

## Differences between Sacred Orders and Guiding Orders

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### ABSTRACT

*The discussion of orders and forbiddances is one of the major and the most expansive discourses of expressions which have been studied from various dimensions in the books of principle. It has different divisions and is divided into orders and forbiddances in one word. In this paper, we were supposed to discriminate the differences in order to simplify the discretion of them. However, since scholars do not reach a consensus on discretion of these two, this is arduous to determine criteria for identifying orders and forbiddances and distinguish that obedience or disobedience toward them leads to punishment or reward? Or there is no difference between them and they both must be obeyed to avoid being punished.*

*Keywords: differences, sacred orders, guiding orders*

### Introduction

Like any other transmittable science in its historical consolidation, Jurisprudence has to devise meaning as an instrument for analyzing it. As Jurisprudence is historical science and did not exist in the sacred books, its accompanied meanings and expressions are phenomena which have been devised in a unique time to solve the particular problems. In the structure of Jurisprudence, one of the major issues which has a key role is commandment, its varieties, and its criterion and needs to be discussed independently since it has a particular effect on Jurisprudence. For instance, in the science of principles history and in the analysis of orders and forbiddances, the application of sacred and guiding is the late phenomenon and it might be entailed that this division is totally correct. On other hand, some deny sacred commandment while the others believe in it. Some deny guiding and some believe these two commandments are different in dimensions and finally some, divide the orders to sacred, guiding and integration of both.

These three are including: 1- the ruler is not interested in the action but he just preaches. 2-some orders are not just for preachment and the order giver wants them to be obeyed. We may consider all the Sharia orders in Asharites, as these types of orders. Since Asharites believe that the actions do not depend on intrinsic corruptions or benefits. Whatever the lawgiver orders is beneficiary and whatever he forbids is corruption (in contrary to Imamieh and Mutazilite).3- The orders in which both sacred and guiding orders are integrated like Sharia orders in Adlieh (Imamieh and Mutazilite) (Rashti , Mirza Abdolah, 267)

It needs to be mentioned that principalists have different statements that sacred and guiding orders are commandments or orders and forbiddances. In many principle books, it is considered as orders and

forbiddances and in some others it is sorted out as sacred and guiding (Shaarani, 236; Hashemi Shahroudi, Seyed Mahmoud, 26\2; Shafiee, 138; Hashemi Shahroudi, Seyed Ali; 3/280; Mohaghegh Esfahani, 3/37; Haeri Yazdi, 1/148; Eshtehardi, 1/142) . And some apply both of them in one statement (Hakim, 1/ 38).

As the matter of fact some believe it is absolutely wrong if we consider this division as a commandment. Since commandment is the motive of statement is the forge of statement and it cannot be sacred and guiding orders. Because motive in guiding is intrinsically guiding not ordering to abandon the action. There is famous statement that says if Lord states that motive is the forge of motive, this is an order to quit the action and if he states to motive of the guidance, it is the example of guidance. As the motive to exam is the example of exam and so on. In that case it cannot be said that commandment is the division of sacredness and guidance but orders and forbiddances. Akhond states that: Lord composes order, it means he applies words to devise meaning. The motives of this composition is different. If this is the motive of guidance it is the proof of guidance and if it is the motive of meaningless statement, it is the proof of that (Larijani, 485th session).

Therefore, as it is said above we can state that the subject of orders and forbiddances are one of the important and expansive subjects of words that is investigated in principle books from different aspects. It also has different divisions which is divided into sacred and guiding orders in one word.

We are going to distinguish their effect on imperative and positive rules.

However, since scholars cannot reach a consensus on the discretion of these two, we cannot determine the criteria to distinguish them and one of the issues which is considered in this essay is the difference between orders and forbiddances of sacred and guiding. Is there a difference between them to discriminate them? Are there punishment or reward for obedience or disobedience of them? Or no difference between them at all since both of them are orders and must be obeyed.

Another question which posed is: can human's wisdom distinguish between sacredness and guidance of the order or forbiddances? The correlation of sharia and wisdom says: whatever sharia confirms, wisdom confirms too and whatever wisdom confirms sharia confirms too. Actually there is no difference between them. Whatever is sacred for sharia, is sacred for wisdom too and whatever sharia wants to be obeyed, wisdom does the same. In the contrary to this view, sharia and wisdom go to different ways and when they are determined, roles and positions of reward and punishment will be identified. Clergyman (Mujtahid) and fellows comprehend the obligation and permissible of them after discretion. Furthermore, they understand: when Lord wants the deed to be done and when guiding is necessary. The most important benefit of determining the criteria for orders and forbiddances is the hierarchy of reward or punishment in guiding orders. According to this data, we have investigated the differences between sacred and guiding orders. The first part of this paper refers to research theoretical basis, first we state semantics, guiding orders and sacred orders and in the second part we elaborate the differences of sacred and guiding orders and finally in the third part of current research we come into the conclusion.

## **Research Theoretical Foundations**

### **1.The conception of sacred and guiding orders**

**A. Sacred orders:** According to jurisprudence, guiding orders are heaven's order that the sacred law maker created that to motivate in charged person to comply e.g. pray<sup>1</sup>.

1. The particular feature of guiding order is: it is sacred order not guiding.<sup>2</sup>

2. Obeying the sacred order is good deed and disobedience causes punishment<sup>3</sup> if it is sorted out as obligatory order<sup>4</sup>

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<sup>1</sup> See Mohammdreza, Osole feghh, page 293; Esmaeelian Publication, the 5<sup>th</sup> edition, Qom, Bita . Borojerdi, seyed Hossein, Nahayatalosol; Montazeri, Hossein Ali, page 557; Tafakor Publication, 2036.

<sup>2</sup> Sadr, Seyed Mohammad Bagher, Mabehosolosol, Mogharar; Haeri, Seyed Kazem, vol. 4, p. 413

<sup>3</sup> Sacred orders divided into: 1. Obligatory orders 2.permissable orders. In the latter, it is good to do that but there is no punishment.

<sup>4</sup> See Khomeini, Seyed Mostafa; Thirrat fel Osol; page 159. Asar Emam Khomeini Publication.

## B. Guiding orders

There are orders which are devised by sacred lawmaker not to motivate in charged person to do a good deed but to advise and guide him. In fact, it is for drawing person's attention to the benefit of guiding order as doctor orders to patient.<sup>5</sup>

### 2. The major features of guiding orders

In this part, the main features of orders are presented. Generally, they are stated as:

1. Lawmaker just orders them to guide people. Obeying them is based on practical wisdom<sup>6</sup> (6). The wisdom understands sometimes lawmaker reminds the benefit or harm of something and wisdom heeds that.<sup>7</sup>
2. There is no punishment or reward for obeying or disobeying of guiding order. Therefore, it depends on its belonging follow. It means if the order is not obeyed, no benefit will be got out of it. In the contrary for sacred orders like pray if the person obeys that he gets rewards in addition to gain the benefit of that and gets punishment if he disobeys in addition to lose the benefit.<sup>8</sup>

### Differences of sacred and guiding orders

Since differences of sacred and guiding orders refer to their concepts, the author decides to mention some of these subjects briefly:

#### First difference

One of the examples given by Sheikh Ansari makes a comparison between the doctor's order and Lord: but doctor's order is guiding not obligatory and we do not consider it as obedience or disobedience. Therefore, we advise the patient to take medicine but we do not demand it.<sup>9</sup>

He also states in Rasael Fegghi and Taharat in regard to sacred and orthodoxy orders: "guiding orders are not like sacred orders. That Lord demands a person to obey in order to gain reward in addition to get benefit and disobedience causes punishment. Orthodoxy order is to just do the considered deed and benefit of obeying them and harm of disobeying them."<sup>10</sup>

#### Second difference

Seyed Abolhasan Esfahani says: guiding order comes from the benefit and harm of its belonging. So that if you obey you will get benefit and if you quit it you will get harm. It is in contradiction with sacred order. Although sacred order derives from the benefit of doing it. According to (Imamieh and Mutazilite) the commandments are based on benefits and harms. It causes reward and punishment. So the purpose of sacred order is to motivate in charged person to do it.<sup>11</sup> He continues: although the order represents sacred features, we have to consider it guiding.<sup>12</sup>

#### Third differences

Seyed Mohammad Bagher Sadr states: the only difference between guiding and sacred is in sacred order, Lord makes the rule which must be obeyed whether it is the state of repetition and emphasis or basic and establishment. On the other hand orthodoxy is not given by Lord as a commandment just it is an advice like explaining the harm of the cheese. Or it orders to obey God and forbids disobedience. This is practical achievement this is not the order from lord.<sup>13</sup>

<sup>5</sup> See Mousavi Tabrizi, Mirza Mousa, Ousagholvasael p.284, Najafi Publication, Qom; 1990; Mirzaie Rashti, Habibollah, Badaelafkar, p 212 Ahlebeit publication, 1313 AH; Firoozabadi, Seyed Morteza, Enayatol, p.84 and 85, Firoozabadi publication, Qom, 1400 AH.

<sup>6</sup> Human's wisdom is divided into parts: theoretical and practical. One part of wisdom responsibility is to comprehend what exists. this is called theoretical wisdom. The other part is what we must do and this is called practical wisdom

<sup>7</sup> Mabahelesol, p. 413.

<sup>8</sup> See Badaelafkar, p. 212; Gheravi Esfahani, Mohammad Hossein, Nahayatolderayat p. 417, Seyedoshohada publication, 1995;

<sup>9</sup> Ansari, Morteza; Favaedolosol, p. 318

<sup>10</sup> Ansari, Morteza; Rasaelolfaghih, p.54, Valtaharat, p. 413

<sup>11</sup> Alsiadat, Sabzevari, Mirza hassan, 1419 AH. Vasilatolosol Ela Aaghayeghol-Osol, p.599, Seyed Abolhasan Mostafa, Qom, Nashreslami publication

<sup>12</sup> ibid

<sup>13</sup> Haeri, Seyed Kazem, 1407 AH. Mabahelesol; Seyed Mohammad Bagher Sadr, Qom, Maktabul Eslami

#### **Fourth difference**

The other difference is guiding forbiddance is sometimes for advising to quit corruption e.g. do not sell what does not belong to you. Sometimes advising not to do forbiddance e.g. do not pray in the wool of haram meat. Both types cause corruption. So guiding forbiddance advises to avoid corruption.<sup>14</sup>

#### **Fifth difference**

The fifth difference Gheravi Esfahani says about guidance and sacredness of order just completes in motive, not will. Because sacredness is the feature of order so if the statement is for setting the real motivation this is an order from Lord to whom is a lord. That is why statement cannot be motivator or caller unless it leads to punishment or reward in case of obedience or disobedience. This is just under lord's jurisdiction. As guiding order is for giving advice about the benefit and harm of doing or leaving a deed. So guiding order is an order from advisor not lord. Therefore sacredness and guiding are under ruler's jurisdiction not will (it is not under authority of will)

Moreover, it is not logical that determination makes motivation but its intrinsic quality influences on motive. There is a benefit in doing the advised deed. When God decides to create, the creation appears immediately without other's interference and the sacred order is done by in charged person when he decides so.<sup>15</sup>

#### **Sixth difference**

The difference between demand and order and the demand of obligation and sacredness is the latter comes from intrinsic order. It means order by itself demands the deed must be done for the benefit of that. For example, the conventional orders among people. Or the order is given because the benefit returns to in charged person. So the order giver wants in charged person to do the deed and get the benefit of that. All the religious orders are the examples of this order but sacred order is different. It means the demand does not come from the order giver. It is because of the benefit which exists in the order and it returns to in charged person. Or it is because of the collusion between order giver and in charged person. E.g. somebody says to the order giver: if you see a sweet fruit among the fruit, ask me to eat it or when figure out my enemy is coming, order me to hide myself. The person requests something that they acted it in collusion before that. This order does not free in charged person from fulfilling the order but it motivates him to do it unless the order giver follows another purpose. In fact, sometimes the order giver does not tend to do that but since he is fair, he does not betray to his consultant although he does not want to gain that benefit. Therefore, Mojadaad Shirazi believes that the difference between guiding and sacred is in guiding, order giver does not care about his own benefit and his intention is to motivate another one to do the deed because it is beneficial for that person or they act in collusion to do so. On the other hand, in sacred order the order giver is also involved. So the order giver demands the deed to be done first by himself. Since there is reward in doing it and punishment in quitting it.

#### **Seventh difference**

Mirza Habibollah Rashti indicates about the difference of guiding and sacred:

Guiding is ordered for the benefit embedded in deed. In charged person can agree or disagree with that. E.g. is doctor' description for patients and asks them to take the medicine to stay alive.

Therefore, there is a benefit for people in doing particular thing. Also goodness and badness are inserted in religious deeds. So ordering to do that, is guiding as it is brought here as an example.

He also says: we may differentiate between guiding and sacred order.....that all the orders from law maker are brought for afterworld benefits. So this is the sacred order that Shariiaat enacted that whether this is for avoiding the worldly corruption or not and all of them are staff and bridge over the afterworld corruption.<sup>16</sup>

Sometimes corruptions do not refer to afterworld like some worldly corruptions which are neither permissible nor abominable but they have been considered in Quran and convention as an order.<sup>17</sup>

<sup>14</sup> Sobhani, Jafar; 1424 AH., p.294; Mohhammad Hossein Ameli, Qom, Emam Sadegh 1st edition.

<sup>15</sup> Algeravi Esfahani, Mohammad Hossein, 1995, Nahayatolderayat fi Sharhelkefayat, p.417, Qom, Seyedoshohada publication.

<sup>16</sup> Roozdari, 1409AH, Taghriirat al-Mojadaad; Alshir, Razi, Mohammad Hassan, 19/2 and 20 Alebeit Leahyae Teras

<sup>17</sup> Rashti, Mirza Habibollah, Bita, Badael Afkar p. 2012, Alebeit Leahya Teras

Allah states: bring two male witnesses. So this refers to world's issues not afterworld and its guiding order. So the intention of worldly benefits is they belong to world not afterworld.<sup>18</sup>

In fact, scholars (religious scientists) have mentioned various differences between guiding and sacred order, but some of them refer to the above differences so that the author prevents from prolixity and explain them in chapter of the criteria for orders and forbiddances.

Mirza Habibollah Rashti states: as all the Scholars or most of them differentiate between guiding and obligation – forbiddances (means they consider orthodoxy as the third one not part of them) and all of them believe that “obeying Allah” and other orders of Sharia contain afterworld benefit with or without worldly intermediate. If we consider the difference criterion between sacred and guiding is whatever in which there is worldly benefit accompanied by afterworld benefit or just afterworld benefit, the orders are sacred and if the benefits are just worldly they are guiding and this is correct.”<sup>19</sup>

### **Eighth difference**

To state the difference between sacred and guiding order, it is posed that sacred order is given for devising, motivating and demanding or forbidding then it is said that there is no guiding order or real motive.

In the other word, sacred order means the order giver wants the deed to be done. That is why it is said “real motive” but in guiding, the order is not for being the deed done. It is just for advice and the benefit of doing that.

In the contrary to sacred, guiding order does not lead to reward and punishment. Sacred order is like ordering to obedience. It cannot be canonized or sacred since the meaning of obedience is do the deed. So if there is punishment or reward for canonized order, it is undoubtedly obeying of what leads to reward. So it does not need to be ordered. If the sacred order does not lead to reward, ordering to obey does not lead to reward either. Because ordering to additional worship does not belong to the origin of deed. (It means that order has practical origin) and this is the result: the conformity of wisdom and religious law (Sharia). Is when it can be religiously lawful or here the wisdom's commandment is guidance. To summarize it, guiding order is not order is just advice to its belonging.<sup>20</sup>

### **Ninth difference**

Guiding order does not cause punishment or reward except what belongs to it. On the contrary, there are rewards and punishments for sacred order. The example of that is pray which causes punishment if it is quitted and rewards if it is performed. The guiding order is like order to obey, since it cannot be religious and sacred. Actually the meaning of obedience is to perform the obligatory deed. So if the religious order causes reward and punishment. Undoubtedly the obedience itself leads to reward, since obedience is to the performance of obligatory deed. So it does not need to be ordered. As the matter of fact, ordering additional deed is different from original deed (it means in charged person must just perform original deed) the conclusion is the conformity of wisdom and religion must be in accordance with sacredness like the forbiddance of oppression or according to wisdom, the order here is guiding. Briefly speaking, guiding order is not an order this is just advice to its belonging.<sup>21</sup>

### **Tenth difference**

Another difference between guiding and sacred is if in charged person avoids fulfilling it, he will be punished but evading guiding order does not cause punishment.<sup>22</sup>

### **Eleventh difference**

Allah's servant must perform the wanted deed even if he believes there is no benefit in doing it. Since wisdom orders that Lord must be obeyed to avoid punishment. On the other hand, guiding orders and forbiddances know the benefit and corruption and the motivation of performing them is to gain benefit or

<sup>18</sup> Rashti, Mirza Habibollah, *Badaeolfekr*, p. 265, Qom, Alebeit Leahya Teras

<sup>19</sup> Rashti, Mirza Habibollah, *Badaeolfekr*, p. 266, Qom, Alebeit Leahya Teras

<sup>20</sup> Maleki Esfahani, *Mojtaba*. 2001. *Farhang Eslahat Osol Sobhani Trizi* introduction, Qom, 1<sup>st</sup> edition,

<sup>21</sup> Hosseini Shahrestani, Mohammad Hossein, *Bitā. Ghayatolmasol fi Elme Osol*, p. 283

<sup>22</sup> Ashkanani, Mohammad Hossein, 2001. *Doros fi Osol Feghh (Tozohotolhalghatosalesat)*, p. 228, Qom, Anvarolhoda. 1st publication.

prevent from corruption.<sup>23</sup> Therefore, there are no punishments and rewards for guiding orders in contrary to sacred ones.

#### **Twelfth difference**

The literal referent of order, is demand and its contextual referent of order is benefit. Free from being guiding or sacred, there must be a criterion in deed so that the order to perform that, is reasonable. The only difference is the criterion in guiding is in belonging itself but in sacred order it in the deed itself and intrinsically it also exists in the order.<sup>24</sup>

#### **Thirteenth difference**

If in charged person avoids fulfilling the sacred order, they will be punished. E.g. pray but there is no punishment for sacred order. For example, when Lord says to his servant: you do not have to clean your clothes from dirtiness. Here the order is not sacred so no punishment will be taken. Sometimes order is utilized in its referent. It means it is used as a demand but it is not demand, it is an advice. Sacred order signifies to obligatory responsivity and if there a clue, it refers to permissible one but orthodoxy order does not signify to imperative rule. It just refers to positive rule.

When Lord says: remove dirtiness from your clothes. So it means clothes get dirty by urine which is positive rule and dirtiness is removed by water it is also positive rule. So guiding order leads us to positive rule and it is not imperative rule.<sup>25</sup>

#### **Fourteenth difference**

MENHAJOL OSOL ELA DOROSOL ELMOL OSOL states: there are four differences between orthodoxy and sacred.

1-From the intention of order;

Sacred order is to make in charged person perform deed, but orthodoxy order shows the way to in charged person in order to understand his benefit.

2- From the origin of order giver

In the sacred order, the motivation is lord's will and his eagerness for the deed being done by in charged. For conventional Lord the benefit goes to Lord but Allah wants the benefit to go to his servant. On the other hand, for guiding order, order giver wants the benefit and growth for the interlocutor which different according the belonging of order.

A-If the belonging is pray, this order is guiding to the reward in that deed.

B-If belonging is condition, guiding advises to the condition of reception in purification.

C-If the belonging is one of the deals e.g. when calling for pray on Friday" so order is guiding to confirm the deal and ownership.

D-If belonging is the orthodoxy order of deeds like doctor's order for patient. There is benefit in taking medicine.

E-If the belonging of order is the belonging of wisdom e.g. "obey Allah and obey Prophet" so according to the wisdom, it is guiding.

3-From in charged person's obedience

In charged person intends to fulfill sacred order to gain reward or avoid punishment or he believes in lord's authority to be followed.

On the other hand, in charged person wants to perform guiding to gain the benefit in the belonging, like taking medicine for patient.

4- From the order's effect

In sacred order wisdom confirms the reward of performing the deed and punishment in quitting it.<sup>26</sup>

#### **Fifteenth difference**

Tabatabaee Hakim states: if the order and forbiddance are given by order giver, sacred order derives from it and it leads to reward or punishment.

<sup>23</sup> Faghih, Mohammad Taghi, 1407 AH. Ghavaedolfeghi, p 23. Beirut. Daolazva. 2nd publication.

<sup>24</sup> Shirazi, Mohamad Reza. 1989. Altaratob, p. 132. Qom. Islamic thought Center. 1st publication.

<sup>25</sup> Refaee, AbdolJabar. 2000. Mohazerat fi Osol Feghh, Qom Library

<sup>26</sup> Ahmadi Bisoudi, Mohammad Reza. 2009. Menhajolvosol ela dares elme osol Sharholhalghate talesat. p. 306. Beirut. Darol Mostafa Ehaye Terath 1st edition

On other hand, order and forbiddances refer to guiding and advice, it refers to orthodoxy order. E.g. when father orders his child to wear clothes if his order is just for his child benefit, the motivation here is just to fulfill child's need. On the other hand, if he orders his child to wear clothes because he wants so and he orders so, this is sacred order. Free from wearing clothes is required or not. This is the subject of rule abstraction.<sup>27</sup>(28)

Haeri Qomi states in MOKHTARATOLOSOL: some of the differences which have been expressed by scholars are not correct.

They are:

- In sacred order, the expediency goes to order giver but in guiding it goes to the performer.
- In guiding the expediency is tangible but it is not clear in sacred.
- In guiding the expediency has been existed before order but in sacred it appears after order.
- In guiding the expediency is just assertion in the form of composition but in orthodoxy it is composition.
- Guiding is for the expediency of the world but sacred order is for the benefit of afterworld.<sup>28</sup>

### The sixteenth difference

There is no punishment in evading guiding order except the benefit of deed is not gained but if one evades fulfilling the sacred order, not only the person does not gain the benefit but also they get punished. E.g. doctor's guiding order. If the patient does not take it, he will not get well but no body reprimands him. On other hand, if one does not obey the ruler, not only they do not gain benefit but also they will face punishment. This sacred order.

### Conclusion

From what we have discussed so far, we come into the conclusion that the subject of orders and forbiddances is one of the important and expansive part of the words which is elaborated in principle books. It has different divisions and is divided into orders and forbiddances in one word. In this essay fifteen differences of guiding and sacred have been elaborated as we mention below:

- 1-There is punishment in sacred but not in guiding.
- 2-There is worldly benefit in guiding but there is afterword reward for fulfilling sacred orders.
- 3-In sacred, the order giver gives order or forbids. On the other hand, in guiding there is expediency in doing deed that returns to in charged person.
- 4-There is specified order giver for sacred in contrary to guiding.

As it has been mentioned, these differences can be clues for sacred or orthodoxy but they are not the cause of these two orders. Absolutely Halieh, Maghalieh, and Maghamieh clues play significant role in determining sacred and guiding orders. Therefore, it is researcher's responsibility to pay attention to Halieh and Maghamieh clues to discover the speaker's intention by considering all the aspects.<sup>29</sup>

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<sup>27</sup> Tabatabaee Hakim, Muhammad Said. 1993. Almahkam fi Osole Feghh, p. 136 and 137. Qom, Almenar, 1st edition.

<sup>28</sup> Haeri Qomi, Mohammad Ali. Almokhtarat fi Osol feghh. p. 31 and 32. Tehran. Elmi publication. 1<sup>st</sup> edition.

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