities of that (protecting internal system of country form foreign intervention).

He believes that governance and monarchy is God's honesty and it was disagree with monarchy governance patter severely.

At result, the conclusion of this survey showed that through the constitutional scholar age, Akhound Khorasani believes that there isn't any differences between legitimacy of governance by the meaning of allowance legitimacy and religion. The only thing that he

noted about justice non legitimate governance is the closing to legitimacy. Not that it is allowance and possible in legitimacy viewpoints. In addition that these Akound's ideas are provided in a sensitive and challenging time of constitutional and by noting to these opinions it can't be included that Marhoum Akhound believed that existence of governance in absenteeism age is not allowance. But specially about imitation and rational reasoning on proving governance for juristic and the limitation of governance and juristic authorities, he was in the margin of narrative documents scholars of juristic without proving public juristic but in juristic presentations, public juristic should be admission.

In addition in the margin of scholar from rational reasoning, Faqih is proved in political affairs and social dignity and it was one of the most important reasoning in proving of admission public juristic in the side of Akhound Khorasani with citation to his political behavior in constitutional age as a juristic (Izadi et al 1390, 33-60).

Conclusion

There are a lot of scholars during history who believed that the responsibilities of scholars and juristic are more than sending legitimacy rules to vassals and these kinds of affairs. Some of these scholars are Sheikh Fazlollah Nouri, Akhound Khorasani and Mirzaye Naini who worked very hard during constitutional age (whether practical or theory). Sheikh Fazlollah Nouri was believed to juristic guardianship (Velayat Faqih) according to his documents, lecture, letters and operations and all of responsible (judiciary, executive and legislative) in governance based are the arms of Faqih and all of them are responsible for comment of Faqih. Presence a person such as Sheikh Fazlollah Nouri in constitutional revolution as a leadership of revolution, was the most clear reason for lack of belief of him about monarchy government. It proved that Sheikh said clearly: The substitution of Imama Asr in absenteeism age is the responsibility of Faqih not grocer or mercer or somebody like that.

He didn't believe that religion is independent of policy and he severely believed to juristic governance because in his lecture and operation during his political struggles. She proved that theory and practical belief and essence are belongs to absolute juristic guardianship. Of course forming governance by Faqih in Qajar age is not possible by the clear reasons and it was the most important matter in that time about executing second principle of constitution (supervising on parliament rules by priests). Some of believers to west culture and policy are advocating or presenting religion scholars in political and social area. by noticing to importance of Faqih principles in Islam and special role of that in improving high aims of Islamic society are the reasons of sensitivity from agrees and disagrees this subject in their juristic books in different situations and they studied about that. One of the comments about juristic guardianship (Velayat Faqih) are studied from agrees and disagree person, is Marhoum Akhound Khorasani's viewpoint. He believed that Faqih has the most important role in general juristic guardianship (political juristic guardian ship).

It seems that there is difference of thinking through scholar in constitutional age and usually they are in analytic fields of political courses and assessment about persons and parties and motivation of them and something like that. It is natural that there are struggles in consideration of these affairs and commenting in these cases. Unfortunately these struggles are effective in analyzing constitutional. So that it caused neglecting justice and legal heritage of constitutional age and this was a huge reward of governmental justice in constitutional age. By trying some people and collecting juristic and legal rewards of that period and only in theories angle should be considered. So we will have a valuable heritage that it can be benefit for nowadays Islamic republic and governmental problems. This means that not only Marhoum Sheikh Fazlollah and Marhoum Naini have the same theory but they tried to adjust political juristic problem and basic rights of making theory about general Faqih and absolute Faqih of this theory according

to time requirements. This effort had an important reward for Shia justice. In the other word, we can say that starting point of revolution in Shia Justin in principle justice field was labors of constitutional age scholars which Islamic republic used that.

It should be clear that by which reasons these two scholars had common comment about this consideration and how they could know Faqih as a basic part of principle rights and laws of that time. Of course this was another consideration which they can reach to this aim practically. If we surveyed about constitutional age carefully, we can see that there was an important problems that Shia scholars include of scholars of Najaf and Iran wanted to action that by a general form and solved it. This problem was a challenge between religion and development.

In that time, science and foreign and Europe awards were imported to Iran recently and the considerations about movements of attitude to principal laws (such as constitutionalism, constitutionalism and constitutism) are the most important topic in that time. All of them were considered about rule of government. The basic question of young people in that period of time and educated generation was that what is the secret of success in advanced west countries? And what are the reasons of mustiness in east countries? All of them are looking for an answer. Unfortunately some of them were thinking about modernization, modernity, civilization, advancement shapes and something like that was a hidden reasons of mustiness in east countries were religion and Islam and a hidden reason of advancing in west countries was lack of religion. So the solution for aim of advancing was forgetting religion and Islam.

Generally there is a group of western and foreign intellectual who were attractive of secularism and in front of them, there was an aware and resistant group of scholars who were defending from Islam principles. In that time scholars of Najaf and Tehran were looking for pattern which proved that advancement through Islam and based on Imams juristic is possible. The pattern of Islamic civilization can be designed base on Shia juristic, and in the other word, two concepts of advancement and religion can overlap each other.

Basically, the philosophy of authorship of “ Tanbiholomah and Tanziholmmah” book in this consideration was not pointed to field of political cycles of that time. But in theory viewpoint of this problem is answering to the same important challenge between religion and advancement. This book was a warning for society which explain the reasons of east mustiness and the hidden reason of west development clearly.

In this consideration, Marhoum Naini had a brief answer and said that:

“The reasons of development of western was struggling with despotism and oppression and collapsing them and holding rules. If you are wishing to develop you should struggle with despotism and oppression based on religion education means Hussain movement and Hayahat Menalzallah slogan and freedom of Imam Hussain and something like them. Basically despotism and oppression is one of the biggest sins.

After this statement, this question is explained that how we can destroy despotism and oppression and how we can reject the cruel government. Now what can be done? And what kind of rules should be hold? Now, it is the turn of Tanziholmmah. You know that here “ Melah” is the meaning of Sharia law and a set of Islamic regressions and rights. Naini wanted to purify Islamic right from a doubt in “ Tanziholmellah” and that one is that Islamic religion is able to manage society and government.

Naini in the book “TanbilAlAmmah and Tanzihalmelal” said that: document to Islam religion lead to have Islamic Civilization and it causes advancement and development. The pattern which is emphasized in that book as general Faqih of course based on hasabe theory. He described general Faqih theory and he said that there isn't contradiction through Faqih and freedom, parliament, the rights of nation and other characteristic of new principle right. So it can conclude that between new achievement and continuous trying of juristic that originates general Faqih.



When we can't achieve the government and it's impossible to apply general Faqih, for selecting corruption instead of the most corruption we can limit the absolute governmental kings to the law and at result oppression will be decreased. Limitation of oppression is as scholarship and it is a kind of preventing cure in societies. “

Najaf Scholars such as Marhoum Akhound Khorasani in the time of writing “Tanbiholammah” noticed that:

“Treatise of Tabiholommah and Tanziholmellah is one of the best prominent books of Agha Mirza Mohammad hossein Naini and it helped that help us for understanding this verse.

بمواالاتكم علمنا الله معالم ديننا واصلح ماكان قد فسد من دنيانا.

This is the important viewpoint. This is the same that nowadays is interpreted as a religion democracy or Islamic democracy. Consitutional principle is drove to Sharia law and interferences of that non in social contract theorem of Jean Jacques Rousseau which foreign oriented people followed them. In different part of this book when Naini considered about principal law by emphasizing the role of people theory rational person whom are selected by nation, believed that principal law is the result of juristic government not due to social contract theory while unfortunately sometimes his speech was used by the other form.

He said that:

According to above command (principal law) in political and systematic viewpoints as practical thesis in about different warship and base of principals of limitation based on lack of violations of them we can say that constitution was read and there isn't any valuable condition of legal rules except of lacking of disagreement for other chapters in rightful and legal parts of them after involvement an all of other directions.

The aim of restriction was the same inhabitation of political power and this was one of the basic messages of basic rights and it was power control. It means restrict of constitution of power and it was preventing corruption in power. He pointed to two important tracts about constitution.

- 1- Involvement on typical benefits.
- 2- Restriction of political power.

He in the introduction of this book emphasized that western laws and western civilization which some person emphasize to obey them was one of the Islamic problem and in this part, he has special emphasize on politics and the principals of Islamic civilization. Marhoum Sheikh Fazlollah Nouri was insistence on that we are not advocate with parliament and constitutions.

He emphasized that drawing two lines of thought and restrictions of people in two different agree parties of oppression and constitutional is an incorrect movement.

Nowadays there a kind of dividing (Agree with despotism and constitutional). Hostile is faced two different ways which one of them is good apparently and other one is bad. Nevertheless each person was disagree with an apparently good way which it has some bugs typically so he was accused to support other way which was very bad with this definition avers party can be character assassination. As mentioned before, sheikh Shahid believed that dividing of these parts to agrees people with constitutional and supporters of monarchy isn't correct.

About no objection of Sheikh Fazlollah and other migrants to AbddolAzim holly shrine by parliament in one of bill this strike said that:

All of scholars without exception about religion affairs said that this parliament shouldn't be against of Islam and it should be guided to good work and prevent of bad work and it should protect Islam. Muslims “ which kind of scholars believes that a parliament which decrease oppression and execute Islam rules is bad?”



Sheikh Shahid believed that a parliament is approved that prohibited political power and control government and executive branch based on secular problems by the condition that it wasn't against of holly sharia and it should be obeyed the rules.

He tried for this aim. He said about disagreement of this field:

"All of the words are about some liberalist restricted them. They want to disagree with this parliament obey the rules of Islam and execute them and they inducted some doubts about these facts every day."

About constitution he said that:

عليكم بطلب القانون الاساسى، ثم عليكم بطلب القانون الاساسى الاسلامى، فانه مصلح لدينكم و دنياكم.

The power of Islam in this document is Islam.

Removal the troubles of world is related to this Islamic document.

Brother! Document, Document, Document but Islamic, Islamic, Islamic means the same noble rule which has been in through us for one thousands and three hours years.

One of the most important efforts of Sheikh Fazlollah about constitutional was the suggestion of second principle of constitution supplement which scholars signed it and all of them are agreed with them. It seems that age constitutional scholars, achievements in principal rights area was manifested in the second principal of Islamic republic of Iranian constitutional.

Second principal says:" Islamic republic Iran system is the system which is based on believe to alone God." And there were five principals of thesis at the rest of that. In sixth part of this principal was dignity and high value of humans with his responsibility in front of God which is supplied by three ways:

- 1- Continuous trying of nation juristic based on holly book and tradition of Imams.
- 2- Using sciences and techniques and technology and advance experiments of human.
- 3- Negation of domination and defending from development independence and using science and techniques and continuous efforts.


This important thing is the achievement of constitutional juristic which is wanted to create an accordance and harmony between religion and advancement and it proved that Islam's a religion which it can be create the best form of civilization.


Suggestions

- 1- It offered that theories and comment and viewpoints of constitutional scholars should be comparative and surveyed about Faqih problem with contemporary scholars.
- 2- It offered that comments, theories and viewpoints of Islam scholars should be comparative and surveyed with comments of western Islamic scholars and contemporary theorists.
- 3- It offered that theories and viewpoints of Shia Imams about politics and Faqih problem should be overlap as an index of theories of theorists and it should be practiced as a theory and practical approach.
- 4- It offered that to study about Imam Khomeini's, Molla Ahmad Naraghi's and Sheik Fazlollah Nouri's viewpoints about Faqih.
- 5- It offered that Akhound Khorasni's and Imam Khomaini's thoughts should be studied about Islamic government by lying on Faqih.
- 6- It offered that principals of juristic about Faqih theory was studied about Imam Khomeini's, Akhound Khorasani's and Sheikh Ansari's Viewpoints.
- 7- It offered that political thought of Sheikh Fazlollah Nouri and Imam Khomeini was surveyed about government in the field of juristic principals and juristic limitation and the role of clergy, legitimacy, benefit, and legislation.

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