

Introduction

The following article is about the “Authority and Qualifications of the Head of an Islamic Government.” It is a two part exposition of this subject in Arabic called “Wilayat al-Faqih”. The writer is Ayatollah ‘Ali Mishkini, an eminent contemporary scholar of Fiqh in Iran. The present Islamic system of government in Iran is based on “Wilayat al-Faqih”. On this basis the office of Wali al-’amr, the Leader or the Leadership Council with its powers and duties as stated in the Constitution, are established. The author presently heads the existing Experts’ Assembly (Majlis-e Khubregan), a body elected by popular vote. This Assembly has the authority to select the future Leader or Leadership Council of the Islamic Republic. The article was published 1985 in Al-Tawhid, Quarterly, translated from Persian by Mr. Shahryar Sa’adat, and this is the second edited edition with a small introduction.

The article uses some of the terminology in Arabic and they may seem unfamiliar to some of the readers. These few words of introduction, we hope, will help the readers to have a general idea about the subject so they may enjoy the meticulous detailed presentation that follows in the article.

In general, with some knowledge of the position and functions of the head of governments such as kings or presidents or prime ministers, the following questions are associated with such people.

1. Who gives them the authority that they exercise?
2. What kinds of qualifications they should have?
3. What such people gain in return in the Islamic system?

Such question may also be formed from the causal point of view.

1. What is the effective cause of leading a government?
2. What is the formal cause of leading a government?
3. What is the material cause of leading a government?

4. What is the end cause of leading a government?

Question 2 and 3 here are combined in question 2 above.

The author has elaborated in scholarly fashion question 1 and 2 of the above 3 part questions but has not mentioned anything about question 3.

On the basis of the universal principle in the Islamic system that requires to base every opinion and concept on proofs from the holy Quran, the Sunnah of the infallible personalities and independent human reason this question can also be answered along the same lines. Some of the texts related to this matter will be quoted after a few words about questions 1 and 2.

In considering the answer to question 1 and 2 one should bear in mind that the fact therein is anchored on two main issues. 1. Comprehensive knowledge of the Islamic system and 2 a through and strict following of the rules of the system.

As a system the Islamic system has its limits and rules. It would be best to compare the Islamic system with the natural systems because it is almost as perfect and strict in its rules as any other system such as biological, chemical, physical or any such systems that works properly only when the rules of the system are strictly followed.

The Islamic system although deals with the ideological, ethical, political and social issues but it is different from all the other ideological, political and social systems because it leaves no single case related to human activities without a rule. The other ideological, political and social systems either do not have any rules for every single human act or does not find it necessary to have any rules for them but instead leave to the individuals to decide.

There are two ways to properly work with a system. With a biological system one may only work properly by the help of a full knowledge of the system and following strictly all the rules therein. The other way to work with a system is by the help of an instructor who knows well all about the system and follows the rules therein without missing a single one. For example in working with an electrical system one must know all the rules and follow them thoroughly. Ignorance of any of the rules of the system or ignoring one would obviously end in zero result or perhaps a fatal one.

In the Islamic system one may work in either of the two ways just mentioned. However, in the case of the head of the Islamic government there is only one way to work with. The head of the Islamic government must have full knowledge of the system and follow strictly all the rules therein.

One who acquires a full knowledge of the system is called a Faqih, a Mufti or a Mujtahid. If the same person would follow strictly all the rules of the system while working with it is called a “just” scholar of Fiqh or one who has established in himself the noble faculty of “justice.”

In the Islamic system Justice, which is a special mode of behavior plays a very vital role. What is very

beautiful about it is that it is very clearly defined in this system. The Islamic system has a rule for every single case in human activities and when working with this system if one follows strictly all the rules without miss such person is called a “just” person or a person who possesses the noble quality of “justice.”

On this basis, one would face no difficulty to find out who is “just” and who is “otherwise” according to the Islamic system.

Texts From the holy Quran about the Question 3, the Purpose

Noah replied, “My people do you think . . . we can force you to believe when you do not want to? (11:28). My people I do not ask any payment for what I preach to you. . . . (11:29)”

“I (Noah) ask no payment from you for my preaching. The Lord of the Universe will give me my reward (26: 109).”

“I (prophet Hud) do not ask for any payment for my preaching. I shall receive my reward from the Lord of the Universe. (26: 127)”

“I (prophet Salih) do not ask for any payment for my preaching. I shall receive my reward from the Lord of the Universe. (26: 145)”

(Muhammad), say, “I do not ask you for any payment for my preaching to you except (your) love of (my near) relatives.” Whoever achieves virtue will have its merit increased. God is All-forgiving and Appreciating (42:23).”

“There is the life hereafter, which We have prepared for those who do not want to impose their superiority over the others in the land or commit evil therein. The happy end certainly belongs to the pious ones (28:83)”

The holy Prophet and the Imams (a.s) did not work as head of the government for worldly gains. Their actions, the Sunnah, is law and the source of law in the Islamic system.

Quotations from the Sermons of Imam Ali (a.s)

Part of Sermon 7

Had He (God) not made it incumbent upon them to secure back the usurped rights of the weak from the mighty and powerful, I would even now have left the ruler-ship of this State. I would have allowed it to sink into anarchy and chaos as I did during the early days. The pomp and glory of the worldly life is to me worth less even than the mucus in the sneezing of a goat.”

Sermon 9

After the death of the Holy Prophet (a.s.) when Abbas (Uncle of the Holy Prophet (a.s) and Abus'ufyan came to Imam Ali (a.s) to swear allegiance Imam advised them in the following words.

“O people, when you see revolt and anarchism raging like storms try to find a way out of their injurious effects. Avoid the ways of hatred and malice and do not let superiority complex drive you towards a class war. Remember only those who have followers and helpers, can achieve success and those who lack supporters should not try to balance on billow illusions and should not vie for power and supremacy, it is the safest course for them.

This ruler-ship is like dirty water, not fit for consumption; it is like a morsel, which suffocates the person, trying to swallow it. Any struggle at this stage is as foolish as picking raw fruits or trying to harvest uncultivable land.

My present position had been placed on the horns of a dilemma. If I put forward my just claims people will start saying that I have become avaricious and greedy for power and wealth, and if I sit quiet they say that I have grown nervous and timid and that fear of death is restraining me from asserting my just rights.

Alas! Do they not realize that I have never been afraid of death, I have faced it so often and have passed through so many phases of dangers and perils? I swear by God that Abu Talib's son (Imam himself) is as fond of death as a suckling baby is fond of its mother's breast. Death does not frighten me from claiming my rights, but such deep secrets and such hidden knowledge has been revealed and entrusted to me that if you know you will tremble like a long rope hanging in a deep well.”

Sermon 228

In this sermon Imam Ali (a.s) says that he shall willingly suffer any pain or anguish than to harm or injure any man or commit a sin against God or religion. Then he cites two examples, showing how on two occasions he was persuaded to go against the orders of God and how he spurned at the temptations.

“I bear God as my witness that I prefer to pass sleepless nights over the sharp thorns of prickly plants or to suffer from the worst form of injury and insult than to meet my Lord and the holy Prophet (a.s) on the Day of Judgment as a tyrant. A tyrant who has persecuted any person or as a usurper who has wrongfully seized property of somebody else. Why should I tyrannize or exploit somebody to provide comfort and ease for my body, which will shortly be destroyed and decayed, and which will lie in grave for long periods.

The Case of 'Aqil

I swear by God that I saw my own brother, 'Aqil suffering from extreme poverty and need. He requested

me to spare him (31/2 about a kilogram) of wheat out of the public granary. Starvation had turned his children into living skeletons and had changed their color to blue. 'Aqil was persistent in his desire to acquire out of his turn something from the public treasury. He tried to coax me and to appeal to my brotherly love. I wanted to help him out of my personal property, but his desire to get something from the public property was hateful to me, it was against all the canons of honesty and integrity and against the teachings of Islam. When he felt that I was listening to him attentively. He thought that I would forego my principles and my religion for his sake and for his children's sake I wanted him to realize that by acceding to his wish I was placing myself in the position of a sinner before my God which I would never do.

I then heated a piece of iron and when it was very hot I took it near his body pretending to give him a burn. He shouted with horror and wanted to know what I meant by giving him a burn. I replied, "O my brother you cry out when you fear that the fire kindled by a man as a practical demonstration will burn you and you wanted me to accept with contentment and pleasure the fire of the Hell kindled by God."

The Case of Ash'ath

A more astonishing thing happened to me the other day. A person (history says that he was Ash'ath Ibn qays) brought to me one night a very well cooked and delicious sweet in a basin, it was cooked in honey and it had well fragrant. I hated and abhorred that sweet as if it was cooked in the saliva of a serpent or in its poison.

I asked him, "Is it Zaka't (income tax) or a reward or charity or remuneration for any work which I have done for you because you know that all these things are illegal and unlawful for us, Ahlul Bayt, and we are forbidden by God to accept them. He replied that it was none. It was merely a gift. (He had never presented Imam Ali anything when Imam Ali was not a ruler, and as they were not on such friendly terms as of mutually offering and accepting presents, it was clear that this offering had some ungodly ulterior motive and Imam knew this).

The Imam replied, "May friends lament for you. Do you want to seduce me? Have you gone mad? What is this nonsense? I swear by God, if all the seven continents with all that they contain are offered to me as a remuneration or bribe to deprive an ant of the husk of a grain of barley it carried I will never do it. This world to me is even more worthless than the small bit of a leaf a locust would have chewed up. Ali has no interest in mortal luxuries, wealth, ease and comforts of this world. I seek His protection and help from negligence to my duty and from being wicked and vicious."

According to the above texts the answer to question 3 is that the purpose of leading the Islamic government is not any kind of worldly gains. The only gains are basic necessities of life in this world and the reward of the next life if the task of leading the government is fulfilled in accordance with the law. This should, however, be distinguished from the purpose of the government. Why a person would seek to become the head of a government is different from why there should be a government.

The above few lines, we hope, will help the readers to have an introductory idea of the contents of the article on “Sources of Authority and Qualifications of the Head of an Islamic Government” as discussed by Ayatullah Mishkini in the following pages.

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