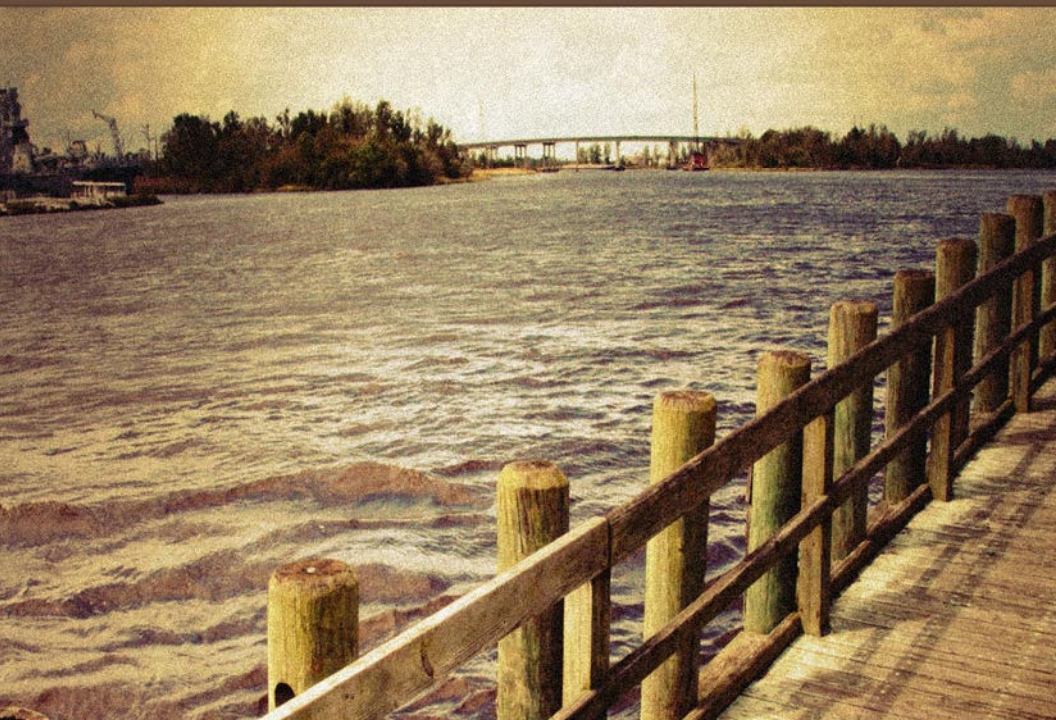


On the Shore of Contemplation

1

Wilāyatul Faqih

[The Governance of the Jurist]



Written by Akbar Asad Ali Zadeh
under the auspices of Ayatullah Ja'far Subhani

Translated by Ali Shaheed Muhammad

WILĀYATUL FAQĪH
THE GOVERNANCE OF THE JURIST

ON THE SHORE
OF CONTEMPLATION

VOLUME 1

Wilāyatul Faqīh
The Governance
of the Jurist

Written by Akbar Asad 'Alī Zadeh
Translated by 'Alī Shaheed Muḥammad

On the Shore of Contemplation –
Volume 1: Wilayatul Faqih – The
Governance of the Jurist

Written by Akbar Asad Ali Zadeh under
the auspices of the Imam as-Şadiq
Research Institute [Qum, Iran]
supervised by Ayatullah Ja'far Subhāni •
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Transliteration Table

The method of transliteration of Islāmic terminology from the ‘Arabic language has been carried out according to the standard transliteration table mentioned below.

ء	’	ظ	ḍ
ا	a	ط	ṭ
ب	b	ظ	ẓ
ت	t	ث	ṯ
ث	th	ج	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	ي	y
ش	sh	ه	h
ص	ṣ		
Long Vowels		Short Vowels	
ا	ā	َ	a
و	ū	ُ	u
ي	ī	ِ	i

ﷺ - Free from Imperfections and Exalted is He

ﷺ - Prayers be upon him and his family

ﷺ - Peace be upon him

ﷺ - Peace be upon her

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Foreword by the Publisher

WE LIVE IN AN AGE OF mass confusion in which the political landscape of countries around the world is changing at a rapid pace. It is an era in which nations are unilaterally deciding to invade sovereign, free countries under the pretext of 'liberation', 'freedom' and putting an end to 'state-sponsored terrorism' – an act which "they" refer to as 'pre-emptive strikes'. It is also a time in which countries are actively and whole-heartedly engaged in the greatest crimes against humanity which can be classified as nothing other than genocide and the enactment of their own state-sponsored holocaust by subjugating those whose land they occupy and enacting fear on their neighbors who want nothing other than to live in peace and harmony.

In such times of peril and strife, it becomes incumbent upon everyone, however the Muslim in particular, to understand the global political maneuvers, rhetoric used to mislead the innocent people and the tactics employed to oppress the downtrodden peoples of the world – regardless of their color or religion - and to have a comprehensive awareness of the various political theories and ideologies present. This will help in being able to better analyze and understand the various theories, see which one truly offers 'freedom' to the masses and help alleviate the present predicament which a majority of the countries of the world – particularly the 'Muslim' countries - are facing. In addition, from the point of view of the Islamic teachings of the

Qur'an and Sunnah, it is incumbent that the Muslim understands the role which 'religion' plays in 'politics'.

Indeed, in the Islamic world-view, there is no difference between 'religion' and 'politics' as one of the roles of 'politics' or 'government' was to grant humanity the freedom to worship their Lord in the way in which He wants them to submit to Him ﷻ.

However, it must be kept in mind that the 'submission' to Allāh ﷻ is not limited to the daily rituals such as prayers (*ṣalāt*), fasting (*ṣawm*), pilgrimage (*ḥajj*) and other such actions. Rather and more importantly, it extends to rules of social engagement, economic policy and covers the entire life of the human being – from birth to death – and in all areas of life.

Once we understand the reason for the creation of the human being and why he was placed on this Earth, which is beautifully illustrated in the Noble Qur'an, we can then begin to understand the reason why Allāh ﷻ appointed prophets to humanity, just as He ﷻ clearly tells us:

﴿وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ
وَأَجْتَنِبُوا الطَّاغُوتَ...﴾

“Indeed We raised an apostle in every nation [to preach:] ‘Worship Allāh, and keep away from the despot...’”¹

Thus, how can we keep away from the despots, tyrants, oppressors and dictators if there is no land on the Earth which is ruled by the righteous people of Allāh ﷻ? Where would the downtrodden people of the Earth – regardless of their 'religion'

¹ *Sūrat al-Naḥl* (16), Verse 36

– flee in times of peril and strife and in whom could they take refuge?

Indeed, this is exactly what the founder of the Islāmic Republic of Iran and the Supreme Leader of the Muslim Ummah and the guide for all of the oppressed and downtrodden peoples of the Earth, the late Āyatullāḥ al-‘Uẓmā al-Ḥājj as-Sayyid Ruḥūllāh al-Mūsawī al-Khumaynī ؑ alluded to in his work, *Islamic Government*, where he stated:

“The most Noble Messenger ﷺ headed the executive and administrative institutions of Muslim society. In addition to conveying the revelation and expounding and interpreting the articles of faith and the ordinances and institutions of Islām, he undertook the implementation of law and the establishment of the ordinances of Islām, thereby, bringing into being the Islāmic state. He did not content himself with the promulgation of law; rather, he implemented it at the same time, cutting off hands and administering lashings, and stonings.

After the most Noble Messenger ﷺ, his successor had the same duty and function.

When the Prophet ﷺ appointed a successor, it was not only for the purpose of expounding articles of faith and law; it was for the implementation of law and the execution of Allāh’s ordinances. It was this function – the execution of law and the establishment of Islāmic institutions – that made the appointment of a successor such an important matter that the Prophet ﷺ would have failed to fulfill his mission if he had neglected it!

For after the Prophet ﷺ, the Muslims still needed someone to execute laws and establish the institution of Islām in society, so that they might attain happiness in this world and the hereafter.

By their nature, in fact, laws and social institutions require the existence of an executor. It has always and everywhere been the case that legislation alone has little benefit: legislation by itself cannot assure the well-being of mankind.

After the establishment of legislation, an executive power must come into being, a power that implements the laws and the verdicts given by the courts, thus allowing people to benefit from the laws and the just sentences the courts deliver. Islām has therefore established an executive power in the same way that it has brought laws into being. The person who holds this executive power is known as the *Walīul Amr*.²

The *sunnah*³ and path of the Prophet ﷺ constitute a proof of the necessity for establishing government.

First, he himself established a government, as history testifies. He engaged in the implementation of laws, the establishment of the ordinances of Islām, and the administration of society. He sent out governors to different regions; both sat in judgment himself and also appointed judges; dispatched emissaries to foreign

² Lit. "the one who holds authority," a term derived from the Noble Qur'an, 4:59: "O you who believe! Obey God, and obey the Messenger and the holders of authority (*āli 'l-amr*) from among you." For commentary of this verse, see Mīr Aḥmad 'Alī, *The Noble Qur'an* (NY: Tahrike Tarsile Qur'an, 1988).

³ The practice of the Prophet, accepted by Muslims as the norm and ideal for all human behavior.

states, tribal chieftains, and kings; concluded treaties and pacts; and took command in battle. In short, he fulfilled all the functions of government.

Second, he designated a ruler to succeed him, in accordance with Divine command.

If Allāh Almighty, through the Prophet ﷺ, designated a man who was to rule over Muslim society after him, this is in itself an indication that government remains a necessity after the departure of the Prophet from this world.

Again, since the most Noble Messenger ﷺ promulgated the divine command through his act of appointing a successor, he also, implicitly stated the necessity for establishing a government.

It is self-evident that the necessity for enactment of the law, which necessitated the formation of a government by the Prophet ﷺ, was confined or restricted to his time, but continues after his departure from this world.

According to one of the noble verses of the Qur'ān, the ordinances of Islām are not limited with respect to time or place; they are permanent and must be enacted until the end of time.⁴ They were not revealed merely for the

⁴ See, for example, *Sūrat Ibrāhīm* (14), verse 52:

﴿ هَذَا بَلَاغٌ لِلنَّاسِ وَلِيُنذِرُوا بِهِ وَيَلْعَلُوا أَنَّمَا هُوَ إِلَهُ وَاحِدٌ وَيُذَكَّرَ أُولُو الْأَبْطَابِ ﴾

“This is a proclamation for mankind so that they may be warned thereby, and know that He is indeed the One God, and those who possess intellect may take admonition.”

Sūrat Yūnus (10), verse 2:

time of the Prophet ﷺ, only to be abandoned thereafter, with retribution and the penal code no longer be enacted, or the taxes prescribed by Islām no longer collected, and the defense of the lands and people of Islām suspended. The claim that the laws of Islām may remain in abeyance or are restricted to a particular time or place is contrary to the essential creedal bases of Islām!

Since enactment of laws, then, is necessary after the departure of the Prophet ﷺ from this world, and indeed, will remain so until the end of time, the

﴿ أَكَانَ لِلنَّاسِ عَجَبًا أَنْ أَوْحَيْنَا إِلَى رَجُلٍ مِنْهُمْ أَنْ أَنْذِرِ النَّاسَ وَبَشِّرِ الَّذِينَ آمَنُوا أَنْ لَهُمْ قَدَمٌ صِدْقٍ عِنْدَ رَبِّهِمْ قَالَ الْكَافِرُونَ إِنَّ هَذَا لَسَاحِرٌ مُبِينٌ ﴾

“Does it seem odd to these people that We have revealed to a man from among themselves, [declaring], ‘Warn mankind, and give good news to the faithful that they are in good standing with their Lord’? The faithless say, ‘This is indeed a plain magician.’”

Sūrat al-Hājj (22), verse 49:

﴿ قُلْ يَا أَيُّهَا النَّاسُ إِنَّمَا أَنَا لَكُمْ نَذِيرٌ مُبِينٌ ﴾

“Say, ‘O mankind! I am only a manifest warner to you!’”

Sūrat al-Ahzāb (33), verse 40:

﴿ مَا كَانَ مُحَمَّدٌ أَبَا أَحَدٍ مِنْ رِجَالِكُمْ وَلَكِنْ رَسُولَ اللَّهِ وَخَاتَمَ النَّبِيِّينَ وَكَانَ اللَّهُ بِكُلِّ شَيْءٍ عَلِيمًا ﴾

“Muḥammad is not the father of any man among you, but he is the Apostle of Allah and the Seal of the Prophets, and Allāh has knowledge of all things.”

and *Sūrat Yā Sīn* (36), verse 70:

﴿ لِيُنذِرَ مَنْ كَانَ حَيًّا وَيَحِقَّ الْقَوْلُ عَلَى الْكَافِرِينَ ﴾

“So that anyone who is alive may be warned, and that the word may come due against the faithless.”

formation of a government and the establishment of executive and administrative organs are also necessary. Without the formation of a government and the establishment of such organs to ensure that through enactment of the law, all activities of the individual take place in the framework of a just system, chaos and anarchy will prevail and social, intellectual and moral corruption will arise. The only way to prevent the emergence of anarchy and disorder and to protect society from corruption is to form a government and thus impart order to all the affairs of the country.

Both reason and divine law, then, demonstrate the necessity in our time for what was necessary during the lifetime of the Prophet ﷺ and the age of the Commander of the Faithful, ‘Ali ibn Abī Ṭālib ؑ - namely the formation of a government and the establishment of executive and administrative organs.”⁵

From this, we understand that the Prophet ﷺ and his successors ؑ were not just ‘spiritual’ leaders – rather, they were also ‘temporal’ leaders as without ‘temporal’ leadership, it is impossible to enact ‘spiritual’ leadership.

The life of the Prophet of Islām ﷺ while in Madinah and his power of authority shows that he was not only a ‘prophet’ of Allāh ﷻ, rather, he was the ‘*Khalīfah*’ of Allāh ﷻ - the governor appointed by Allāh ﷻ to rule over the believers.

Those who came after him, the twelve righteous and legitimate leaders ؑ were also charged with this responsibility and even though it was only the first Imām, the Commander of the Faithful, ‘Ali ibn Abī Ṭālib ؑ, who was able to exercise this

⁵ *Islāmic Government: Governance of the Jurist*

right [due to the political climate of the time], nonetheless, the remaining leaders of the faith ﷺ also had this responsibility on their shoulders which was enacted in a limit capacity amongst those who recognized and accepted their authority.

Ruling by what Allāh ﷻ has revealed in His revealed books is so important, that the Supreme Legislator has referred to this issue three times in one sūrah – one after the other! In these verses, He ﷻ has severely castigated those who rule and adjudicate by anything other than the revelation of the Almighty:

﴿... وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ
الْكَافِرُونَ... وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ
فَأُولَئِكَ هُمُ الظَّالِمُونَ... وَمَنْ لَمْ يَحْكَمْ بِمَا
أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

“ ... Those who do not judge by what Allāh has sent down, it is they who are the **faithless** ... Those who do not judge by what Allāh has sent down, it is they who are the **wrongdoers** ... Those who do not judge by what Allāh has sent down, it is they who are the **transgressors.**”

Thus, with the great importance that the issue of leadership and governance plays in Islām, especially in today’s political climate in which many non-Muslims have launched calculated assaults against the teachings of Islām and in which an increasing number of ‘Muslims’ are claiming to speak for ‘Moderate Muslims’ or ‘Moderate Islam’ and are seeking to label and portray those Muslims who wish to follow the Qur’an and Sunnah as ‘fundamentalists’, it is of the utmost importance to

understand the Islāmic mode of governance which is based directly on the Qur'ān and the Sunnah of the Prophet Muḥammad ﷺ – what is referred to as 'Wilāyatul Faqīh' or the 'Governance of the Jurist'.

This short treatise is not meant to be an exhaustive look at this very important topic. It is merely an introduction to the 'Governance of the Jurist' and certain aspects related to his leadership and thus, we present this short work to the readers with the hopes that others who are more educated on this topic expend their energies to look at the 'Governance of the Jurist' from an even greater angle and with much more in-depth insight from the Qur'ān, Sunnah and the history of Islām.



With there being very few books on this topic in the English language, it gives the Islamic Publishing House great pleasure to present this short tract on 'The Governance of the Jurist.'

This work is an extract from the work, *On the Shore of Contemplation*, written in Farsi by Akbar Asad Alī Zadeh under the guidance of the well-known scholar and researcher, Āyatullāh Shaykh Ja'far Subḥānī [www.imamsadeq.org] – the founder and rector of the Imām as-Ṣādiq ﷺ Research Institute based in Qum, Irān.

The entire work, *On the Shore of Contemplation*, features a series of questions and answers on the following topics:

1. Allāh ﷻ and various issues in regards to the Creator;
2. The creation of the Jinn;
3. The necessity of following a religion;
4. The necessity of following Islām;

FOREWORD BY THE PUBLISHERS

5. The intellect of the human being and how it can reach to completion;
6. Logical proofs for the infallibility of the A'immaḥ;
7. The reason behind the occultation of Imām al-Zamān;
8. Governance of the Jurist (the present work);
9. The physical resurrection of human beings after being decomposed and consumed by animals;
10. Nahj al-Balāgha and women.

The book which you are currently holding is merely the first series of selected questions and answers to be published in English.

After feedback from the readership, and the assistance of Allāh ﷻ, we hope to have the other chapters of this work translated and published in the form of individual booklets, Insha-Allāh.

Due to various reasons, all installments in this series will be made available via **www.iph.ca** and **www.al-mubin.org**. Those wishing to publish this series in print format are requested to contact the publishers for permission.

All praise belongs to Allāh - only the mistakes are mine
Islamic Publishing House
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Foreword

By Ayatullāh Shaykh Mīrzā Ja‘far Subḥānī

THE ASKING OF QUESTIONS and giving of their answers – as a pretext to guiding others – is one of the methods which the Qur’ān has placed a great emphasis upon. Indeed, human society has been invited to approach the scholars and those aware of their cultural surroundings to ask them questions in order to overcome their ignorance, just as we read:

﴿فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ﴾

“So then ask those of the Reminder if you do not know.”⁶

The Qur’ān has not sufficed with this ruling of the people asking [and waiting for their answer from their scholars] and thus, we see that in some of the questions posed at the time of the message [revelation of the Qur’ān], the answers were clearly delivered to the people [by the Prophet of Islam ﷺ himself]. Such verses in the Qur’ān are noted by the word ‘يسألونك’ or ‘They ask you (O’ Muḥammad!)’ – and this phrase has been used fifteen times⁷ in various chapters of the Qur’ān.

⁶ *Sūrat al-Naḥl* (16), Verse 43

⁷ The phrase is seen in the following verses:

﴿يَسْأَلُونَكَ عَنِ الْأَهْلَةِ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا
الْبُيُوتَ مِنْ ظُهُورِهَا وَلَكِنَّ الْبِرَّ مَنْ اتَّقَى وَآتَى الْبُيُوتَ مِنْ أَبْوَابِهَا وَاتَّقُوا اللَّهَ
لَعَلَّكُمْ تُفْلِحُونَ﴾

“They question you concerning the new moons. Say, ‘They are timekeeping signs for the people and [for the sake of] hajj.’ It is not piety that you come into houses from their rear; rather piety is [personified by] one who is Godwary, and come into houses from their doors, and be wary of God, so that you may be felicitous.” (2:189)

﴿يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلَّوَالِدِينَ وَالْأَقْرَبِينَ وَالْيَتَامَى
وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ﴾

“They ask you as to what they should spend. Say, ‘Whatever wealth you spend, let it be for parents, relatives, orphans, the needy, and the traveller.’ And whatever good that you may do, God indeed knows it.” (2:215)

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَنْ سَبِيلِ
اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ
أَكْبَرُ مِنَ الْقَتْلِ وَلَا يَزَالُونَ يُقَاتِلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَنْ دِينِكُمْ إِنْ
اسْتَطَاعُوا وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنْ دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ
أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾

“They ask you concerning warfare in the holy month. Say, ‘It is an outrageous thing to fight in it, but to keep [people] from God’s way, and to be unfaithful to Him, and [to keep people from] the Holy Mosque, and to expel its people from it are more outrageous with God. And faithlessness is graver than killing. And they will not cease fighting you until they turn you away from your religion, if they can. And whoever of you turns away from his religion and dies faithless —they are the ones whose works have failed in this world and the Hereafter. They shall be the inmates of the Fire, and they shall remain in it [forever].’ (2:217)

﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَتَفَكَّرُونَ﴾

“They ask you concerning wine and gambling. Say, ‘There is a great sin in both of them, and some profits for the people, but their sinfulness outweighs their profit.’ And they ask you as to what they should spend. Say, ‘All that is surplus.’ Thus does God clarify His signs for you so that you may reflect.” (2:219)

﴿فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَإِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمَصْلِحِ وَلَوْ شَاءَ اللَّهُ لَأَعْنَتَكُمْ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ﴾

“□about the world and the Hereafter. And they ask you concerning the orphans. Say, ‘It is better to set right their affairs, and if you intermingle with them, then they are your brothers: God knows the one who causes corruption from the one who brings about reform, and had God wished He would have put you to hardship.’ Indeed God is all-mighty, all-wise.” (2:220)

﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ﴾

“They ask you concerning [intercourse during] menses. Say, ‘It is hurtful.’ So keep away from wives during the menses, and do not approach them till they are clean. And when they become clean, go into them as God has commanded you. Indeed God loves the penitent and He loves those who keep clean.” (2:222)

﴿يَسْأَلُكَ أَهْلُ الْكِتَابِ أَنْ تُنزِلَ عَلَيْهِمْ كِتَابًا مِنَ السَّمَاءِ فَقَدْ سَأَلُوا مُوسَى أَكْبَرَ مِنْ ذَلِكَ فَقَالُوا أَرِنَا اللَّهَ جَهْرَةً فَأَخَذَتْهُمُ الصَّاعِقَةُ بِظُلْمِهِمْ ثُمَّ اتَّخَذُوا الْعِجْلَ مِنْ بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ فَعَمَّوْنَا عَنْ ذَلِكَ وَآتَيْنَا مُوسَى سُلْطَانًا مُبِينًا﴾

“The People of the Book ask you to bring down for them a Book from the sky. Certainly they asked Moses for [something] greater than that, for they said, ‘Show us God visibly,’ whereat a thunderbolt seized them for their wrongdoing. Then they took up the Calf [for worship], after all the manifest proofs that had come to them. Yet We excused that, and We gave Moses a manifest authority.” (4:153)

﴿يَسْأَلُونَكَ مَاذَا أَحَلَّ لَهُمْ قُلْ أَحَلَّ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ
مَكَلَّيْنَ تَعَلَّمُونَهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ
وَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ﴾

“They ask you as to what is lawful to them. Say, ‘All the good things are lawful to you.’ As for what you have taught hunting dogs [to catch], teaching them out of what God has taught you, eat of what they catch for you and mention God’s Name over it, and be wary of God. Indeed God is swift at reckoning.” (5:4)

﴿يَسْأَلُونَكَ عَنِ السَّاعَةِ أَيَّانَ مُرْسَاهَا قُلْ إِنَّمَا عِلْمُهَا عِنْدَ رَبِّي لَا يُجَلِّيهَا لِوَقْتِهَا
إِلَّا هُوَ ثَقُلَتْ فِي السَّمَاوَاتِ وَالْأَرْضِ لَا تَأْتِيكُمْ إِلَّا بَغْتَةً يَسْأَلُونَكَ كَأَنَّكَ
حَفِيٌّ عَنْهَا قُلْ إِنَّمَا عِلْمُهَا عِنْدَ اللَّهِ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

“They question you concerning the Hour, when it will set in. Say, ‘Its knowledge is only with my Lord: none except Him shall manifest it at its time. It will weigh heavy on the heavens and the earth. It will not overtake you but suddenly.’ They ask you as if you were in the know of it. Say, ‘Its knowledge is only with God, but most people do not know.’” (7:187)

﴿يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرُّسُولِ فَاتَّقُوا اللَّهَ وَأَصْلِحُوا ذَاتَ
بَيْنِكُمْ وَأَطِيعُوا اللَّهَ وَرَسُولَهُ إِن كُنْتُمْ مُؤْمِنِينَ﴾

“They ask you concerning the anfal. Say, ‘The anfal belong to God and the Apostle.’ So be wary of God and settle your differences, and obey God and His Apostle, should you be faithful.” (8:1)

﴿وَيَسْأَلُونَكَ عَنِ الرُّوحِ قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلًا﴾

“They question you concerning the Spirit. Say, ‘The Spirit is of the command of my Lord, and you have not been given of the knowledge except a few [of you].’” (17:85)

The world today, thanks to the various tools of mass communication, has been transformed into a global village in which the people's ideologies and thoughts are quickly disseminated throughout the world. Due to this, the youth of today come across a series of new questions and there is nowhere they can turn in order to solve their dilemmas except the scholars of the Divine teachings.

In the hopes of fulfilling the noble goal of guiding the youth and providing answers to their questions, a department was formed at the 'Imām as-Ṣādiq عليه السلام Teaching and Research Institute' under the banner of the 'Department of Answering the Theological Questions' in which a group of graduate students who have specialized in the Science of Kalām (Theology) have taken it upon themselves to answer the various theological questions coming to this organization by keeping in mind the horizon of thought of the youth.

﴿وَيَسْأَلُونَكَ عَنِ ذِي الْقَرْنَيْنِ قُلْ سَأَتْلُو عَلَيْكُمْ مِنْهُ ذِكْرًا﴾

"They question you concerning Dhul Qarnayn. Say, 'I will relate to you an account of him.'" (18:83)

﴿وَيَسْأَلُونَكَ عَنِ الْجِبَالِ فَقُلْ يَنْسِفُهَا رَبِّي نَسْفًا﴾

"They question you concerning the mountains. Say, 'My Lord will scatter them [like dust].'" (20:105)

﴿يَسْأَلُكَ النَّاسُ عَنِ السَّاعَةِ قُلْ إِنَّمَا عِلْمُهَا عِنْدَ اللَّهِ وَمَا يُدْرِيكَ لَعَلَّ السَّاعَةَ تَكُونُ قَرِيبًا﴾

"The people question you concerning the Hour. Say, 'Its knowledge is only with God.' What do you know, maybe the Hour is near." (33:63)

﴿يَسْأَلُونَكَ عَنِ السَّاعَةِ أَيَّانَ مُرْسَاهَا﴾

"They ask you concerning the Hour, when it will set in." (79:42)

At this point in time, we are pleased to present a section of the questions and answers which have been compiled under the auspices of this humble servant and have been researched and written by the respected scholar, Āqā Akbar Asad ‘Alī Zadeh and to present this work to the scholars and researchers of the community.

It is our hope that this small step is but an introduction to greater leaps and bounds in this field and that Allāh, the Beneficent, accepts this insignificant service and grants us success in being able to fulfill our religious responsibility.

Ja‘far Subḥānī
2nd of Jumādī al-Awwal, 1422 AH

▣ Wilāyatul Faqīh

The Governance of the Jurist

1. Is the authority of the Jurist (Faqīh) absolute or limited? Why?
2. Is the Supreme Leader (Walīul Faqīh) elected to the position or is this an appointment?
3. Is it obligatory to follow the commandments of the Supreme Leader (Walīul Faqīh)?
4. Can the Supreme Leader (Walīul Faqīh) be criticized?
5. What happens if the Supreme Leader (Walīul Faqīh) makes an error?

1

The Authority of the Jurist (Faḳīh): Absolute or Limited?

Question: Is the authority of the Jurist (Faḳīh) absolute or limited? Why?

The authority of the Jurist (Faḳīh) is absolute, meaning that the Supreme Leader (Walī al-Faḳīh) possesses all of the authority which the Noble Prophet ﷺ and infallible A'immaḥ ﷺ possess in relation to the administration of the society.

In order to better understand this discussion, we must first discuss two points:

The first point is that 'wilāyat' or 'authority' is of two types – 'wilāyat takwīnī' - the 'generative authority', and 'wilāyat tashrī'ī' - the 'legislative authority'.

The 'generative authority' – meaning any form of intervention in the world of creation – is a right restricted to Allāh ﷻ alone. However, sometimes Allāh ﷻ grants a portion of this authority

to some of His servants and the miracles and super-natural acts of the prophets and select-friends (awliyā') of Allāh ﷻ stem from this form of authority.

The second form, the 'legislative authority', refers to the right to issue commandments and prohibitions in regards to matters of faith and the life of the temporal world.

When we say that the Noble Prophet ﷺ and the A'immah ؑ possess 'wilāyat tashri'ī' or the 'legislative authority', we mean that they have the right, by the permission of Allāh ﷻ, to command and prohibit the people from certain actions. Once these individuals (the Prophet ﷺ and A'immah ؑ) have employed their 'legislative authority', it then becomes obligatory upon the people to obey them in everything which they command (and prohibit).

We see that the same authority (as that of the Prophet ﷺ and A'immah ؑ) has also been given to the Jurist, and therefore, the meaning of the governance of the Jurist (the wilāyat of the Faqih) is within the boundaries of the 'wilāyat tashri'ī' or the 'legislative authority.'

Therefore, the Jurist also has the right, just as the Noble Prophet ﷺ and A'immah ؑ have the canonical right, to command and prohibit the people from various actions.⁸

The second point which must be noted is that such an authority being absolute does not mean that it is unrestrained and uncontrolled! It does not mean that the Jurist can work in any way which he wishes!

8 Ayatullāh Muḥammad Taqī Miṣbāḥ Yazdī, *Questions and Answers*, vol. 1, pg. 59

Rather, the meaning of the absolute authority of the Jurist is that he has an absolute authority in regards to the enforcement of the Islāmic injunctions. This means that the Jurist and Muslim ruler's absolute authority is limited to the scope of the implementation of the rulings – not that he is able to alter the Islāmic commandments!

In addition, the meaning of the absolute authority in regards to the implementation of the rulings is not that the Jurist can put the Islāmic laws into practice in any way he sees fit. Rather, the implementation of the Islāmic laws must be carried out in the ways which the sacred teachings have explained that they are to be executed.⁹

The Reason why the Authority of the Jurist is Absolute

The reason why the authority of the Jurist is absolute is that during the occultation of Imām al-Zamān (may Allāh hasten his return), since Islām must be implemented in all of its dimensions and because all of its societal rules must be put in place, the Jurist is the custodian of the faith.

In order to implement all of the Islāmic commandments, the Islāmic leader must establish a government so that all aspects of the Islāmic regulations - such as the application of the rules of retribution, the economic regulations and all other areas of life (governed by Islām) can be put into action.

In addition, the Jurist who fulfills all of the conditions to implement this system is responsible for putting an end to all forms of societal corruptions and deviations for which he is in need of the co-operation of the entire society, a central system of management and a just and able government.

9 Ayatullāh 'Abdullāh Jawādī Āmulī, *Wilāyatul Faqīh*, pg. 251

In order to regulate the society and implement the various Islāmic regulations, the Muslim leader must be able to appoint individuals to maintain the system. He must also be able to issue the necessary laws and regulations for the maintenance and preservation of the country, protection of the wealth (of individuals), safety of the people and the freedom and independence of the entire Islāmic society. Such laws must also cover the areas of war and peace – as needed.

Maintaining local and foreign relations; dispatching border patrols to protect the country; appointing the prayer leaders for Ṣalātul Jumu‘ah and Ṣalātul Jamā‘at; appointing financial representatives who would be responsible for collecting the zakāt and other forms of wealth [which are due by the people to maintain the country] and hundreds of other programs which must be implemented, including the various cultural issues, economic rights, political and military issues, etc... are all the definite responsibility and task of the Jurist!

Without such responsibilities, it would be impossible to implement the complete and comprehensive code of Islām and correctly manage the Islāmic society in a way which would earn the pleasure of Allāh ﷻ.¹⁰

In Summary

From that which we have just mentioned, we conclude that:

1. The meaning of ‘wilāyat’ or ‘authority’ is the ‘wilāyat tashri‘ī’ or ‘legislative authority’.
2. The absolute authority does not mean that the Jurist works unrestrained or with no one overseeing him. Rather, it means that he has the absolute authority

¹⁰ Ibid., pp. 248 - 249

when it comes to the implementation of the Islamic regulations within the framework of the sacred teachings of Islām.

3. Seeing as how the Jurist is responsible for all aspects of the faith and its protection during the occultation of the infallible Imām ﷺ, he can not achieve his goals without having a full authority in the realm of the implementation of all of the aspects of Islām and the best form of management of the Islāmic society as it should be managed and guided. Therefore, this (too) points to his absolute authority.

For more information on this topic, refer to:

1. Naqd Quarterly Journal, issue 7, pp. 68 to 69.
2. Naqd Quarterly Journal, issue 8, pg. 68 onwards.

2

The Supreme Leader: Elected or Appointed?

Question: Is the Supreme Leader elected to his position or appointed to it?

The position of the Supreme Leader is granted by appointment and this can be proven through the logical proofs and also the narrated proofs (the Qur'ān and aḥādīth) of which, we shall refer to some below.

A. The Logical Proofs

Seeing as how the governance of the Jurist is known as a continuation of the leadership of the infallible A'immah عليه السلام and since the infallible A'immah عليه السلام are guardians (of the faith) who have been appointed directly by Allāh ﷻ, the Jurist who fulfills all of the criteria (for being followed) is also one who has been appointed by Allāh ﷻ and the infallible A'immah عليه السلام to the station of the Supreme Leader over the Islāmic society.

In regards to this, we state that: Our intellect dictates that a person's felicity is tied to the Divine Laws and on his own, mankind is not able to formulate laws which would be without defect for his happiness in this life and the next.

The Divine Laws, which have been conveyed through the perfect human being referred to as the prophet of Allāh ﷺ were given to humanity as a gift, and since these laws can not have any impact if they are not implemented, and since the implementation of such laws can not be carried out error free except by one who is infallible, it is for this reason that Allāh ﷻ appointed and sent prophets ﷺ and then followed this up with the infallible A'imma ﷺ as guardians over the Islāmic society and for the implementation of the teachings of the faith.

Since it is inconsistent with the wisdom of Allāh ﷻ and His grace that during the period of occultation of the Imām of the time (may Allāh hasten his noble advent) that the Muslims would be left without a leader and that the faith and the final way of life (Sharī'ah) would be abandoned without a guardian, it is for this reason that the Jurists who fulfill all of the requirements (to lead) - who happen to be the closest people to the infallible A'imma ﷺ from three angles – their knowledge, justice, and ability of management – are therefore recognized as the successors to Imām al-Zamān (may Allāh hasten his noble advent).

Therefore, during the period of the occultation, the Jurists have been appointed to be the guardians of the Islāmic society.

Thus, it becomes incumbent upon the Muslims and the wise people of the society who fully comprehend the issue as it has been presented and are not caught up in unruliness and the worship of their lower desires and passions, to accept the

governance of such worthy individuals. Through this, the religion of Allāh ﷻ will become manifest throughout the entire society.

Therefore, the governance of the Jurist who fulfills all of the conditions (for leadership) is just as the rule of the Prophet ﷺ and the infallible A'imma ؑ. By this we mean that in regards to the maintenance of the Islāmic society, just as the people would pledge their allegiance to the Prophet ﷺ and the Imām ؑ as the governor who has been appointed by Allāh ﷻ, and would accept the authority of these individuals over them, so too during the period of the occultation, the people must also pledge their allegiance and give their hand in fealty and follow the worthy and rightful representative of Imām al-'Aṣr (may Allāh hasten his noble advent) who has been proclaimed by the infallible A'imma ؑ as the leader.¹¹

B. The Qur'ānic Proofs

The various verses of the Noble Qur'an give us a general picture of the appointment of the Islāmic leader (and the Jurist). From amongst all of these verses, we narrate the following:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ
وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ
إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا . أَلَمْ تَرَ إِلَى الَّذِينَ
يَزْعَمُونَ أَنَّهُمْ آمَنُوا بِمَا نُزِّلَ إِلَيْكَ وَمَا نُزِّلَ مِنْ

¹¹ Āyatullah 'Abdullah Jawādī Āmulī, *Wilāyatul Faqīh*, Section on Wilāyat of the Jurists and 'Adālat, pp. 212 to 213.

قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ
 أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ
 ضَلَالًا بَعِيدًا. وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَى مَا أَنْزَلَ اللَّهُ
 وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنْكَ
 صُدُودًا ﴿٤١﴾

“O you who have faith! Obey Allāh and obey the Apostle and those vested with authority among you. And if you dispute concerning anything, refer it to Allāh and the Apostle, if you have faith in Allāh and the Last Day. That is better and more favourable in outcome. Have you not regarded those who claim that they believe in what has been sent down to you, and what was sent down before you? They desire to seek the judgment of the despot, though they were commanded to defy it, and Satan desires to lead them astray into far error. And when they are told, ‘Come to what Allāh has sent down and [come] to the Apostle,’ you see the hypocrites keep away from you, aversely.”¹²

In these verses, the Qur’ān expressly orders us to obey Allāh ﷻ, His Messenger ﷺ and those who are ‘in authority amongst us’ and in times of dispute and differences, rather than referring to the despots, we must refer to Allāh ﷻ and His Messenger ﷺ. This means that we must be satisfied with the ruling given by the book of Allāh ﷻ and the sunnah of the Prophet ﷺ.

¹² *Sūrat al-Nisā* (4), Verses 58 to 61

Thus, the responsibility of the Muslims is that they must submit to those who are put into authority over them.

However, are those who are in authority (whom we are to obey) the despotic forces? Without a doubt, this is not the case since in the verse which follows, this has been forbidden!

Therefore, the meaning of those who are charged with authority from amongst us whose commandments must be followed are individuals whose directives are on the same level as those of Allāh ﷻ and His Messenger ﷺ:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ
وَأُولِي الْأَمْرِ مِنْكُمْ . . . ﴾

“O you who have faith! Obey Allāh and obey the Apostle and those vested with authority among you...”

The meaning of ‘those who are charged with authority from amongst you’ are those people who follow the Qur’ān and the Sunnah in relation to governance and judgment.

In the second verse which we wish to look at (as was quoted above), we see that Allāh ﷻ has stated that those who show satisfaction with the governance and judgment of the despotic forces have actually disbelieved in all of the Divinely revealed books!

If the responsibility of the Muslims is to keep away from and struggle against the despotic governments, then it stands to reason that it is their responsibility to establish a just government and submit themselves to those who order others to act according to the Qur’ān and the Sunnah:

﴿ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَىٰ الرَّسُولِ . . . ﴾

“Come to that which Allāh has revealed and [come] to the Messenger.”

From this verse, we understand that in the Qur’ānic terminology, a despotic force refers to the person who judges contrary to the rulings of the Qur’an and the Sunnah of the Prophet ﷺ. Thus, the only person who is worthy of attaining the government is the one who judges by the Qur’an and the Sunnah!

Thus, one of the conditions of governance is a deep understanding of the Book of Allāh ﷻ and the Sunnah – and this is reserved for the one who is a Jurist.¹³

C. The Narrated Proofs [Aḥādīth]

1. There is a long tradition contained in the book *Tuḥaf al-Uqūl* from Imām Ḥusayn b. ‘Alī ؑ in which the Imām ؑ reprimanded the scholars of his time as to why, due to their own slackness and differences, they were denied the status of leadership. In this tradition, the Imām ؑ stated:

وَ أَنْتُمْ أَعْظَمُ النَّاسِ مُصِيبَةً لِمَا غَلِبْتُمْ عَلَيْهِ مِنْ
مَنَازِلِ الْعُلَمَاءِ لَوْ كُنْتُمْ تَشْعُرُونَ ذَلِكَ بِأَنْ مَجَارِيَ
الْأُمُورِ وَالْأَحْكَامِ عَلَى أَيْدِي الْعُلَمَاءِ بِاللَّهِ الْأَمْنَاءِ
عَلَى حَلَالِهِ وَ حَرَامِهِ فَأَنْتُمْ الْمَسْلُوبُونَ تِلْكَ الْمَنْزِلَةَ
وَ مَا سَلَبْتُمْ ذَلِكَ إِلَّا بِتَفَرُّقِكُمْ عَنِ الْحَقِّ وَ
اِخْتِلَافِكُمْ فِي السُّنَّةِ بَعْدَ الْبَيِّنَةِ الْوَاضِحَةِ . . .

¹³ ‘Abbās Yazdānī, *Discussions on Religious Governance*, pp. 32 to 34

“You are the people at the greatest loss - if you only knew - as you subdued the status of scholars, as the answers to affairs and religious rulings rest with these godly scholars – those who are responsible for (guiding you to) the permissible (ḥalāl) and impermissible (ḥarām) as prescribed by Allāh. You have not plundered that dignity and have not deprived (yourselves) of that status except by your swaying from the truth and disagreeing with the Sunnah after it has been shown clearly. If you would be patient in the face of tribulations and would bear whatever has been provided, for the sake of Allāh - then the commands of Allāh would come to you, would issue from you and would return back to you.”

2. Iṣḥāq b. Ya‘qūb wrote a letter to Imām Walī al-‘Aṣr عليه السلام [the 12th Imām] and gave it to Muḥammad b. ‘Uthmān, the representative of the 12th Imām to pass it on to the Imām عليه السلام. In a portion of the reply, Imām al-Zamān عليه السلام wrote the following as a response to the questions of Iṣḥāq:

أَمَّا الْحَوَادِثُ الْوَأَقِعَةُ فَارْجِعُوا فِيهَا إِلَى رَوَاةِ
حَدِيثِنَا فَإِنَّهُمْ حُجَّتِي عَلَيْكُمْ وَأَنَا حُجَّةُ اللَّهِ .

“As for those events that will occur in the future, (for the answer on how to deal with them), refer to those people who narrate our sayings (aḥādīth) since surely they (the ‘Ulamā) are my proof over you and I am the proof of Allāh.”¹⁴

¹⁴ *Ikmāl al-Dīn wa Itmām al-Ni‘mah*, section on the Letters of the 12th Imām, no. 4; *Wasā’il ash-Shi‘a*, vol. 18, section on the Traits of a Islamic Judge, no. 9.

The proofs which we have show us that the challenge which Ishāq b. Ya'qūb was facing was not in finding a person to answer his religious enquiries. He was not a person that did not know that answers to the practical laws of Islām relating to worship and transactions had to be taken from the scholars of the traditions of the Infallibles عليهم السلام! Rather, his hindrance was in understanding his responsibility in relation to societal issues for which the only way to solve these sorts of challenges was to have the judgment of one who had the right of governance (over him).

In this letter, first off we see that the Imām عليه السلام orders the people to refer to the Jurists; they are then told that they must follow such people due to the fact that they are a proof (ḥujjat) over them.

From the general purport of this discussion, it is clear that the authority of the Jurist is vast and is at the same scale as the authority of the Imām عليه السلام.¹⁵

3. 'Umar b. Ḥanzalah asked Imām Ja'far b. Muḥammad as-Ṣādiq عليه السلام a question in regards to two Shi'a, who due to either a loan or some inheritance, had gotten into a dispute with one another. Were they permitted to refer to the governor or the judges of the un-Islamic system for a ruling? The text of the tradition and the answer of the Imām عليه السلام is as follows:

سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ عَنْ رَجُلَيْنِ مِنْ
أَصْحَابِنَا بَيْنَهُمَا مُنَازَعَةٌ فِي دَيْنٍ أَوْ مِيرَاثٍ

¹⁵ Refer to *Wilāyat-e-Faqih* containing the opinions of Ayatullāh Muḥammad Taqī Mişbah Yazdī as compiled by Muḥammad Mahdī Nādirī Qummi, pp. 98 and 99.

فَتَحَاكَمَا إِلَى السُّلْطَانِ وَإِلَى الْقُضَاةِ أَيَحِلُّ ذَلِكَ؟
 قَالَ: مَنْ تَحَاكَمَ إِلَيْهِمْ فِي حَقٍّ أَوْ بَاطِلٍ فَإِنَّمَا
 تَحَاكَمَ إِلَى الطَّاغُوتِ وَمَا يَحْكُمُ لَهُ فَإِنَّمَا يَأْخُذُ
 سُحْتًا وَإِنْ كَانَ حَقًّا ثَابِتًا لَأَنَّهُ أَخَذَهُ بِحُكْمِ
 الطَّاغُوتِ وَقَدْ أَمَرَ اللَّهُ أَنْ يُكْفَرَ بِهِ قَالَ اللَّهُ
 تَعَالَى: ﴿يُرِيدُونَ أَنْ يُتَحَاكَمُوا إِلَى الطَّاغُوتِ وَ
 قَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ﴾ قُلْتُ: فَكَيْفَ
 يَصْنَعَانِ؟ قَالَ: يَنْظُرَانِ إِلَى مَنْ كَانَ مِنْكُمْ مِمَّنْ
 قَدْ رَوَى حَدِيثَنَا وَنَظَرَ فِي حَلَالِنَا وَحَرَامِنَا وَ
 عَرَفَ أَحْكَامَنَا فَلْيَرْضَوْا بِهِ حَكْمًا فَإِنِّي قَدْ
 جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا فَإِذَا حَكَمَ بِحُكْمِنَا فَلَمْ
 يَقْبَلْهُ مِنْهُ فَإِنَّمَا اسْتَخَفَّ بِحُكْمِ اللَّهِ وَ عَلَيْنَا رَدُّ وَ
 الرَّادُّ عَلَيْنَا الرَّادُّ عَلَى اللَّهِ وَ هُوَ عَلَى حَدِّ الشَّرْكِ
 بِاللَّهِ .

“I asked Abā ‘Abdillāh, peace be upon him, about two of our people (the Shi‘a) who have a dispute amongst themselves regarding a loan or an inheritance and seek a judgment from the ruler or from (government appointed) judges – is this permissible (for them)? He said, ‘The one who seeks judgment from them justly or

unjustly has sought judgment from the despot and (if he takes) that which has been awarded to him, then surely he has taken (possession) unlawfully even if it may be an established right, because he took it by the judgment of a despot whereas Allāh has commanded that he (the despot) be defied. Allāh (Glorious and Free from Imperfections is He) says: ﴿They desire to seek judgment from a despot, though they were commanded to defy it...﴾” I said, “Then what should they do?” He said, “They should wait for one from among them who has narrated (traditions) from us, has observed our permissible (ḥalāl) and impermissible (ḥarām), knows our rulings and should suffice with his judgment for I have made him a judge over you. So if he judges by our judgment and it is not accepted, then Allāh’s judgment has been belittled and he has rejected us - and the one who rejects us has rejected Allāh and this is the same as ascribing partners to Allāh.”¹⁶

From this tradition, we can deduce the following three points:

1. In regards to the portion of the tradition which reads:

قَدْ رَوَى حَدِيثًا وَ نَظَرَ فِي حَالِنَا وَ حَرَامِنَا وَ
عَرَفَ أَحْكَامِنَا فَلَيْرِضُوا بِهِ حَكَمًا . . .

“That person who narrates our tradition and who knows our permissible (ḥalāl) and our impermissible (ḥarām) and knows our injunctions...”

16 *Furu' al-Kāfi*, vol. 7, pg 412; also refer to the work by Ḥusain Jawān Ārāste, *The Sources of Islamic Governance*.

the Imām عليه السلام is, without doubt, referring to the Jurists and scholars of the faith of Islām since this part of the tradition can not be in reference to anyone other than the person who is a Faqīh and Mujtahid of the Islāmic injunctions and religious issues.

2. The second point gathered from this tradition from the portion which states:

... قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا ...

“...Surely I have placed them as a ruler over you...”

is a general formula given which actually shows us the ‘reason for the ruling’.

From this we can understand that being in charge of the affairs and ruling over the societal issues which will occur in the future for which the people will need to refer to the government in place must be the undertaking of the Jurist.

3. The third and final point which we gain from this tradition is that the Imām عليه السلام has introduced the Faqīh as the authority over the people. In addition, the ruling of the Faqīh has been equated as being the same as the ruling of the Imām عليه السلام.

As we know, it is obligatory to obey the command of the infallible Imām عليه السلام and in the same way, the Imām عليه السلام himself has stated that denying the governance and ruling of the Faqīh is equivalent to not accepting the governance of the infallible Imām عليه السلام and is tantamount to considering his rule as being insignificant! This [not obeying the command of the Imām and the Faqīh] is equal to not accepting the ‘legislative governance’ of Allāh ﷻ and is equivalent to associating partners with Allāh ﷻ.

For more information on this, refer to:

1. *Wilāyatul Faqīh*, Ayatullāh ‘Abdullāh Jawādī Āmulī.
2. *The Sources of Islamic Governance*, Ḥusain Jawān Ārāste.
3. *A Glance at the Opinions in regards to Wilāyatul Faqīh in the writings of Ayatullāh Muḥammad Taqī Miṣbāḥ Yazdī*, compiled by Muḥammad Mahdī Nādirī Qummi.

3

The Necessity of Following the Orders of the Supreme Leader

Question: Is it Obligatory to Follow the Orders of the Supreme Leader?

First off, we must mention the following point that: An issue which is tied to the management of the affairs of the society – for the Prophet ﷺ, the infallible Imām ؑ and also for the Jurist - is related to the discussion of the ‘wilāyat tashrī‘ī’ or the ‘legislative authority’. This is what is referred to in the verse of the Qur’ān which reads:

﴿النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ...﴾

“The Prophet has a greater authority over the believers than they have over their own selves.”¹⁷

In addition, there is a ḥadīth which states:

¹⁷ *Sūratul Aḥzāb* (33), Verse 6

مَنْ كُنْتُ مَوْلَاهُ فَهَذَا عَلِيٌّ مَوْلَاهُ.

“Whosoever I am his master, this ‘Alī is also his master (and authority).”

At this juncture, this verse and ḥadīth form the basis of our discussion.

Therefore, the ‘legislative authority’ refers to the ‘judicial authority’. This means that a person can and has the right to, through the establishment and formation of laws and their implementation, intervene in the lives of the people and the society while others are obliged to submit to such an individual and follow his laws.

The meaning of:

﴿النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ...﴾

“The Prophet has a greater authority over the believers than they have over their own selves.”¹⁸

is that when the Prophet ﷺ decides on an issue for an individual Muslim or for the entire Islāmic society, it is obligatory to follow that decision. In addition, any resolution which the people would make in relation to themselves or the entire society would be superseded by the decision of the Prophet ﷺ!

In other words, the society is in need of one powerful point of reference for which, in the face of societal issues, this focal-point would have the right and power to speak the final word and in the verse of the Qur’an quoted above, Allāh ﷻ has clearly identified the central point on the pyramid of authority.

¹⁸ Ibid.

Therefore, the ‘Guardianship of the Jurist’ is not in the meaning of the mere guardianship over the mental challenged or simple minded people [since such individuals do not have ability to maintain themselves and conduct their own lives, they are in need of an authority and assistant]. Rather, it is our belief that the Jurist has the right of possession (of the property of others); right of formulating religious laws and societal regulations; passing rulings and the execution of the laws in relation to the administration of the affairs of the society and the societal issues. Therefore, we must place him ahead of all others while all other people are bound with the responsibility of observing this right and obeying his decisions, commands and laws.

It is for this reason that we state that according to the verse:

﴿النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ . . .﴾

“The Prophet has a greater authority over the believers than they have over their own selves.”¹⁹

if the Prophet ﷺ was to order a person to go to the battlefield and even if that person did not want to go, he would be obligated to obey the order of the Prophet ﷺ!

Or if, for example, a person had given his khums (20% savings tax) and zakāt (various religious tithes which have been explained in the detailed books of Islamic jurisprudence) and had no other compulsory financial obligations resting upon him, however if the Prophet ﷺ was to order him to give a certain amount of money towards the war [or any other cause], then that person would be obligated to give that money! He would not have the right to object since his (the Prophet’s ﷺ)

¹⁹ Ibid.

ruling is as the ruling of Allāh ﷻ and as we know, when it comes to the rule of Allāh ﷻ, there are no ifs, ands or buts!

The late Imām Khumaynī ؒ had given the following example in his lessons on many occasions that:

“If the Islāmic authority was to tell me to give my ‘Abā (cloak), then I must give it to him. When the best interest of the Islāmic society would have demanded it, the Jurist who is in authority must have discerned that he had a need for my ‘Abā and thus, if he was to ask me for it, I would be obliged to obey him and hand it over.”

This is the true meaning of the ‘Governance of the Jurist’ which has matured and set into our culture.

Until recent, there were no doubts in regards to this issue. Indeed, every single man and woman - young and old - villager or city dweller - knew this definition and accepted it.

In addition, there are also various proofs in regards to this authority, of which the most well-known is the ‘Tobacco ruling’ case and the verdict (ḥukm) which was laid down by the late Mīrzā Shīrāzī.

During the era of Mīrzā Shīrāzī, all of the Shī‘a firmly believed that the ‘Ulamā and the Mujtahidīn were sitting in the seat of authority which ultimately belongs to Imām al-Zamān ؑ. Thus, if the one in the place of the Imām ؑ was to order something, his commands would be obeyed.

It is for this reason that when the late Mīrzā Shīrāzī stated that:

اليوم استعمال تنباكو حرام و مخالفت با امام
زمان (عليه السلام) است .

“From today, the use of tobacco is forbidden (ḥarām) and is akin to going against Imām al-Zamān (peace be upon him).”

all of the hookah machines were destroyed! Even the wife of Nāṣir al-Dīn Shāh (the ruler of Iran at that time) took the hookah pipe and threw it, breaking it!

It did not come into anyone’s mind at how it was possible that tobacco usage, which up until the day before this ruling was issued was permissible and was not problematic was now forbidden!? Is it possible for the permissible (ḥalāl) and impermissible (ḥarām) of Allāh ﷻ to change like this??

Rather, everyone – including the scholars, Marā’ja and those who had the right to issue legal rulings (fatāwā) all realized that they were bound by the ruling and that they had to follow the verdict of Mīrzā Shīrāzī!

In any case, when the principle of the ‘Governance of the Jurist’ is proven using the logical and narrated proofs, then without doubt, the next rational step is complete obedience of (the one who is in) that position.

For more information on this, refer to:

1. *The Governance of the Jurist: The Governance of the Jurisprudence and Justice* by Ayatullāh ‘Abdullāh Jawādī Āmulī
2. *A Glance at the Theory of the Governance of the Jurist* Ayatullāh Muḥammad Taqī Miṣbāḥ Yazdī

3. *Naqd Quarterly Journal*, Issue 7

4

Criticizing the Supreme Leader

Question: Can the Supreme Leader be criticized? Who has the right to do this and under what conditions can he do this?

It is permissible to criticize the Supreme Leader, however in doing so, the following points must be observed:

1. Islāmic etiquette must be observed at the time of criticizing and in this regards, the Supreme Leader is the same as all other believers.

It must be noted that the conditions of criticizing include the following:

- a. Before criticism, the original subject matter, defect or shortcoming must be definite. This means that it must not be based on rumor or information which can not be relied upon. It must also not be based upon one's supposition and without any sort of research such that something is unjustly attributed to an individual and is

then used to bring about objections and criticism upon him.

b. The criticism must be done in order to bring about a reformation and improvement – not that one becomes a fault picker and one who seeks to disgrace people.

c. The criticism must be done because one feels sympathy and consideration for the other party and not because he wishes to be thought of as being greater than the other person.

d. The criticism must be done with no insult or abuse. Rather, it must be carried out with complete etiquette and by observing the status which the person holds. In reality, such criticism must be presented to the individual as a gift.

Imām Ja‘far b. Muḥammad as-Ṣādiq عليه السلام has said:

أَحَبُّ إِخْوَانِي إِلَيَّ مَنْ أَهْدَى إِلَيَّ عُيُوبِي .

“My most beloved brother to me is the one who offers me my shortcomings as a gift.”²⁰

In addition to what was mentioned above in regards to a respected individual (and how he should be treated) – especially the leader of the Islāmic system, there are also other issues which must be kept in mind.

Certainly there is clear difference when it comes to a person criticizing his friend; a wife censuring her husband; a child pointing out the slips of his father or a student noting the errors of his teacher, than there is in criticizing a religious leader and authority.

20 *Biḥār al-Anwār*, vol. 78, pg. 249, no. 108, sec. 23

The child and a student both owe a certain level of respect to their father and teacher, however above these people is the respect and honor which the Imām ﷺ and his representative deserve.

3. The third point in regards to criticizing the Supreme Leader is that one must keep the enemies (of Islam) in mind. Criticizing the Supreme Leader must be planned out with intelligence so that the enemies do not make ill use of such a thing.

Seeing as how it is necessary to observe this point when it comes to criticizing the Supreme Leader, we see that there is a commission referred to as the ‘Assembly of Experts’ whose task is to oversee the actions of the Supreme Leader and when necessary, inform him of their review (of him). In fact, this group of investigators was put into place by the advice of the Supreme Leader himself!

The Best Way to Appraise the Supreme Leader

In our opinion, in order to comply with the mentioned principles, the best path to follow in airing one’s criticisms is to write a letter to the Secretary General of *The Assembly of Experts for the Supreme Leadership* [Majlis-e-Khubragān-e-Rahbarī] explaining the issue at hand.

Criticizing others in the establishment (the Parliament, Judicial System, etc...) has been mentioned in principle number 90 of the constitution of the Islāmic Republic of Iran which reads:

“Whoever has a complaint concerning the work of the Assembly, executive power or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates

to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.”

5

The Possibility of Error on the part of the Supreme Leader

Question: What happens if the Supreme Leader makes a mistake?

In the event that it is confirmed that the Supreme Leader has made a mistake, he can be appraised of it, since:

1. According to our religious beliefs, it is only the prophets ﷺ, Sayyida Zahrā زهرا and the twelve A'imma ائمة who are infallible. Therefore, no one else can claim that there is no possibility of the Supreme Leader making a mistake in his actions or his opinions! There is a possibility of error and mistake in the Supreme Leader and it is possible that others may notice it.²¹

²¹ Ayatullāh Muḥammad Taqī Miṣbāḥ Yazdī, *Questions and Answers*, vol. 1, pg. 69, question 11.

2. In the Islāmic system and governance of the religion, each and every person is responsible and answerable to the laws laid down.

3. The principle of Amr bil Ma'rūf wa Nahī 'anil Munkar or 'enjoining the good and forbidding from the evil' is a responsibility of every person - even the Jurist who fulfills all of the requirements (of being followed) – including the Supreme Leader! This responsibility (general supervision and that of commanding to good and forbidding from evil) is obligatory upon the people.²² Therefore, based on this, we are permitted to appraise the Supreme Leader if he makes a mistake.

According to the teachings of the faith, one of the rights of the leader which he has over the people is the necessity to show sympathy and wish the best for him (the leader). This right has been mentioned under the heading of 'Admonishment to the Leaders of the Muslims' (النصيحية لأئمة المسلمين) in the books of aḥādīth.²³ However it should be noted that the meaning of 'admonishment' as is mentioned does not refer to counsel and advice. Rather, it means to have sympathy and wish the best for the leaders of Islām.

Therefore, not only is the act of appraising the Supreme Leader permissible, rather it is a religious obligation which rests upon the Muslims and the interests and benefits of a person or group of people must not get in the way of enacting this obligation.²⁴



22 Ayatullāh 'Abdullāh Jawādī Amulī, *The Governance of the Jurist: Governance of Jurisprudence and Justice*, pg. 496.

23 *Nahjul Balāgha*, sermon 34

24 Ayatullāh Muḥammad Taqī Miṣbāḥ Yazdī, *Questions and Answers*, vol. 1, pg. 69.

Governance of a Jurist and Jurisprudence

Question: What is the relationship between ‘Governance of a Jurist’ (Wilāyat al-Faqīh) and authority in Jurisprudence (Marja‘iyyat)?

Brief Answer

Wilāyat is a part of marja‘iyyat in the culture of the Shī‘a. The great marāji‘ not only guide people with respect to the divine Law, but they also lead people in the particular problems of society - even judging between people in particular matters and domestic disputes. But if we separate the two matters and associate the former with marja‘iyyat then a number of questions arise:

1. Is it permissible to separate marja‘iyyat and wilāyat?
2. If we suppose that it is permissible, then is it possible to have multiple marā‘ji and leaders?
3. If it is possible to separate the marji‘ and the leader, is it possible to follow other than the leader in rules relating to society and the individual?

²⁵ This final section has been extracted from the book, *Faith and Reason*, published by the Islamic Education Board of the World Federation of KSIMC. This work can be read in its entirety and also purchased from www.world-federation.org/ieb or ieb.world-federation.org.

The answers to the aforementioned questions are as follows: The reason that the jurisprudent is an authority in matters of the law is because of his specialization in jurisprudence and his power to derive the rules of Allāh ﷻ from their sources while the reason that a leader is what he is, is because aside from the above mentioned qualities, he has the ability to manage society according to the principles and values of Islām. It is because of this fact that it becomes possible for a person to be chosen as a leader due not so much to his aptitude in jurisprudence as much as to his better management skills.

In lieu of this reality, the separation of the offices of the marji‘ and the leader becomes a reasonable, and in some instances, a necessary expedient.

In principle, leadership is confined to a single person, whereas the marja‘iyyat is applicable to numerous individuals. But the possibility for the reverse situation also holds; just as does the possibility that the two offices should be combined in a single individual. Since following the orders of the leader is obligatory upon all people - including other jurisprudents - and it is forbidden to disobey his orders, hence it is not possible for people to follow other than the leader in matters related to the social order and the running of society.

What was said above regarding the authority of the jurisprudent was in reference to the individual order and to matters of a personal nature; it is in these matters that people can follow other than the leader.

Detailed Answer

The Noble Prophet ﷺ of Islam had three mandates:

1. To propagate Allāh’s ﷻ message; teaching the laws of religion and guiding the people;

2. To judge between people when they differed;
3. To lead and manage society.

All of these qualities and functions exist for the jurists in the time of the occultation of the Imām عليه السلام. They too have three functions:

1. Acting as judges and resolving disputes that arise between people;
2. Giving edicts in law and expounding the general rules of the Divine law for the people. This can be considered a type of guidance of the people;
3. Leadership.

Wilāyat is a part of marja'iyat in the culture of the Shī'a. The great marāji' not only guide people with respect to the divine Law, but they also lead people in the particular problems of society - even judging between people in particular matters and domestic disputes. But if we separate the two matters and associate the former with marja'iyat then a number of questions arise:

1. Is it permissible to separate marja'iyat and wilāyat? In other words is it possible that one individual is the one people refer to in the general matters of the law while another person is the leader of the Islamic nation?
2. If we suppose that it is permissible, then is it possible to have multiple marāji' and leaders? Is there a difference between them in this regard?
3. If it be possible to separate the marji' and the leader, is it possible to follow other than the leader in rules relating to society and the individual?

Before we answer the aforementioned questions it is necessary for us to give a brief explanation of the “edict” that the leader issues.

When the jurisprudent refers to the religious sources in order to obtain the general rule of Allāh ﷻ regarding a certain problem and uses the special techniques that exist for obtaining the rules of the Law, it is called giving an edict or ‘fatwa’. When the leader pays attention to the general rules of Allāh ﷻ, the various systems in Islam, and the conditions of the time, and according to these delineates a person’s or a specific group’s responsibility with regards to a certain matter, this is called giving an order or a ‘ḥukm’. In doing this, he not only pays attention to the general rules of Islām and the lofty aspirations of the religion, but also to the specific conditions that exist in that time. As long as those conditions exist, the order issued by him or his representative is binding. Of course from the point of view of the law, the rules of Allāh ﷻ and the edicts of the jurisprudent who has all the necessary qualifications are also binding, just like the rulings of the leader, but with this difference that the jurist’s rulings are binding on him and his followers only, while everyone must follow the orders of the leader.

With this in mind we will now answer the first question, in other words the separation of the marja‘iyyat and the leader. According to the logic of the ‘leadership of the jurisprudent’ and its proofs, the jurisprudent takes upon himself the management of society and in accordance with the values of Islām, he takes on the responsibility of leadership. But marja‘iyyat means simply to issue an edict and is a completely different matter.

In order to understand marja‘iyyat it is necessary to explain taqlīd first.

In the Persian language, taqlīd means to follow someone without a proof. Taqlīd in the parlance of jurisprudence means that someone follows a specialist in a specific matter that is in line with his specialty. The first meaning is considered bad in the eyes of all sane people, but the second is totally sound and accepted by them. The most important proof as to the permissibility of taqlīd lies in the fact that the person who is not a specialist in a particular field must refer to the specialist of that field. All of the proofs that are contained in the traditions and verses of the Qurʾān regarding taqlīd point to this very fact. Like for example the verse that says:

﴿ وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوحِي إِلَيْهِمْ فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ ﴾

“We did not send [any apostles] before you except as men to whom We revealed—ask the People of the Reminder if you do not know.”²⁶

With this explanation it becomes clear that the reason that the jurist is an authority in matters of the law is because of his specialization in jurisprudence and his power to derive the rules of Allāh ﷻ from their sources while the reason that a leader is what he is, is because aside from the aforementioned qualities, he has the ability to manage society according to the principles and values of Islam.

It is because of this that it becomes possible for a person to be chosen as a leader due not so much to his aptitude in jurisprudence as much as to his better management skills.

²⁶ *Sūrat al-Naḥl*, (16), verse 43

In lieu of this reality, the separation of the offices of the marji' and the leader becomes a reasonable, and in some instances, necessary expedient.

With regards to the second question (i.e. whether the leadership and the marja'iyyat is confined to one person or is open to more than one person) and assuming that a separation of the two is possible, we must remember that when someone refers to the marji' he does so because the marji' is a specialist in the field of law and the one who refers, is not. This being the case, it is possible that there be numerous specialists in society. Moreover, this is something that is to be sought after so that everyone can refer to them with ease and obtain their rulings.

But the leadership of society, because it is tied up with the order of society and because the multiplicity of centres of decision making would cause a disturbance—since it is necessary for everyone to follow the leader in his rulings—dictate that the leader be one. This is especially true because according to Islam there is only one nation of Islam. Of course it is possible that specific conditions dictate that specific areas have their own leaders, but all of these leaders should cooperate with one another. But it is not necessary that various jurisprudents issue one edict in order that society not be disturbed. Rather, every jurisprudent issues his edict according to his judgment and the general rules of deriving the laws from their sources.

In principle, leadership is confined to a single person, whereas the marja'iyyat is applicable to numerous individuals. But the possibility for the reverse situation also holds true.

As to the third question (i.e. the possibility of following someone other than the leader in all matters) we must not lose sight of the fact that when the leader issues an order or a ruling he looks at all aspects of the situation from the perspective of

the various systems and realms within Islam, and after such an appraisal and due to his position it is his opinion which has the final say.

If it were permissible for people to follow other than the leader in all matters, while the orders of the leader remain binding upon them, then in certain cases this would lead to a serious problem. In other words, it is possible that in a specific matter of social order the leader could issue an edict and say that if my ruling was other than this I would have said so, while on the other hand the marji^c of the people could issue a ruling other than his. In this situation how can we expect the people to follow the edict of the ruler?

It is with regards to this problem that it seems necessary that people do not follow other than the leader in social and state matters, since to disobey his order is forbidden according to all the jurisprudents. Therefore what was said above regarding the authority of the jurisprudent and marji^c was in reference to the individual order and to matters of a personal nature; it is in these matters that people can follow other than the leader. ❁

“If there were not to remain after the occultation of your Qā’im from amongst the scholars, a person from amongst the proofs of **Allāh** who would call (others) towards him (the Imām); represent him (the Imām); defend his (the Imāms’) religion; grant safety to the downtrodden servants of **Allāh** from the evils of Iblīs [Satan] and the wickedness of the enemies (of the Ahlu’l Bayt), then there would not remain a single person (on Earth) except that he would have left the religion of **Allāh**. But rather, these people (the ‘Ulamā) take it upon themselves to be the protectors of the hearts of our downtrodden Shī’a, just as the captain of a boat takes control of the lives and safety of those on his ship. Thus, these (the ‘Ulamā) are the best people in the sight of **Allāh**, the Noble and Great.”

Biḥārul Anwār, Volume 2, Page 6, Section 8, Ḥadīth 12



Islamic Publishing House [www.iph.ca]

Printed in Canada