

The Connection between Qom Seminaries and Interpretation of Sacred Sources in Ja'fari Jurisprudence

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Abstract : Iran presents itself as Islamic, first and foremost, and thus, it can be said that shari'a is the political and social centre of the states. However, actual practice reveals distinct interpretations and understandings of the shari'a. The research can be categorised inside the framework of logic in Islamic law and theology. The first task of this paper will be to identify how the shari'a is understood in Iran by mapping out how the judges apply the law in their respective jurisdictions. The attention will then move from a simple description of the diversity of shari'a understandings to the question of how that diversity relates to social concepts and cultures. This, of course, necessitates a brief exploration of Iran's historical background which will also allow for an understanding of sectarian influences and the significance of certain events. The main purpose is to reach an understanding of the process of applying sources to formulate solutions which are in accordance with shari'a and how religious education is pursued in order to become official judges. Ultimately, this essay will explore the attempts to gain an understanding by linking the practices to the secondary sources of Islamic law. It is important to emphasise that these cultural components of Islamic law must be compatible with the aims of Islamic law and their fundamental sources. The shari'a consists of more than just legal doctrines (fiqh) and interpretive activities (ijtihad). Its contextual and theoretical framework reveals a close relationship with cultural and historical elements of society. This has meant that its traditional reproduction over time has relied on being embedded into a highly particular form of life. Thus, as acknowledged by pre-modern jurists, the shari'a encompasses a comprehensive approach to the requirements of justice in legal, historical and political contexts. In theological and legal areas that have the specific authority of tradition, Iran adheres to Shia' doctrine, and this explains why the Shia' religious establishment maintains a dominant position in matters relating to law and the interpretation of shari'a. The statements and interpretations of the tradition are distinctly different from sunni interpretations, and so the use of different sources could be understood as the main reason for the discrepancies in the application of shari'a between Iran and other Muslim countries. The shari'a has often accommodated prevailing customs; moreover, it has developed legal mechanisms to all for its adaptation to particular needs and circumstances in society. While jurists may operate within the realm of governance and politics, the moral authority of the shari'a ensures that these actors legitimate their actions with reference to God's commands. The Iranian regime enshrines the principle of vilayat-i faqih (guardianship of the jurist) which enables jurists to solve the conflict between law as an ideal system, in theory, and law in practice. The paper aims to show how the religious, educational system works in harmony with the governmental authorities with the concept of vilayat-i faqih in Iran and contributes to the creation of religious custom in the society.

Keywords : guardianship of the jurist (vilayat-i faqih), imitation (taqlid), seminaries (hawza), Shi'i jurisprudence

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