

The Absolute Authority of the Muslim scholar

Question No. 12

What does the “absolute authority of the Muslim scholar” (“Wilayat-e Mutlaqi-ye Faqih) mean and how does it differ from the Muslim scholar’s Authority? How is the absolute authority of the Muslim scholar justified? Does it not culminate in autocracy and dictatorship?

“The Muslim scholar’s Authority” is a general terminology dividable into “absolute” and “conditioned”. Thus, “Wilayat-e Mutlaqi-ye Faqih” is conceptually one of the subcategories of “Wilayat-e Faqih”. Of course, what is nowadays meant by “Wilayat-e Faqih” is the very notion of “the absolute authority of the Muslim scholar”; the former not differing from the latter. The philosophy of this is clarified by explaining its meaning. Wilayat-e Mutlaqi-ye Faqih is used in two senses in Shiite jurisprudence:

1. Wilayat-e Faqih is not confined to the authority over judgment, the legally incompetent persons, etc. Rather it includes political and social leadership as well.
2. The jurisdiction of the “Waliy-e Amr” (the Authoritative Guardian) is not restricted to the enforcement of the primary and secondary decrees; in other words, his duty is the leadership of the society in a way that the common good of the society is well realized in the light of divine guidance so that the variety of society’s needs are fulfilled in different conditions, and the society is not prevented from growth and prosperity.

So, in case of special conditions wherein the common good and the needs of the society are in conflict with one of the primary decrees, the Authoritative Muslim scholar should weigh them against one another. If the issue in conflict with the primary decree is of greater benefit for the society, he can declare a temporary recess for that primary decree, giving priority to the issue in hand.

Surely, the absolute authority is itself conditioned by some restrictions, and is not absolute from all aspects. These restrictions are as follows:

1. He must be the enforcer of divine decrees and has no right to act arbitrarily. This is the main

philosophy of the Muslim scholar's Authority.

2. He must consider the expediency of the community.

3. He can declare a temporary recess for the primary decrees just when they are in conflict with a more important issue; he can not do this arbitrarily or for personal expediency or an issue lower in rank than the primary decrees.

Now if we look realistically, we will find that the “absolute authority of Muslim scholar” – in the aforementioned sense – is one of the most important solutions predicted by Islam as a way out of dead-ends in case of emergence of conflicts in social interests, without which the government would face many problems. The scholar Murteza Mutahhari held these prerogatives to be a means of empowering the Islamic society, knowing this as one of the mysteries of eternity of Islam.¹ On the other hand, that much jurisdiction is available in any government and even the rulers in other states enjoy much more prerogatives than the Authoritative Muslim scholar.²

Considering what has been stated so far, it is quite clear that “being absolute” in the sense mentioned has nothing to do with “dictatorship and autocracy”. What has caused ambiguity here is the literal similarity between the “absolute” authority of Muslim scholar and “absolutist” governments wherein the ruler is quite wayward. The term “absolute” in the above-mentioned sense is basically different. Accordingly, Imam Khomeini has insisted that “Wilayat-e Faqih is opposed to dictatorship”.³

¹. For further information, see Murteza Mutahhari, Khatm-e Nubuwwat, p.64-5, Qom, Sadra Publications, 9th ed. 1374.

². For further information, see Hussein Javan Araste, Mabaniiy-e hukumat-e dini, p.35-8.

³. Sahifiy-e nur, 10, 306.

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