

The Form of Islamic Government

Islamic government does not correspond to any of the existing forms of government. For example, it is not a tyranny, where the head of state can deal arbitrarily with the property and lives of the people, making use of them as he wills, putting to death anyone he wishes, and enriching anyone he wishes by granting landed estates and distributing the property and holdings of the people. The Most Noble Messenger (s), the Commander of the Faithful ('a), and the other caliphs did not have such powers. Islamic government is neither tyrannical nor absolute, but constitutional. It is not constitutional in the current sense of the word, i.e., based on the approval of laws in accordance with the opinion of the majority. It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country, conditions that are set forth in the Noble Qur'an and the Sunnah of the Most Noble Messenger (s). It is the laws and ordinances of Islam comprising this set of conditions that must be observed and practiced. Islamic government may therefore be defined as the rule of divine law over men.

The fundamental difference between Islamic government, on the one hand, and constitutional monarchies and republics, on the other, is this: whereas the representatives of the people or the monarch in such regimes engage in legislation, in Islam the legislative power and competence to establish laws belongs exclusively to God Almighty. The Sacred Legislator of Islam is the sole legislative power. No one has the right to legislate and no law may be executed except the law of the Divine Legislator. It is for this reason that in an Islamic government, a simple planning body takes the place of the legislative assembly that is one of the three branches of government. This body draws up programs for the different ministries in the light of the ordinances of Islam and thereby determines how public services are to be provided across the country.

The body of Islamic laws that exist in the Qur'an and Sunnah has been accepted by the Muslims and recognized by them as worthy of obedience. This consent and acceptance facilitates the task of government and makes it truly belong to the people. In contrast, in a republic or a constitutional monarchy, most of those claiming to be representatives of the majority of people approve anything they

wish as law and then impose it on the entire population.

Islamic government is a government of law. In this form of government, sovereignty belongs to God alone and law is His decree and command. The law of Islam, divine command, has absolute authority over all individuals and the Islamic government. Everyone, including the Most Noble Messenger (s) and his successors, is subject to law and will remain so for all eternity—the law that has been revealed by God, Almighty and Exalted, and expounded by the tongue of the Qur'an and the Most Noble Messenger (s). If the Prophet (s) assumed the task of divine viceregency upon earth, it was in accordance with divine command. God, Almighty and Exalted, appointed him as His viceregent, “the viceregent of God upon earth”; he did not establish a government on his own initiative in order to be leader of the Muslims. Similarly, when it became apparent that disagreements would probably arise among the Muslims because their acquaintance with the faith was recent and limited, God Almighty charged the Prophet (s), by way of revelation, to clarify the question of succession immediately, there in the middle of the desert. Then the Most Noble Messenger (s), nominated the Commander of the Faithful (‘a) as his successor, in conformity and obedience to the law, not because he was his own son-in-law or had performed certain services, but because, he was acting in obedience to God’s law, as its executor. [1](#)

In Islam, then, government has the sense of adherence to law; it is law alone that rules over society. Even the limited powers given to the Most Noble Messenger (s) and those exercising rule after him have been conferred upon them by God. Whenever the Prophet (s) expounded a certain matter or promulgated a certain injunction, he did so in obedience to divine law, a law that everyone without exception must obey and adhere to. Divine law obtains both for the leader and the led; the sole law that is valid and imperative to apply is the law of God. Obedience to the Prophet (s) also takes place in accordance with divine decree, for God says: “And obey the Messenger” (Qur’an, 4:59). Obedience to those entrusted with authority is also on the basis of divine decree: “And obey the holders of authority from among you” (Qur’an, 4:59). Individual opinion, even if it be that of the Prophet (s) himself, cannot intervene in matters of divine law; here, all are subject to the will of God.

Islamic government is not a form of monarchy, especially not an imperial one. In that type of government, the rulers are empowered over the property and persons of those they rule and may dispose of them entirely as they wish. Islam has not the slightest connection with this form and method of government. For this reason, we find that in Islamic government, unlike monarchial and imperial regimes, there is not the slightest trace of vast palaces, opulent buildings, servants and retainers, private equeries, adjutants to the heir apparent, and all the other appurtenances of monarchy that consume as much as half of the national budget. You all know how the Prophet (s) lived, the Prophet who was the head of the Islamic state and its ruler. The same mode of life was preserved until the beginning of the Umayyad period. The first two [caliphs] adhered to the Prophet’s (s) example in the outer conduct of their personal lives, even though in other affairs they acted to the contrary, which led to the grave deviations that appeared in the time of ‘Uthmān, the same deviations that have inflicted on us these

misfortunes of the present day.² In the time of the Commander of the Faithful (‘a), the system of government was corrected and a proper form and method of rule were followed. Even though that excellent man ruled over a vast realm that included Iran, Egypt, Hijāz³ and the Yemen among its provinces, he lived more frugally than the most impoverished of our clergy students. According to tradition, he once bought two tunics, and finding one of them better than the other, he gave the better one to his servant Qanbar. The other he kept for himself, and since its sleeves were too long for him, he tore off the extra portion.⁴ In this torn garment, the ruler of a great, populous, and prosperous realm clothed himself.

If this mode of conduct had been preserved, and government had retained its Islamic form, there would have been no monarchy and no empire, no usurpation of the lives and property of the people, no oppression and plunder, no encroachment on the public treasury, no vice and abomination. Most forms of corruption originate with the ruling class, the tyrannical ruling family and the libertines that associate with them. It is these rulers who establish centers of vice and corruption, who build centers of vice and wine–drinking, and spend the income of the religious endowments constructing cinemas.⁵

If it were not for these profligate royal ceremonies,⁶ this reckless spending, this constant embezzlement, there would never be any deficit in the national budget forcing us to bow in submission before America and Britain and request aid or a loan from them. Our country has become needy on account of this reckless spending, this endless embezzlement, for are we lacking in oil? Do we have no minerals, no natural resources? We have everything, but this parasitism, this embezzlement, this profligacy—all at the expense of the people and the public treasury—have reduced us to a wretched state. Otherwise he [the Shāh] would not need to go all the way to America and bow down before that ruffian’s desk, begging for help.

In addition, superfluous bureaucracies and the system of file–keeping and paper–shuffling that is enforced in them, all of which are totally alien to Islam, impose further expenditures on our national budget not less in quantity than the illicit expenditures of the first category. This administrative system has nothing to do with Islam. These superfluous formalities, which cause our people nothing but expense, trouble, and delay, have no place in Islam. For example, the method established by Islam for enforcing people’s rights, adjudicating disputes, and executing judgments is at once simple, practical, and swift. When the juridical methods of Islam were applied, the *shar‘ah* judge in each town, assisted only by two bailiffs and with only a pen and inkpot at his disposal, would swiftly resolve disputes among people and send them about their business. But now the bureaucratic organization of the Ministry of Justice has attained unimaginable proportions, and is, in addition, quite incapable of producing results.

It is things like these that make our country needy and produce nothing but expense and delay.

The qualifications essential for the ruler drive directly from the nature and form of Islamic government. In

addition to general qualifications like intelligence and administrative ability, there are two other essential qualifications: knowledge of the law and justice.⁷

After the death of the Prophet (s), difference arose concerning the identity of the person who was to succeed him, but all the Muslims were in agreement that his successor should be someone knowledgeable and accomplished; there was disagreement only about his identity.

Since Islamic government is a government of law, knowledge of the law is necessary for the ruler, as has been laid down in tradition. Indeed such knowledge is necessary not only for the ruler, but also for anyone holding a post or exercising some government function. The ruler, however, must surpass all others in knowledge. In laying claim to the Imamate, our Imams also argued that the ruler must be more learned than everyone else.⁸ The objections raised by the Shāfi‘ī *‘ulamā* are also to the same effect. A certain person asked the caliph a point of law and he was unable to answer; he was therefore unfit for the position of leader and successor to the Prophet (s). Or again, a certain act he performed was contrary to the laws of Islam; hence he was unworthy for his high post.⁹

Knowledge of the law and justice, then, constitute fundamental qualifications in the view of the Muslims. Other matters have no importance or relevance in this connection. Knowledge of the nature of the angels, for example, or of the attributes of the Creator, Exalted and Almighty, is of no relevance to the question of leadership. In the same vein, one who knows all the natural sciences, uncovers all the secrets of nature, or has a good knowledge of music, does not thereby qualify for leadership or acquire any priority in the matter of exercising government over those who know the laws of Islam and are just. The sole matters relevant to rule, those that were mentioned and discussed in the time of the Most Noble Messenger (s), and our Imams (‘a), and were, in addition, unanimously accepted by the Muslims, are: (1) the knowledgeability of the ruler or caliph, i.e., his knowledge of the provisions and ordinances of Islam; and (2) his justice, i.e., his excellence in belief and morals.

Reason also dictates the necessity for these qualities, because Islamic government is a government of law, not the arbitrary rule of an individual over the people or the domination of a group of individuals over the whole people. If the ruler is unacquainted with the contents of the law, he is not fit to rule; for if he follows the legal pronouncements of others his power to govern will be impaired, but if, on the other hand, he does not follow such guidance, he will be unable to rule correctly and implement the laws of Islam. It is an established principle that “the *faqḥ* has authority over the ruler.”¹⁰ If the ruler adheres to Islam, he must necessarily submit to the *faqḥ*, asking him about the laws and ordinances of Islam in order to implement them. This being the case, the true rulers are the *fuqahā*¹¹ themselves, and rulership ought officially to be theirs, to apply to them, not to those who are obliged to follow the guidance of the *fuqahā* on account of their own ignorance of the law.

Of course, it is not necessary for all officials, provincial governors, and administrators to know all the

laws of Islam and be *fuqah*; it is enough that they should know the laws pertaining to their functions and duties. Such was the case in the time of the Prophet (s), and the Commander of the Faithful (‘a). The highest authority must possess the two qualities mentioned—comprehensive knowledge and justice—but his assistants, officials and those sent to the provinces need know only the laws relevant to their own tasks; on other matters they must consult the ruler.

The ruler must also possess excellence in morals and belief; he must be just and untainted by major sins. Anyone who wishes to enact the penalties provided by Islam (i.e., to implement the penal code), to supervise the public treasury and the income and expenditures of the state, and to have God assign to him the power to administer the affairs of His creatures must not be a sinner. God says in the Qur’an: “my vow does not embrace the wrongdoer” (2:124);¹² therefore, He will not assign such functions to an oppressor or sinner.

If the ruler is not just in granting the Muslims their rights, he will not conduct himself equitably in levying taxes and spending them correctly and in implementing the penal code. It becomes possible then for his assistants, helpers, and confidants to impose their will on society, diverting the public treasury to personal and frivolous use.

Thus, the view of the Shā‘ah concerning government and the nature of the persons who should assume rule was clear from the time following the death of the Prophet (s) down to the beginning of the Occultation.¹³ It is specified that the ruler should be foremost in knowledge of the laws and ordinances of Islam, and just in their implementation.

Now that we are in the time of the Occultation of the Imām (‘a), it is still necessary that the ordinances of Islam relating to government be preserved and maintained, and that anarchy be prevented. Therefore, the establishment of government is still a necessity.

Reason also dictates that we establish a government in order to be able to ward off aggression and to defend the honor of the Muslims in case of attack. The *shar‘ah*, for its part, instructs us to be constantly ready to defend ourselves against those who wish to attack us. Government, with its judicial and executive organs, is also necessary to prevent individuals from encroaching on each other’s rights. None of these purposes can be fulfilled by themselves; it is necessary for a government to be established. Since the establishment of a government and the administration of society necessitate, in turn, a budget and taxation, the Sacred Legislator has specified the nature of the budget and the taxes that are to be levied, such as *kharāj*, *khums*, *zakāt*, and so forth.

Now that no particular individual has been appointed by God, Exalted and Almighty, to assume the function of government in the time of Occultation, what must be done? Are we to abandon Islam? Do we no longer need it? Was Islam valid for only two hundred years? Or is it that Islam has clarified our duties

in other respects but not with respect to government?

Not to have an Islamic government means leaving our boundaries unguarded. Can we afford to sit nonchalantly on our hands while our enemies do whatever they want? Even if we do put our signatures to what they do as an endorsement, still are failing to make an effective response. Is that the way it should be? Or is it rather that government is necessary, and that the function of government that existed from the beginning of Islam down to the time of the Twelfth Imām (‘a) is still enjoined upon us by God after the Occultation even though He has appointed no particular individuals to the function?

The two qualities of knowledge of the law and justice are present in countless *fuqah* of the present age. If they come together, they could establish a government of universal justice in the world.

If a worthy individual possessing these two qualities arises and establishes a government, he will possess the same authority as the Most Noble Messenger (‘a) in the administration of society, and it will be the duty of all people to obey him.

The idea that the governmental power of the Most Noble Messenger (s) were greater than those of the Commander of the Faithful (‘a), or that those of the Commander of the Faithful (‘a) were greater than those of the *faqih*, is false and erroneous. Naturally, the virtues of the Most Noble Messenger (s) were greater than those of the rest of mankind, and after him, the Commander of the Faithful was the most virtuous person in the world. But superiority with respect to spiritual virtues does not confer increased governmental powers. God has conferred upon government in the present age the same powers and authority that were held by the Most Noble Messenger and the Imāms (‘a), with respect to equipping and mobilizing armies, appointing governors and officials, and levying taxes and expending them for the welfare of the Muslims. Now, however, it is no longer a question of a particular person; government devolves instead upon one who possesses the qualities of knowledge and justice.

When we say that after the Occultation, the just *faqih* has the same authority that the Most Noble Messenger and the Imāms (‘a) had, do not imagine that the status of the *faqih* is identical to that of the Imāms and the Prophet (‘a). For here we are not speaking of status, but rather of function. By “authority” we mean government, the administration of the country, and the implementation of the sacred laws of the *shar‘ah*. These constitute a serious, difficult duty but do not earn anyone extraordinary status or raise him above the level of common humanity. In other words, authority here has the meaning of government, administration, and execution of law; contrary to what many people believe, it is not a privilege, but a grave responsibility. The governance of the *faqih* is a rational and extrinsic¹⁴ matter; it exists only as a type of appointment, like the appointment of a guardian for a minor. With respect to duty and position, there is indeed no difference between the guardian of a nation and the guardian of a minor. It is as if the Imām were to appoint someone to the guardianship of a minor, to the governorship of a province, or to some other post. In cases like these, it is not reasonable that there would be a difference

between the Prophet and the Imams ('a), on the one hand, and the just *faqih*, on the other.

For example, one of the concerns that the *faqih* must attend to is the application of the penal provisions of Islam. Can there be any distinction in this respect between the Most Noble Messenger (s), the Imams, and the *faqih*? Will the *faqih* inflict fewer lashes because his rank is lower? Now, the penalty for the fornicator is one hundred lashes. If the Prophet (s) applies the penalty, is he to inflict one hundred fifty lashes, the Commander of the Faithful ('a) one hundred, and, the *faqih* fifty? The ruler supervises the executive power and has the duty of implementing God's laws; it makes no difference if he is the Most Noble Messenger (s), the Commander of the Faithful ('a) or the representative or judge he appointed to Basrah or Kufah, or a *faqih* in the present age.

Another one of the concerns of the Most Noble Messenger (s) and the Commander of the Faithful ('a) was the levying of taxes—*khums*, *zakat*, *jizyah* and *kharaj* on taxable lands.¹⁵ Now when the Prophet (s) levied *zakat*, how much did he levy? One-tenth in one place and one-twentieth elsewhere? And how did the Commander of the Faithful ('a) proceed when he became the ruler? And what now, if one of us becomes the foremost *faqih* of the age and is able to enforce his authority? In these matters, can there be any difference in the authority of the Most Noble Messenger (s), that of 'Ali ('a), and that of the *faqih*? God Almighty appointed the Prophet (s) in authority over all the Muslims; as long as he was alive, his authority extended over even 'Ali ('a). Afterwards, the Imam ('a) had authority over all the Muslims, even his own successor as Imam ('a); his commands relating to government were valid for everyone, and he could appoint and dismiss judges and governors.

The authority that the Prophet and the Imam ('a) had in establishing a government, executing laws, and administering affairs, exists also for the *faqih*. But the *fuqah* do not have absolute authority in the sense of having authority over all other *fuqah* of their own time, being able to appoint or dismiss them. There is no hierarchy ranking one *faqih* higher than another or endowing one with more authority than another.

Now that this much has been demonstrated, it is necessary that the *fuqah* proceed, collectively or individually, to establish a government in order to implement the laws of Islam and protect its territory. If this task falls within the capabilities of a single person, he has personally incumbent upon him the duty to fulfill it; otherwise, it is a duty that devolves upon the *fuqah* as a whole. Even if it is impossible to fulfill the task, the authority vested in the *fuqah* is not voided, because it has been vested in them by God. If they can, they must collect taxes, such as *zakat*, *khums*, and *kharaj*, spend them for the welfare of the Muslims, and also enact the penalties of the law. The fact that we are presently unable to establish a complete and comprehensive form of government does not mean that we should sit idle. Instead, we should perform, to whatever extent we can, the tasks that are needed by the Muslims and that pertain to the functions an Islamic government must assume.

To prove that government and authority belong to the Imām (‘a) is not to imply that the Imām (‘a) has no spiritual status. The Imām (‘a) does indeed possess certain spiritual dimensions that are unconnected with their function as a ruler. The spiritual status of the Imām (‘a) is a universal divine viceregency that is sometimes mentioned by the Imāms (‘a). It is a viceregency pertaining to the whole of creation, by virtue of which all the atoms in the universe humble themselves before the holder of authority. It is one of the essential beliefs of our Shī‘i school that no one can attain the spiritual status of the Imāms, not even the cherubim or the prophets.¹⁶ In fact, according to the traditions that have been handed down to us, the Most Noble Messenger and the Imāms (‘a) existed before the creation of the world in the form of lights situated beneath the divine throne; they were superior to other men even in the sperm from which they grow and in their physical composition.¹⁷ Their exalted station is limited only by the divine will, as indicated by the saying of Jibrīl (‘a) recorded in the traditions on the *mi‘rāj*: “Were I to draw closer by as much as the breadth of a finger, surely I would burn.”¹⁸ The Prophet (s) himself said: “We have states with God that are beyond the reach of the cherubim and the prophets.”¹⁹ It is a part of our belief that the Imāms too enjoy similar states, before the question of government even arises. For example, Fātimah (‘a) also possessed these states, even though she was not a ruler, a judge, or a governor.²⁰ These states are quite distinct from the function of government. So when we say that Fātimah (‘a) was neither a judge nor a ruler, this does not mean that she was like you and me, or that she has no spiritual superiority over us. Similarly, if someone says, in accordance with the Qur’an, that “The Prophet (s) has higher claims on the believers than their own selves” (33:6), he has attributed to him something more exalted than his right to govern the believers. We will not examine these matters further here, for they belong to the area of another science.

To assume the function of government does not in itself carry any particular merit or status; rather, it is a means for fulfilling the duty of implementing the law and establishing the Islamic order of justice. The Commander of the Faithful (‘a) said to Ibn ‘Abbās²¹ concerning the nature of government and command: “How much is this shoe worth?” Ibn ‘Abbās replied: “Nothing”. The Commander of Faithful (‘a) then said: “Command over you is worth still less in my eyes, except for this: by means of ruling and commanding you I may be able to establish the right”—i.e., the laws and institutions of Islam—“and destroy the wrong”²²—i.e., all impermissible and oppressive laws and institutions.

Rule and command, then, are in themselves only a means, and if this means is not employed for the good and for attaining noble aims, it has no value in the eyes of the men of God. Thus the Commander of the Faithful (‘a) says in his sermon in *Nahj al-Balāghah*: “Were it not for the obligation imposed on me, forcing me to take up this task of government, I would abandon it.”²³ It is evident, then, that to assume the function of government is to acquire a means, and not a spiritual station, for if government were spiritual station, nobody would be able to either usurp it or abandon it. Government and the exercise of command acquire value only when they become the means for implementing the law of Islam and establishing the just Islamic order; then the person in charge of government may also earn some additional virtue and merit.

Some people, whose eyes have been dazzled by the things of this world, imagine that leadership and government represented in themselves dignity and high station for the Imams, so that if others come to exercise power, the world will collapse. Now the Soviet ruler, the British Prime Minister, and the American President all exercise power, and they are all unbelievers. They are unbelievers, but they have political power and influence, which they use to execute anti-human laws and policies for the sake of their own interests.

It is the duty of the Imams and the just *fuqah* to use government institutions to execute divine law, to establish the just Islamic system, and serve mankind. Government in itself represents nothing but pain and trouble for them, but what are they to do? They have been given a duty, a mission to fulfill; the governance of the *faqih* is nothing but the performance of a duty.

When explaining why he assumed the tasks of government and rule, the Commander of the Faithful ('a) declared that he did so for the sake of certain exalted aims, namely the establishment of justice and the abolition of injustice. He said, in effect: "O God, You know that it is not our purpose to acquire position and power, but rather to deliver the oppressed from the hands of the unjust. What impelled me to accept the task of command and rule over the people was this: God, Almighty and Exalted, has exacted a pledge from the scholars of religion and assigned the duty of not remaining silent in the face of the gluttony and self-indulgence of the unjust and the oppressor on the one hand, and the wasting hunger of the oppressed, on the other."²⁴ He also said: "O God! You know well that the struggle we have waged has not been for the sake of winning political power, nor for seeking worldly goods and overflowing wealth." He went directly on to explain the goal for the sake of which he and his companions had been struggling and exerting themselves: "Rather it was our aim to restore and implement the luminous principles of Your religion and to reform the conduct of affairs in Your land, so that Your downtrodden servants might gain security and Your laws, which have remained unfulfilled and in abeyance, might be established and executed."²⁵

The ruler who, by means of the organs of government and the power of command that are at his disposal, desires to attain the exalted aims of Islam, the same aims set forth by the Commander of the Faithful ('a), must possess the essential qualities to which we have already referred; that is, he must know the law and be just. The Commander of the Faithful ('a) mentions next the qualities essential in a ruler immediately after he has specified the aims of government: "O God! I was the first person that turned toward You by accepting Your religion as soon as I heard your Messenger (s) declare it. No one preceded me in prayer except the Messenger (s) himself. And you, O people! You know well that it is not fitting that one who is greedy and parsimonious should attain rule and authority over the honor, lives, and income of the Muslims, and the laws and ordinances enforced among them, and also leadership of them.

“Furthermore, he should not be ignorant and unaware of the law, lest in his ignorance he mislead the people. He must not be unjust and harsh, causing the people to cease all traffic and dealing with him because of his oppressiveness. Nor must he fear states, so that he seeks the friendship of some and treats others with enmity. He must refrain from accepting bribes when he sits in judgment, so that the rights of men are trampled underfoot and the claimant does not receive his due. He must not leave the practice of the Prophet (s) and law in abeyance, so that the community falls into misguidance and peril.”²⁶

Notice how this discourse revolves around two points, knowledge and justice, and how the Commander of the Faithful (‘a) regards them as necessary qualities of the ruler. In the expression: “He should not be ignorant and unaware of the law, lest in his ignorance he mislead the people,” the emphasis is upon knowledge, while in the remaining sentences the emphasis is upon justice, in its true sense. The true sense of justice is that the ruler should conduct himself like the Commander of the Faithful (‘a) in his dealings with other states, in his relations and transactions with the people, in passing sentence and giving judgment, and in distributing the public income. To put it differently, the ruler should adhere to the program of rule that the Commander of the Faithful (‘a) assigned to Malik Ashtar²⁷—in reality, to all rulers and governors, for it is something like a circular addressed to all who exercise rule. If the *fuqah* become rulers, they too should consider it as their set of instructions.

Here is a narration totally without ambiguity. The Commander of the Faithful (‘a) relates that the Most Noble Messenger (s) said: “O God! Have mercy on those that succeed me.” He repeated this thrice and was then asked: “O Messenger of God, who are those that succeed you?” He replied: “They are those that come after me, transmit my traditions and practice, and teach them to the people after me.”

Shaykh Saduq²⁸ (may God’s mercy be upon him) has related this narration with five chains of transmission (actually four, since two of them are similar in certain respects) in the following books: *Jam‘al-Akhhār*, *Uyūn Akhhār ar-Ridh*, and *Al-Majlis*.²⁹

Among the cases where this tradition has been designated as *musnad*,³⁰ in one instance we find the words “and teach them,” and in other instances we find, “and teach them to the people.” Whenever the tradition is designated as *mursal*,³¹ we find only the beginning of the sentence, with the phrase “and teach them to the people after me” completely omitted.

We can make either of two assumptions with respect to this tradition. First, it is the only instance of the tradition, and the phrase beginning “and teach them” either was later added to the end, or was indeed a part of the tradition but was later omitted in certain versions. The second alternative is more probable. For if the phrase were added, we could not say that it was as the result of mistake or error, given that the tradition was handed down by several chain of transmission and the respective narrators lived at great distances from each other—one in Balkh, another in Nishābūr, and still another elsewhere. Nor is

it possible that this phrase was deliberately added; it is highly unlikely that it would have occurred to each of several people living far apart from each other to add such a sentence to the tradition. Therefore, if it is a single narration, we can assert with certainty that either the phrase beginning, “and teach them” was omitted from one of the versions recorded by Shaykh Saḍīq (or overlooked by the copyists who wrote down his work), or Shaykh Saḍīq himself failed to mention it for some other reason.

The second assumption would be that there are two separate traditions; one without the phrase “and teach them...” and the other with it. If the phrase is part of the tradition, it certainly does not apply to those whose task is simply the narration of tradition and who are not competent to express an independent juridical opinion or judgment. There are certain scholars of tradition who do not understand *hadīth* at all; as implied in the saying: “Many a scholar of law falls short of being a *faqīh*,” they are merely a vehicle for the recording, collecting and writing down of traditions and narrations and for placing them at the disposal of the people. It cannot be said of such scholars that they are the successors of the Prophet, teaching the sciences of Islam.³² Their efforts on behalf of Islam and the Muslims are of course most valuable, and many scholars of tradition have indeed also been *fuqahā*, competent to express an independent opinion; e.g., Kulayni,³³ Shaykh Saḍīq,³⁴ and his father (God’s mercy on all of them). These three were *fuqahā*, and they taught the ordinances and sciences of Islam to the people. When we say that Shaykh Saḍīq differed from Shaykh Muḥīd,³⁵ we do not mean that Shaykh Saḍīq was unlearned in *fiqh*,³⁶ or that he was less learned than Shaykh Muḥīd. Shaykh Saḍīq was, after all, the person who elucidated all the principles and secondaries of religion in a single sitting. He differed from Shaykh Muḥīd and others like him in that they were *mujtahids* who brought their own reasoning to bear on traditions and narrations, while Shaykh Saḍīq was a *faqīh* who did not have recourse to his own reasoning, or did so only rarely.

The phrase we are discussing applies to those who expound the sciences of Islam, who expound the ordinances of Islam, and who educate the people in Islam, preparing them to instruct others in turn. In the same way, the Most Noble Messenger (s), and the Imāms (‘a) proclaimed and expounded the ordinances of Islam; they had teaching circles where they gave the benefit of their learning to several thousand people, whose duty it was, in turn, to teach others. That is the meaning implied in the phrase “and teach the people...”: disseminating the knowledge of Islam among the people and conveying to them the ordinances of Islam. If we believe that Islam is for all the people in the world, it becomes obvious to every rational mind that the Muslims, and particularly the scholars among them, have the duty of disseminating knowledge of Islam and its ordinances and acquainting the people of the world with them.

If we suppose that the phrase “and teach them to the people” does not belong to the end of the *hadīth*, then we must see what the Prophet (s) might have meant in his saying: “O God! Have mercy on those that succeed me: those that come after me and transmit my traditions and practice.” The tradition, even in this form, still would not apply to those who merely relate traditions without being *fuqahā*. For the

divine practices and norms constituting the totality of the ordinances of Islam are known as the practice of the Prophet (s) by virtue of the fact that they were revealed to him. So anyone who wishes to disseminate the practices of the Most Noble Messenger (s) must know all the ordinances of God; he must be able to distinguish the authentic from the false, those of absolute from those of limited application, and the general from the specific. Further, he must be able to discern rational categories, distinguish between traditions originating in circumstances of *taqiyyah*³⁷ and those originating otherwise, and be fully conversant with all the necessary criteria that have been specified. Traditionists who have not attained the level of *ijtihād*³⁸ and who merely transmit *hadith* know nothing about all this; hence, they are incapable of discerning the true practice of the Messenger of God (s). Mere transmission could have no value in the eyes of the Messenger, and it was certainly not his desire that phrases like: “The Messenger of God said,” or “It is related on the authority of the Messenger of God” should gain currency among the people, if the sentences prefaced by these phrases were counterfeited and not his. What he desired instead was that his true practice should be disseminated among the people and the real ordinances of Islam spread among them. The tradition: “Whoever preserves for my people forty traditions will be resurrected by God as a *faqīh*”³⁹ and similar traditions praising the dissemination of *hadith* do not pertain to traditionists who have no concept of the nature of tradition. They pertain to those who are able to distinguish the true narration of the Most Noble Messenger (s) in accordance with the true ordinances of Islam. Such persons are none other than the *mujtahids* and the *fuqahā*; they are the ones able to assess all different aspects and implications of a ruling, and to deduce the true ordinances of Islam on the basis of the criteria they have inherited from the Imāms (‘a). They are the successors of the Most Noble Messenger (s), disseminating the divine ordinances and instructing men in the sciences of Islam. It is for them that the Prophet (s) prayed when he said, “O God! Have mercy on my successors.”

There is no doubt, therefore, that the tradition: “O God! Have mercy on my successors” does not relate to the transmitters of tradition who are mere scribes; a scribe cannot be a successor to the Prophet (s). The successors are the *fuqahā* of Islam. Dissemination of the ordinances of Islam, as well as the teaching and instruction of the people, is the duty of *fuqahā* who are just. For if they are not just, they will be like those who forged traditions harmful to Islam, like Sam‘ārah ibn Jundab,⁴⁰ who forged traditions hostile to the Commander of the Faithful (‘a). And if they are not *fuqahā*, they cannot comprehend the nature of *fiqh* and the ordinances of Islam, and they may disseminate thousands of traditions in praise of kings that have been forged by the agents of the oppressors and pseudo-scholars attached to royal courts. It is easy to see what results they obtained on the basis of the two weak traditions that they set up against the Qur’an, with its insistent commands to rise up against kings and its injunctions to Moses to rebel against the Pharaoh.⁴¹ Quite apart from the Glorious Qur’an, there are numerous traditions exhorting men to struggle against tyrants and those who pervert religion.⁴² Lazy people among us have laid these aside and, relying on these two weak *hadīths* that may well have been forged by court preachers, tell us we must make peace with kings and give our allegiance to the court. If they were truly acquainted with tradition and knowledgeable about religion, they would act instead in accordance with

the numerous traditions that denounce the oppressors. If it happens that they are acquainted with tradition, then we must conclude that, they do not have the quality of justice. For, not being just and failing to eschew sin, they overlook the Qur'an and all the narration that condemn the oppressor, and concentrate instead on those two weak *hadith*. It is the appetites of their stomachs that cause them to cling to them, not knowledge. Appetite and ambition make men subservient to royal courts; true tradition does not.

In any event, the dissemination of the sciences of Islam and the proclamation of its ordinances are the task of the just *fuqah*—those who are able to distinguish the true ordinances from the false, and the traditions of the Imams ('a) arising in conditions of *taqiyyah* from those originating otherwise. For we know that our Imams were sometimes subjected to conditions that prevented them from pronouncing a true ordinance; they were exposed to tyrannical and oppressive rulers who imposed *taqiyyah* and fear upon them. Naturally, their fear was for religion not themselves, and if they had not observed *taqiyyah* in certain circumstances, oppressive rulers would have entirely rooted out true religion.

There cannot be the least doubt that the tradition we have been discussing refers to the governance of the *faqih*, for to be a successor means to succeed to all the functions of prophethood. In this respect what is implied by the sentence: "O God! Have mercy on my successors" is no less than what is implied by the sentence: " 'Ali is my successor," since the meaning of successorship is the same in both cases. The phrase "who come after me and transmit my traditions" serves to designate the successors, not to define succession, for succession was a well-known concept in the first age of Islam and did not require elucidation. Moreover, the person who asked the Prophet (s), whom he meant by his successors was not enquiring after the meaning of successorship; he was requesting the Prophet (s) to specify those whom he meant, as he indeed did in his reply. It is remarkable that nobody has taken the phrase: " 'Ali is my successor," or "the Imams are my successors," as referring to the simple task of issuing juridical opinions; instead they derive the tasks of successorship and government from them, whereas they hesitated to draw the same conclusion from the words "my successors" in the tradition under consideration. This is solely because they have imagined that succession to the position of the Most Noble Messenger (s) has been limited or restricted to certain people, and that since each of the Imams was a successor, the religious scholars cannot act as successors, rulers, and governors. The result is that Islam must be without any leader to care for it, the ordinances of Islam must be in abeyance, the frontiers of Islam must be at the mercy of the enemies of religion, and various kinds of perversion that have nothing to do with Islam are gaining currency.

Muhammad ibn Yahyā relates, on the authority of Ahmad ibn Muhammad, who heard it from Ibn Mahbūb, who was informed of it by 'Ali ibn Abi Hamzah, that the Imam Abu 'I-Hasan, son of Ja'far,⁴³ ('a) said: "whenever a believer dies, the angels weep, together with the ground where he engaged in the worship of God and the gates of heaven that he would enter by means of his good deeds. A crack will appear in the fortress of Islam, that naught can repair, for believers who are *fuqah* are the

fortresses of Islam, like the encircling walls that protect a city.”[44](#)

In the same chapter of *Al-Kāfi*, is another version of this tradition, which reads: “Whenever a believer who is a *faqih*...” instead of “Whenever a believer...” In contrast, at the beginning of the version we have cited, the expression “who is a *faqih*” is missing. Later in the second version, however, when the cause for the angels’ weeping is adduced, the expression “believers who are *fuqaha*” does occur. This makes it clear that the word *faqih* was omitted at the beginning of the tradition, particularly since the concepts “fortress of Islam” and “encircling walls” and the like are fully appropriate to the *faqih*.

The saying of the Imām (‘a) that “believers who are *fuqaha* are the fortresses of Islam” actually ascribes to the *fuqaha* the duty of being guardians of the beliefs, ordinances, and institutions of Islam. It is clear that these words of the Imām (‘a) are not an expression of ceremonial courtesy, like the words we sometimes exchange with each other (I call you “Support of the Shar‘ah,” and you bestow the same title on me in return!). Nor do they have any similarity to the titles we use in addressing a letter to someone: “His Noble Excellency, the Proof of Islam.”

If a *faqih* sits in the corner of his dwelling and does not intervene in any of the affairs of society, neither preserving the laws of Islam and disseminating its ordinances, nor in any way participating in the affairs of the Muslims or having any care for them, can he be called “the fortress of Islam” or the protector of Islam?

If the leader of a government tells an official or a commander, “Go and guard such-and-such an area,” will the duty of guarding that he has assumed permit him to go home and sleep, allowing the enemy to come and ravage that area? Or should he, on the contrary, strive to protect that area in whatever way he can?

Now if you say that we are preserving at least some of the ordinances of Islam, let me ask you this question. Are you implementing the penal law of Islam and the sanctions it provides? You will have to answer no.

So a crack has appeared in the protective wall surrounding Islam, despite your supposedly being its guardians.

Then I ask you: Are you guarding the frontiers of Islam and the territorial integrity of the Islamic homeland? To this, your answer may be: “No, our task is only to pray!”

This means that a piece of the wall has collapsed.

Now I ask you: Are you taking from the rich what they owe the poor and passing it on to them? For that

is your Islamic duty, to take from the rich and give to the poor. Your answer may be, in effect: “No, this is none of our concern! God willing, others will come and perform this task.”

Then another part of the wall will have collapsed, and your situation will be like that of Shāh Sultān Husayn waiting for the fall of Isfahan.⁴⁵

What kind of fortress is this? Each of the corners is occupied by some “pillar of Islam,” but all he can do is offer excuses when put to the test. Is that what we mean by “fortress”?

The meaning of the statement of the Imām (‘a) that the *fuqahā* are the fortresses of Islam is that they have a duty to protect Islam and that they must do whatever is necessary to fulfill that duty. It is one of the most important duties and, moreover, an absolute duty, not a conditional one. It is an issue to which the *fuqahā* of Islam must pay particular attention. The religious teaching institution must give due thought to the matter and equip itself with the means and strength necessary to protect Islam in the fullest possible sense, just as the Most Noble Messenger (s) and the Imāms (‘a) were the guardians of Islam, protecting its beliefs, ordinances and institutions in the most comprehensive manner.

We have abandoned almost all aspects of our duty, restricting ourselves to passing on, from one generation to the next; certain parts of Islamic law and discussing them among ourselves. Many of the ordinances of Islam have virtually become part of the occult sciences, and Islam itself has become a stranger;⁴⁶ only its name has survived.

All the penal provisions of Islam, which represent the best penal code ever devised for humanity, have been completely forgotten; nothing but their name has survived. As for the Qur’anic verses stipulating penalties and sanctions, “Nothing remains of them but their recitation.”⁴⁷ For example, we recite the verse: “Administer to the adulterer and the adulteress a hundred lashes each”(24:2), but we do not know what to do when confronted with a case of adultery. We merely recite the verse in order to improve the quality of our recitation and to give each sound its full value. The actual situation prevailing in our society, the present state of the Islamic community, the prevalence of lewdness and corruption, the protection and support extended by our governments to adultery—none of this concern us! It is enough that we understand what penalties have been provided for the adulterer and adulteress without attempting to secure their implementation or otherwise struggling against the existence of adultery in our society!

I ask you, is that the way the Most Noble Messenger (s) conduct himself? Did he content himself with reciting the Qur’an, then lay it aside and neglect to ensure the implementation of its penal provisions? Was it the practice of the successors of the Prophet (s) to entrust matters to the people and tell them, “I have no further concern with you”? Or, on the contrary, did they decree penalties for various classes of offender—whippings, stonings, perpetual imprisonment, banishment? Examine the sections of Islamic

law relating to penal law and blood money: you will see that all of these matters are part of Islam and part of the reason for the coming of Islam. Islam came in order to establish order in society; leadership⁴⁸ and government are for the sake of ordering the affairs of society.

It is our duty to preserve Islam. This duty is one of the most important obligations incumbent upon us; it is more necessary even than prayer and fasting. It is for the sake of fulfilling this duty that blood must sometimes be shed. There is no blood more precious than that of Imām Husayn (‘a), yet it was shed for the sake of Islam, because of the precious nature of Islam. We must understand this matter well and convey it to others. You can be the true successors to the Prophet (s) as the guardians of Islam only if you teach Islam to the people; do not say, “We will wait until the coming of the Imām of the Age (‘a).” Would you consider postponing your prayer until the coming of the Imām? The preservation of Islam is even more important than prayer. Do not follow the logic of the governor of Khumayn⁴⁹ who used to say, “We must promote sin so that the Imām of the Age (‘a) will come. If sin does not prevail, he will not manifest himself!”⁵⁰ Do not sit here simply debating among yourselves. Study all the ordinances of Islam and propagate all aspects of the truth by writing and publishing pamphlets. It cannot fail to have an effect, as my own experience testifies.

‘Ali relates, on the authority of his father, from an-Nawfali, who had it from as-Sukāni, who was told it by Abu ‘Abdullāh (‘a), that the Most Noble Messenger (s) said, “The *fuqahā* are the trustees of the prophets (‘a), as long as they do not concern themselves with the illicit desires, pleasures, and wealth of the world.” The Prophet (s) was then asked: “O Messenger of God! How may we know if they do so concern themselves?” He replied: “By seeing whether they follow the ruling power. If they do that, fear for your religion and shun them.”⁵¹ Examination of the whole of this *hadith* would involve us in a lengthy discussion. We will speak only about the phrase: “The *fuqahā* are the trustees of the prophets (‘a),” since it is what interests us here because of its relevance to the topic of the governance of *faqāh*.

First, we must see what duties, powers, and functions the prophets (‘a) had in order to discover what the duties of the *fuqahā*, the trustees and successors of the prophets (‘a), are in turn.

In accordance with both wisdom and the essential nature of religion, the purpose in sending the prophets (‘a) and the task of the prophets (‘a) cannot be simply the delivery of judgments concerning a particular problem or the expounding of the ordinances of religion. These judgments and ordinances were not revealed to the Prophet (s) in order for him and the Imāms (‘a) to convey them truthfully to the people as series of divinely appointed *mufṭis*,⁵² and then to pass this trust on in turn to the *fuqahā*, so that they might likewise convey them to the people without any distortion. The meaning of the expression: “The *fuqahā* are the trustees of the prophets (‘a)” is not that the *fuqahā* are the trustees simply with respect to the giving of juridical opinions. For in fact the most important function of the prophets (‘a) is the establishment of a just social system through the implementation of laws and ordinances (which is naturally accompanied by the exposition and dissemination of the divine teachings and beliefs). This

emerges clearly from the following Qur'anic verse: "Verily We have sent Our messengers with clear signs, and sent down with them the Book and the Balance, in order that men might live in equity" (57:25). The general purpose for the sending of prophets ('a), then, is so that men's lives may be ordered and arranged on the basis of just social relations and true humanity may be established among men. This is possible only by establishing government and implementing laws, whether this is accomplished by the prophet himself, as was the case with the Most Noble Messenger (s), or by the followers who come after him.

God Almighty says concerning the *khums*: "Know that of whatever booty you capture, a fifth belongs to God and His Messenger and to your kinsmen"(8:41). Concerning *zak* ^{at} He says: "Levy a tax on their property"(9:103). There are also other divine commands concerning other forms of taxation. Now the Most Noble Messenger (s) had the duty not only of expounding these ordinances, but also of implementing them; just as he was to proclaim them to the people, he was also to put them into practice. He was to levy taxes, such as *khums*, *zak*^{at} and *khar*^{aj}, and spend the resulting income for the benefit of the Muslims; establish justice among peoples and among the members of the community; implement the laws and protect the frontiers and independence of the country; and prevent anyone from misusing or embezzling the finances of the Islamic state.

Now God Almighty appointed the Most Noble Messenger (s) head of the community and made it a duty for men to obey him: "Obey God and obey the Messenger and the holders of authority from among you" (4:59). The purpose for this was not so that we would accept and conform to whatever judgment the Prophet (s) delivered. Conformity to the ordinances of religion is obedience to God; all activities that are conducted in accordance with divine ordinances, whether or not they are ritual functions, are a form of obedience to God. Following the Most Noble Messenger (s), then, is not conforming to divine ordinances; it is something else. Of course, obeying the Most Noble Messenger (s) is, in a certain sense, obeying God; we obey the Prophet (s) because God has commanded us to do so. But if, for example, the Prophet (s), in his capacity as leader and guide of Islamic society, orders everybody to join the army of Us^{ma}h,⁵³ so that no one has the right to hold back, it is the command of the Prophet (s), not the command of God. God has entrusted to him the task of government and command, and accordingly, in conformity with the interests of the Muslims, he arranges for the equipping and mobilization of the army, and appoints or dismisses governors and judges.

This being the case, the principle: "The *fuqah*^{ah} are the trustees of the prophets ('a)" means that all of the tasks entrusted to the prophets ('a) must also be fulfilled by the just *fuqah*^{ah} as a matter of duty. Justice, it is true; is a more comprehensive concept than trustworthiness and it is possible that someone may be trustworthy with respect to financial affairs, but not just in a more general sense.⁵⁴ However, those designated in the principle: "The *fuqah*^{ah} are the trustees of the prophets ('a)" are those who do not fail to observe any ordinances of the law, and who are pure and unsullied, as is implied by the conditional statement: "as long as they do not concern themselves with the illicit desires, pleasures, and wealth of

this world”---that is, as long as they do not sink into the morass of worldly ambition. If a *faqih* has as his aim the accumulation of worldly wealth, he is longer just and cannot be the trustee of the Most Noble Messenger (‘a) and the executor of the ordinances of Islam. It is only the just *fuqah* who may correctly implement the ordinances of Islam and firmly establish its institutions, executing the penal provisions of Islamic law and preserving the boundaries and territorial integrity of the Islamic homeland. In short, implementation of all laws relating to government devolves upon the *fuqah*: the collection of *khums*, *zakat*, *sadaqah*, *jizyah*, and *kharaj* and the expenditure of the money thus collected in accordance with the public interest; the implementation of the penal provisions of the law and the enactment of retribution (which must take place under the direct supervision of the ruler, failing which the next-of-kin of the murdered person has no authority to act); the guarding of the frontiers; and the securing of public order.

Just as the Most Noble Messenger (s) was entrusted with the implementation of divine ordinances and the establishment of the institutions of Islam, and just as God Almighty set him up over the Muslims as their leader and ruler, making obedience to him obligatory, so, too, the just *fuqah* must be leaders and rulers, implementing divine ordinances and establishing the institutions of Islam.

Since Islamic government is a government of law, those acquainted with the law, or more precisely, with religion—i.e., the *fuqah*—must supervise its functioning. It is they who supervise all executive and administrative affairs of the country, together with all planning.

The *fuqah* are the trustees who implement the divine ordinances in levying taxes, guarding the frontiers, and executing the penal provisions of the law. They must not allow the laws of Islam to remain in abeyance, or their operation to be effected by either defect or excess. If a *faqih* wishes to punish an adulterer, he must give him one hundred lashes in the presence of the people, in the exact manner that has been specified. He does not have the right to inflict one additional lash, to curse the offender, to slap him, or to imprison him for a single day. Similarly, when it comes to the levying of taxes, he must act in accordance with the criteria and the laws of Islam; he does not have the right to tax even a *shahi*⁵⁵ in excess of what the law provides. He must not let disorder enter the affairs of the public treasury or even so much as a *shahi* be lost. If a *faqih* acts in contradiction to the criteria of Islam (God forbid!), then he will automatically be dismissed from his post, since he will have forfeited his quality of trustee.

Law is actually the ruler; the security for all is guaranteed by law, and law is their refuge. Muslims and the people in general are free within the limits laid down by the law; when they are acting in accordance with the provisions of the law, no one has the right to tell them, “Sit here,” or “Go there.” An Islamic government does not resemble states where the people are deprived of all security and everyone sits at home trembling for fear of a sudden raid or attack by the agents of the state. It was that way under Mu‘awiyah⁵⁶ and similar rulers: people had no security, and they were killed or banished, or imprisoned for lengthy periods, on the strength of an accusation or a mere suspicion, because the government was not Islamic. When an Islamic government is established, all will live with complete security under the

protection of the law, and no ruler will have the right to take any step contrary to the provisions and laws of the immaculate *shar‘ah*.

The meaning of “trustee,” then, is that the *fuqah* execute as a trust all the affairs for which Islam has legislated—not that they simply offer legal judgments on given questions. Was that the function of the *Imam* (‘a)? Did he merely expound the law? Was it the function of the prophets (‘a) from whom the *fuqah* have inherited it as a trust? To offer judgment on a question of law or to expound the laws in general is, of course, one of the dimensions of *fiqh*. But Islam regards law as a tool, not as an end in itself. Law is a tool and an instrument for the establishment of justice in society, a means for man’s intellectual and moral reform and his purification. Law exists to be implemented for the sake of establishing a just society that will morally and spiritually nourish refined human beings. The most significant duty of the prophets (‘a) was the implementation of divine ordinances, and this necessarily involved supervision and rule.

There is a tradition of *Imam Rid* (‘a) in which he says approximately the following: “An upright, protecting, and trustworthy *imam* is necessary for the community in order to preserve it from decline,” and then reasserts that the *fuqah* are the trustees of the prophets (‘a). Combining the two halves of the tradition, we reach the conclusion that the *fuqah* must be the leaders of the people in order to prevent Islam from falling into decline and its ordinances from falling into abeyance.

Indeed it is precisely because the just *fuqah* have not had executive power in the lands inhabited by Muslims and their governance has not been established that Islam has declined and its ordinances have fallen into abeyance. The words of *Imam Rid* have fulfilled themselves; experience has demonstrated their truth.

Has Islam not declined? Have the laws of Islam not fallen into disuse in the Islamic countries? The penal provisions of the law are not implemented; the ordinances of Islam are not enforced; the institutions of Islam have disappeared; chaos, anarchy, and confusion prevail—does not all this mean that Islam has declined? Is Islam simply something to be written down in books like *al-Kafi*⁵⁷ and then laid aside? If the ordinances of Islam are not applied and the penal provisions of the law are not implemented in the external world—so that the thief, the plunderer, the oppressor, and the embezzler all go unpunished while we content ourselves with preserving the books of law, kissing them and laying them aside (even treating the Qur’an this way), and reciting *Yasin* on Thursday nights⁵⁸—can say that Islam has been preserved?

Since many of us did not really believe that Islamic society must be administered and ordered by an Islamic government matters have now reached such a state that in the Muslim countries, not only does the Islamic order not obtain, with corrupt and oppressive laws being implemented instead of the laws of Islam, but the provisions of Islam appear archaic even to the *‘ulam*. So when the subject is raised, they

say that the tradition: “The *fuqah* are trustees of the prophets” refers only to the issuing of juridical opinions. Ignoring the verses of the Qur’an, they distort in the same way all the numerous traditions that the scholars of Islam are to exercise rule during the Occultation. But can trusteeship be in this manner? Is the trustee not obliged to prevent the ordinances of Islam from falling into abeyance and criminals from going unpunished? To prevent the revenue and income of the country from being squandered, embezzled or misdirected?

It is obvious that all of these tasks require the existence of trustees, and that it is the duty of the *fuqah* to assume the trust bequeathed to them, to fulfill it in a just and trustworthy manner.

The Commander of the Faithful (‘a) said to Shurayh⁵⁹: “The seat [of judge] you are occupying is filled by someone who is a prophet (‘a), the legatee of a prophet, or else a sinful wretch.”⁶⁰ Now since Shurayh was neither a prophet nor the legatee of a prophet, it follows that he was a sinful wretch occupying the position of judge. Shurayh was a person who occupied the position of judge in Kūfah for about fifty or sixty years. Closely associated with the party of Mu‘awiyah, Shurayh spoke and issued *fatwas*⁶¹ in a sense favorable to him, and he ended up rising in revolt against the Islamic state. The Commander of the Faithful (‘a) was unable to dismiss Shurayh during his rule, because certain powerful figures protected him on the grounds that Abu Bakr and ‘Umar had appointed him and that their action was not to be controverted. Shurayh was thus imposed upon the Commander of the Faithful (‘a), who did, however, succeed in ensuring that he abided by the law in his judgment.

It is clear from the foregoing tradition that the position of judgment may be exercised only by a prophet (‘a) or by the legatee of a prophet. No one would dispute the fact that the function of judge belongs to the just *fuqah*, in accordance with their appointment by the Imams (‘a). This unanimity contrasts with the questions of the governance of the *faqih*: some scholars, such as Narāqi,⁶² or among more recent figures, Nūrīni,⁶³ regard all of the extrinsic functions and tasks of the Imams (‘a) as devolving upon the *faqih*, while other scholars do not. But there can be no doubt that the function of judging belongs to the just *fuqah*; this is virtually self-evident.

Considering the fact that the *fuqah* do not have the rank of prophethood, and they are indubitably not “wretched sinners,” we conclude that, in the light of the tradition quoted above, they must be the legatees or successors of the Most Noble Messenger (s). Since, however, the expression “legatee of a prophet” is generally assumed to refer to his immediate successors, this tradition and others similar to it are only rarely cited as evidence for the successorship of the *fuqah*. The concept “legatee of a prophet” is a broad one, however, and includes the *fuqah*. The immediate legatee of the Most Noble Messenger (s) was of course the Commander of the Faithful (‘a), who was followed by the other Imams (‘a), and the affairs of the people were entrusted to them. But no one should imagine that the function of governing or sitting in judgment was a form of privilege for the Imams. Rule was entrusted to them only because they were best able to establish a just government and implement social justice among the people. The

spiritual stations of the Imams, which far transcend human comprehension, had no connection with their naming and appointing officials. If the Most Noble Messenger (s) had not appointed the Commander of the Faithful to be his successor, he would still have possessed the same sublime spiritual qualities. It is not that the exercise and function of government bestow spiritual rank and privilege on a man; on the contrary, spiritual rank and privilege qualify a man for the assumption of government and social responsibilities.

In any event, we deduce from the tradition quoted above that the *fuqah* are the legatees, at one remove, of the Most Noble Messenger (s) and that all the tasks he entrusted to the Imams (‘a) are also incumbent on the *fuqah*; all the tasks that Messenger (s) performed, they too must perform, just as the Commander of the Faithful (‘a) did.

There is another tradition that may serve as proof or support for our thesis, one that is, indeed, preferable with respect to both its chain of transmission and its meaning. One chain of transmission for it, that passing through Kulayni, is weak, but the other, mentioned by Saduq and passing through Sulaymān ibn Khallid⁶⁴ is authentic and reliable. This is the text of the tradition. Imam Ja‘far as-Sadiq⁶⁵ (‘a) said: “Refrain from judging, because judging is reserved for an *imam* who is knowledgeable of the law and legal procedures and who behaves justly toward all the Muslims; it is reserved for a prophet (‘a) or the legatee of a prophet.”

Notice that the person who wishes to sit in judgment must, first of all, be an *imam*. What is meant here by *imam* is the common lexical meaning of the word, “leader” or “guide,” not its specific technical sense. In this context the Prophet (s) himself counts as an *imam*. If the technical meaning of *imam*⁶⁶ were intended, the specification of the attributes of justice and knowledge in the tradition would be superfluous. Second, the person who wishes to exercise the function of a judge must possess the necessary knowledge. If he is an *imam*, but unlearned in matters of law and juridical procedure, he does not have the right to be a judge. Third, he must be just. The position of judge, then, is reserved for those who possess these three qualifications—being a leader, and being knowledgeable and just. The tradition proceeds to clarify that these three qualifications can be found only in a prophet (‘a) or the trustee of a prophet.

I stated earlier that the function of judge belongs exclusively to the just *faqih*; this is a fundamental aspect of *fiqh*, which is not a matter of dispute. Let us now see whether the three-fold qualifications for exercising the function of judge are present in the *faqih*. Obviously we are concerned here only with the just *faqih*, not with any *faqih*. The *faqih* is, by definition, learned in matters pertaining to the function of judge, since the term *faqih* is applied to one who is learned not only in the laws and judicial procedure of Islam, but also in the doctrines, institutions, and ethics of the faith—the *faqih* is, in short, a religious expert in the full sense of the word. If, in addition, the *faqih* is just, he will be found to have two of the necessary qualifications. The third qualification is that he should be an *imam*, in the sense of leader.

Now we have already stated that the just *faqīh* occupies a position of guidance and leadership with respect to judging, in accordance with his appointment by the Imām (‘a). Further, the Imām has specified that the three necessary qualifications are not to be found in anyone except a prophet (‘a) or the legatee of a prophet. Since the *fuqahā* are not prophets (‘a) they must be legatees or successors of the prophets (‘a). Therefore, we come to the conclusion that the *faqīh* is the legatee of the Most Noble Messenger (s), and in addition, during the Occultation of the Imām (‘a), he is the leader of the Muslims and the chief of the community. He alone may exercise the function of judge and no one else has the right to occupy the position of judgeship.

To whom should we recourse in social circumstances?

The third tradition relates to a signed decree of the Imām from which certain conclusions may be deduced, as I propose to do.

It is related in the book *Ikhtilāf al-Dawāliyyīn an-Ni‘mah*⁶⁷ that Ishāq ibn Ya‘qūb wrote a letter to the Imām of the Age⁶⁸ (may God hasten his renewed manifestation) asking him for guidance in certain problems that had arisen, and Muhammad ibn ‘Uthmān al-‘Umari,⁶⁹ the deputy of the Imām (‘a), conveyed the letter to him. A response was issued, written in the blessed hand of the Imam (‘a), saying: “In case of newly occurring social circumstances, you should turn for guidance to those who relate our traditions, for they are my proof to you, as I am God’s proof.”

What is meant here by the phrase “newly occurring social circumstances” (*hawāḍith-i waqī‘ah*) is not legal cases and ordinances. The writer of the letter did not wish to ask what was to be done in the case of legal issues that were without precedent. For the answer to that question would have been self-evident according to the Shī‘i school, and unanimously accepted traditions specify that one should have recourse to the *fuqahā* in such cases. Indeed people had recourse to the *fuqahā* and made enquiries of them even during the lifetime of the Imāms (‘a). A person living in the time of the Lesser Occultation and in communication with the four deputies of the Imam (‘a), who wrote a letter to him and received an answer, must have known whom to refer to for the solution of legal cases. What is meant by *hawāḍith-i waqī‘ah* is rather the newly arising situations and problems that affect the people and the Muslims. The question Ishāq ibn Ya‘qūb was implicitly posing was this: “Now that we no longer have access to you, what should we do with respect to social problems? What is our duty?” Or, he may have mentioned certain specific events and then asked: “To whom should we have recourse for guidance in these matters?” But it seems that his question was general in intent and that the Imām (‘a) responded in correspondingly general fashion, saying, “With respect to such occurrences and problems, you should refer to those who narrate our traditions, i.e., the *fuqahā*. They are my proofs to you, and I am God’s proof to you.”

What is the meaning of “God’s proof”?⁷⁰ What do you understand by this term? Can a single tradition

count as a proof? If Zur^{ra}h⁷¹ related a tradition, would that make him a proof? Is the Im^{am} of the Age (‘a) comparable in authority to Zur^{ra}h, whom we follow in the sense that we act upon a tradition of the Most Noble Messenger (s) that Zur^{ra}h has narrated? When it is said that the holder of authority is the proof of God, does it mean that he is a “proof” purely with respect to details of the law, with the duty of giving legal opinions? The Most Noble Messenger (s) said: “I am now departing, and the Commander of the Faithful (‘a) will be my proof to you.” Do you deduce from this that after the Prophet (s) departed all tasks came to an end except delivering legal opinions, and that this was all that was left for the Commander of the Faithful (‘a)? Or on the contrary, does the term “proof of God” mean that just as the Most Noble Messenger (s) was the proof and authoritative guide of all the people, just as God had appointed him to guide people in matters, so too the *fuqah*⁷² are responsible for all affairs and are the authoritative guides of the people?

A “proof of God” is one whom God has designated to conduct affairs; all his deeds, actions, and sayings constitute a proof for the Muslims. If some one commits an offense, reference will be to the “proof” for adducing evidence and formulating the charge. If the “proof” commands you to perform a certain act, to implement the penal provisions of the law in a certain way, or to spend the income derived from booty, *zak^{at}*, and *sadaqah*⁷² in a certain manner, and you fail to obey him in any of these respects, then God Almighty will advance a “proof” against you on the Day of Judgment. If, despite the existence of the “proof,” you turn to oppressive authorities for the solution of your affairs, again God Almighty will refer to the “proof” as an argument against you on the Day of Judgment, saying: “I established a proof for you; why did you turn instead to the oppressors and the judicial system of the wrongdoers?” Similarly, God designates the Commander of the Faithful (‘a) as a “proof” against those who disobeyed him and followed false paths. Again, against those who assumed the caliphate, against Mu^{aw}iyah and the Umayyad caliphs, against the Abbasid caliphs, and those who acted in accordance with their desires, a proof and argument is established: “Why did you illicitly assume rule over the Muslims? Why did you usurp the caliphate and government, despite your unworthiness?”

God calls to account all oppressive rulers and all governments that act contrary to the criteria of Islam, asking them: “Why did you commit oppression? Why did you squander the property of the Muslims? Why did you organize millenary celebrations?⁷³ Why did you spend the wealth of the people on the coronation⁷⁴ and the abominable festivities that accompanied it?” If one of them should reply: “Given the circumstances of the day, I was unable to act justly, or to relinquish my pretentious, luxurious palaces; I had myself crowned to draw attention to my country and the degree of progress we had achieved,” he will then be answered: “The Commander of the Faithful (‘a) was also a ruler; he ruled over all the Muslims and the whole of the broad Islamic realm. Were you more zealous than he in promoting the glory of Islam, the Muslims and the lands of Islam? Was your realm more extensive than his? The country over which you ruled was but a part of his realm; Iraq, Egypt and the Hij^{az} all belonged to his realm, as well as Iran. Despite this, his seat of command was the mosque: the bench of the judge was situated in one corner of the mosque, while in another, the army would prepare to set out for battle. That

army was composed of people who offered their prayers regularly, were firm believers in Islam; you know well how swiftly it advanced and what results it obtained!”

Today, the *fuqah* of Islam are proof to the people. Just as the Most Noble Messenger (‘a) was the proof of God---the conduct of all affairs was entrusted to him so that whoever disobeyed him had a proof advanced against him---so, too, the *fuqah* are the proof of the Imām (‘a) to the people. All the affairs of the Muslims have been entrusted to them. God will advance a proof and argument against anyone who disobeys them in anything concerning government, the conduct of Muslim affairs, or the gathering and expenditure of public funds.

There can be no doubt concerning the meaning of the tradition we have quoted, although it is possible to have certain reservations about its chain transmission. Nonetheless, even if one does regard the tradition as being in its own right, a proof of the thesis we have advanced, it serves to support the other proofs we have mentioned.

Another tradition that supports our thesis is the *maqbalah*⁷⁵ of ‘Umar ibn Hanzalah. Since this narration refers to a certain verse of the Qur’an, we must first discuss the verse in question as well as the verses that precede it in order to elucidate its meaning, before we go on to examine the tradition.

Verily God commands you to return trusts to their owners, and to act with justice when you rule among men. Verily, God counsels you thus, and God is all hearing, all seeing. O you who believe, obey God and obey the Messenger and the holders of authority from among you [i.e., those entrusted with leadership and government]. When you dispute with each other concerning a thing, refer it to God and His Messenger; if you believe in God and the Last Day, this will be best for you and the result, most beneficial. (4: 58–59)

In these verses, God commands us to return trusts to their owners. Some people believe that what is meant here by “trusts” is twofold: trust pertaining to men (i.e., their property), and those pertaining to the Creator (i.e., the ordinances of the *shar‘ah*).⁷⁶ The sense of returning the divine trust would then be implementing the ordinances of Islam correctly and completely. Another group of exegetes believes instead that what is intended by “trust” is the imamate.⁷⁷ There is indeed a tradition that specifies: “We [the Imāms (‘a)] are those addressed in this verse,” for God Almighty commands the Most Noble Messenger (s) and the Imāms to entrust governance and leadership to their rightful possessors. Thus the Most Noble Messenger (s) entrusted governance to the Commander of the Faithful (‘a), who entrusted it to his successor, and each of his successors among the Imāms (‘a) handed it on in turn.

The verse goes on to say: “and to act with justice when you rule among men.” Those addressed here are the person who hold the reins of affairs in their hands and conduct the business of government—not judges, for the judge exercises only a juridical function, not a governmental one. The judge is a ruler only

in a limited sense; the decrees that he issues are exclusively judicial, not executive. Indeed, in forms of government that have emerged in recent centuries, the judges represent one of the three branches of power, the other two being the executive (consisting of the council of ministers) and the legislative or planning body (the assembly or parliament). More generally, the judiciary is one of the branches of government and it fulfills one of the tasks of government. We must therefore conclude that the phrase “when you rule among men” relates to all the affairs of government, and includes both judges and those belonging to the other branches of power.

Now it has been established that since all the concerns of religion constitute a divine trust; a trust that must be vested in its rightful possessors a part of the trust must inevitably be government. Thus, in accordance with this verse, the conduct of all governmental affairs must be based on the criteria of justice, or to put it differently, on the law of Islam and the ordinances of the *shar‘ah*. The judge may not issue an incorrect verdict—i.e., one based on some illegitimate, non-Islamic code—nor may the judicial procedure he follows or the law on which he bases his verdict be non-Islamic and therefore invalid. For example, when those engaged in planning the affairs of the country draw up a fiscal program for the nation, they must not impose unjust taxes on peasants working on publicly owned lands, reducing them to wretchedness and destroying the land and agriculture as a whole through the burden of excessive taxation. If the executive branch of government wishes to implement the juridical ordinances of the law and its penal provisions, they must not go beyond the limits of the law by inflicting extra lashes upon the offender or abusing him.

After the Commander of the Faithful (‘a) had cut off the hands of two thieves, he showed such love and concern in treating them and attending to their needs that they became his enthusiastic supporters. On another occasion, he heard that the plundering army of Mu‘awiyah had stolen an anklet from the foot of a *dhimmi*⁷⁸ woman. He became so distraught and his sensibilities were so offended that he said in a speech: “If a person were to die in circumstances such as mine, no one would reproach him.” But despite all this sensitivity, the Commander of the Faithful (‘a) was a man who would draw his sword when it was necessary—to destroy the workers of corruption—with all the strength he could muster. This is the true meaning of justice.

The Most Noble Messenger (s) is the foremost example of the just ruler. When he gave orders for the conquest of a certain area, the burning of a certain place, or the destruction of a certain group whose existence was harmful for Islam, the Muslims, and mankind in general, his orders were just. If he had not given orders such as these, it would have meant neglecting the welfare of Islam, the Muslims, and human society.

Anyone who rules over the Muslims, or over human society in general, must always take into consideration, the public welfare and interest, and ignore personal feelings and interests. For this reason, Islam is prepared to subordinate individuals to the collective interest of society and has rooted

out numerous groups that were a source of corruption and harm to human society.

Since the Jews of Bani Qurayza were a troublesome group, causing corruption in Muslim society and damaging Islam and the Islamic state, the Most Noble Messenger (‘a) eliminated them.[79](#)

Indeed, there are two essential qualities in a believer: he executes justice whenever necessary, with the utmost force and decisiveness and without exhibiting the least trace of feeling; and he displays the utmost love and solicitude whenever they are called for. In these two ways, the believer comes to serve as a refuge for society. Society, with both Muslim and non-Muslim members, will achieve security and tranquility as the result of government exercised by believers, and everybody will live in ease and without fear. The fact that men in our age live in fear of their rulers is because existing governments are not based on law; they are a form of banditry. But in the case of a government headed by someone like the Commander of the Faithful (‘a), that is, in the case of an Islamic government, only the traitors and oppressors—those who transgress and encroach on the rights of their fellows—suffer fear; for the public at large, fear and anxiety are nonexistent.

In the second of the two verses we have quoted, God Almighty says: “O you who believe, obey God and obey the Messenger and the holders of authority among you” (4:59).

According to a certain tradition, the beginning of the first verse (“return trusts to their owners”) is addressed to the Imams (‘a), the next part of that verse, concerning rule with justice, is addressed to those who exercise command, and the second verse (“O you who believe...”) is addressed to the entire Muslim people. God commands them to obey Him by following his divine ordinances, and to obey His Most Noble Messenger (s) as well as the holders of authority (i.e., the Imams) by adhering to their teachings and following their governmental decrees.

I have already said that obedience to the commands of God Almighty is different from obedience to the Most Noble Messenger (s). All the ordinances of divine law, whether or not they relate to worship, are the commands of God and to implement them is to obey God. The Most Noble Messenger (s) did not issue any commands concerning prayer, and if he urged men to pray, it was by way of confirming and implementing God’s command. When we pray, we too are obeying God; obeying the Messenger is different from obeying God.

The commands of the Most Noble Messenger (s) are those that he himself issued in the course of exercising his governmental function, as when, for example, he commanded the Muslims to follow the army of Usamah,[80](#) to protect the frontiers of the Islamic state in certain way, to levy taxes on certain categories of people, and in general to interact with people in certain prescribed ways. All of these were commands of the Prophet (s). God has laid upon us the duty of obeying the Messenger (s). It is also our duty to follow and obey the holders of authority, who, according to our beliefs, are the Imams (‘a). Of

course, obedience to their governmental decrees is also a form of obedience to God. Since God Almighty has commanded us to follow the Messenger (s) and the holders of authority, our obeying them is actually an expression of obedience to God.

The verse we have cited continues: “When you dispute with each other concerning a thing, refer it to God and His Messenger.” Disputes that arise among people are of two kinds. First, there is the dispute arising between two groups or two individuals concerning a particular matter or claim. For example, someone may claim that there is a debt owed him, while the other party denies it; the truth of the matter must then be established, in accordance either with the *shari‘ah* or with customary law.⁸¹ In such cases one must turn to judges, who will examine the matter and deliver an appropriate verdict. The first kind of dispute then, is a civil one.

The second kind of dispute does not concern a disagreement of this type, but relates to oppression and crime. If a robber takes someone’s property by force, for example, or makes illicit use of people’s property, or if a burglar enters someone’s house and carries off his property, the competent authority to whom one should have recourse is not the judge but the public prosecutor. In such matters as this, which relates to penal not civil law (apart from some cases, which are simultaneously civil and penal), it is primarily the public prosecutor who is the guardian of the law and its ordinances and the protector of society. He begins his task by issuing an indictment, and then the judge examines the matter and delivers a verdict. The verdicts issued, whether civil or penal in nature, are put into effect by another branch of power, the executive.

The Qur’an says, then, in effect: “Whenever a dispute arises among you concerning any matter, your point of reference must be God and His ordinances and the Messenger (s), the executor of those ordinances. The Messenger (s) must receive the ordinances from God and implement them. If any dispute arises among you concerning a debt or loan, the Messenger (s) will intervene in his capacity as judge and deliver a verdict. If other disputes arise involving unlawful coercion or the usurpation of rights, again it is to the Prophet (s) that you should have recourse. Since he is the head of the Islamic state, he is obliged to enact justice. He must dispatch an official whose duty is to recover the usurped right and restore it to its owner. Further, in any matter where people had recourse to the Messenger, recourse must be to the Imams, and obedience to the Imams is, in effect, obedience to the Most Noble Messenger (s).”

In short, both of these verses with all their components embrace government in general, as well as judgehood; they are not restricted in any way to the function of judging, quiet aside from the consideration that certain verses of the Qur’an explicitly relate to government in the sense of the executive.

In the next verse, God says: “Have you not looked at those who claim to believe in what was revealed to

you and what was revealed before you? They wish to seek justice from *tughāt* [illegitimate powers], even though they have been commanded to disbelieve in therein” (4:60). Even if we do not interpret *tughāt* as oppressive governments and all illicit forms of power that have revolted against divine government in order to establish monarchy or some other form of rule, we must still interpret it as including both judges and rulers. For customarily, one has recourse to the judicial authorities to initiate legal proceedings and obtain redress and the punishment of the offender, but then, the juridical verdict that they reach must be implemented by the executive power, which usually forms a separate branch of the government. Tyrannical governments—including the judiciary, the executives, and all other components of the state—comprise what is meant by *tughāt*, for they have rebelled against divine command by instituting evil laws, implementing them, and then making them the basis of judicial practice. God has commanded us to disbelieve in them; that is, to revolt against them and their commands and ordinances. All who wish to disbelieve, in this sense, in the *tughāt*—that is, to rise up in disobedience against illegitimate ruling powers—have a formidable duty that they must strive to fulfill as far as they are able.

Now let us examine the tradition known as the *maqḅalah* of ‘Umar ibn Hanzalah to establish its meaning and intent. ‘Umar ibn Hanzalah says: “I asked Imām as-S‘ādiq (‘a) whether it was permissible for two of the Sh‘āh who had a disagreement concerning a debt or a legacy to seek the verdict of the ruler or judge. He replied: ‘Any one who has recourse to the ruler or judge, whether his case be just or unjust, has in reality had recourse to *tughāt* [i.e. the illegitimate ruling power]. Whatever he obtains as result of their verdict, he will have obtained by forbidden means, even if he has a proven right to it, for he will have obtained it through the verdict and judgment of the *tughāt*, that power which God Almighty has commanded him to disbelieve in.” (“They wish to seek justice from illegitimate powers, even though they have been commanded to disbelieve therein” [4:60].)

‘Umar ibn Hanzalah then asked: “What should these two Sh‘āh do then, under such circumstances?” Imām as-S‘ādiq (‘a) answered: “They must seek out one of you who narrates our tradition, who is versed in what is permissible and what is forbidden, who is well acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as judge over you.”⁸²

As both the beginning and the conclusion of this tradition make clear, and also the reference made by the Imām (‘a) to the Qur’anic verse, the scope of the question put to the Imām was general, and the instructions he gave in response were also of general validity. I said earlier that for the adjudication of both civil and penal cases, one must have recourse to judges, as well as to the executive authorities or general governmental authorities. One has recourse to judges in order to establish the truth, reconcile enmities, or determine punishments; and to the executive authorities, in order to obtain compliance with the verdict given by the judge and the enactment of his verdict, whether the case is civil or penal in nature. It is for reason that in the tradition under discussion the Imām (‘a) was asked whether we may have recourse to the existing rulers and powers, together with their judicial apparatus.

In his answer, the Imām (‘a) condemns all recourse to illegitimate governments, including both their executive and their judicial branches. He forbids the Muslims to have recourse in any of their affairs to kings and tyrannical rulers, as well as to the judges who act as their agents, even if they have some well-established right that they wish to have enforced. Even if a Muslim’s son has been killed or his house has been ransacked, he does not have the right of recourse to oppressive rulers in order to obtain justice. Similarly, if a debt is owed to him and he has irrefutable evidence to that effect, again he may not have recourse to judges who are the servants and appointees of oppressors. If a Muslim does have recourse to them in such cases and obtains his undeniable rights by means of those illegitimate powers and authorities, the result he obtains will be *harām*,⁸³ and he will have no right to make use of it. Certain *fuqahā* have even gone so far as to say that, in cases where property is restored, the same rule applies. For example, if your cloak is stolen from you, and you regain it through the intervention of an illegitimate authority, you have no right to wear it. This particular ruling is open to discussion, but there is no doubt in more general cases. For example, if someone has a debt owed to him, and, in order to obtain it, has recourse to a body or authority other than that specified by God, and he subsequently receives his due, he may not legitimately put it to use. The fundamental criteria of the *shar‘ah* make this necessary.

So this is the political ruling of Islam. It is a ruling that makes Muslims refrain from having recourse to illegitimate powers and their appointed judges, so that non-Islamic and oppressive regimes may fall and the top-heavy judicial systems that produce nothing for the people but trouble may be abolished. This, in turn would open the way for having recourse to the Imāms (‘a) and those to whom they have assigned the right to govern and judge. The main purpose was to prevent kings and the judges appointed by them from attaining any form of authority, and people not to follow them. It has been declared to the Islamic nation that they are not authorities whom to be referred for God Himself had commanded men to disbelieve in kings and unjust rulers (i.e., to rebel against them),⁸⁴ and to have recourse to them would conflict with this duty. If you disbelieve in them and regard them as oppressors who are unfit to rule you must not have recourse to them.

What then is the duty of the Islamic community in this respect? What are they to do when new problems occur and dispute arises among them? To what authority should they have recourse? In the tradition previously quoted, the Imām (‘a) said: “They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden”—that is, whenever disputes arise among them, they should seek to have them resolved by those who narrate our *hadith*, are acquainted with what God has made permissible or forbidden, and comprehend our ordinances in accordance with the criteria of reason and the *shar‘ah*. The Imām (‘a) did not leave any room for ambiguity lest someone say: “So, scholars of traditions are also to act as authorities and judges.” The Imām (‘a) mentioned all the necessary qualifications and specified that the person to whom we have recourse must be able to give an opinion concerning what is permissible and forbidden in accordance with the well-known rules, must be knowledgeable with the ordinances of Islam, and must be aware of the criteria needed to identify the

traditions originating in *taqiyyah* or similar circumstances (which are not to be taken as valid). It is obvious that such knowledge of the ordinances of Islam and expertise in the science of tradition is different from mere ability to narrate tradition.

In the same tradition the Imām (‘a) goes on to say: “I appoint him as ruler over you”—that is, “I appoint as ruler over you one who possesses such qualifications; I appoint anyone who possesses them to conduct the governmental and judicial affairs of the Muslims, and the Muslims do not have the right to have recourse to anyone other than him.” Therefore, if a robber steals your property, you should bring your complaint to the authorities appointed by the Imām (‘a). If you have a dispute with someone concerning debt or a loan and you need the truth of the matter to be established, again you should refer the matter to the judge appointed by the Imām (‘a), and not to anyone else. This is the universal duty of all Muslims, not simply of ‘Umar ibn Hanzalah, who, when confronted by a particular problem, obtained the ruling.

This decree issued by the Imām (‘a), then, is general and universal in scope. For just as the Commander of the Faithful (‘a), while he exercised rule, appointed governors and judges whom all Muslims were bound to obey, so, too, Imām as-S̄adiq (‘a), holding absolute authority and empowerment to rule over all the *‘ulamā*, the *fuqahā*, and the people at large, was able to appoint rulers and judges not only for his own lifetime, but also for subsequent ages. This indeed he did, naming the *fuqahā* as “rulers,” so that no one might presume that their function was restricted to judicial affairs and divorced from the other concerns of government.

We may also deduce from the beginning and end of this tradition, as well as from the Qur’anic verse to which it refers, that the Imām (‘a) was not concerned simply with the appointing of judges and did not leave other duties of the Muslims unclarified, for otherwise, one of the two questions posed to him—that concerned with seeking justice from illicit executive authorities—would have remained unanswered.

This tradition is perfectly clear; there are no doubts surrounding its chain of transmission or its meaning. No one can doubt that the Imām (‘a) designated the *fuqahā* to exercise the functions of both government and judgeship. It is the duty of all Muslims to obey this decree of the Imām (‘a).

In order to clarify the matter still further, I will adduce additional traditions, beginning with that of Abū Khadījah.

Abū Khadījah, one of the trusted companions of Imām as-S̄adiq (‘a), relates: “I was commanded by the Imām (‘a) to convey the following message to our friends [i.e., the Shā‘ah]: ‘When enmity and dispute arise among you, or you disagree concerning the receipt or payment of a sum of money, be sure not to refer the matter to one of these malefactors for judgment. Designate as judge and arbiter someone among you who is acquainted with our injunctions concerning what is permitted and what is prohibited,

for I appoint such a man as judge over you. Let none of you take your complaint against another of you to the tyrannical ruling power.’ ”[85](#)

The meaning of the phrase “dispute concerning a thing” relates to civil disputes, so that the first part of the Imām’s decree means that we are not to have recourse to the malefactors. Concerning part of the tradition which says “I appoint such a man as judge over you” it becomes clear that ‘malefactors’ means those judges whom the rulers of the day and illegitimate governments have allowed to occupy the position of judge. The Imām (‘a) goes on to say “Let none of you take your complaint against another of you to the tyrannical ruling power.” That is to say, “Whatever personal disputes arise among you, do not have recourse to tyrannical authorities and illegitimate powers; do not seek their aid in matters relating to the executive.” The expression “tyrannical ruler” refers, in general, to all illegitimate powers and authorities (that is, all non-Islamic rulers) and embraces all three branches of government—judicial, legislative and executive. Considering that earlier in the tradition, recourse to tyrannical judges is prohibited, however, it appears that this second prohibition relates to the executive branch. The final sentence is not a repetition of the preceding statement. First, the Imām prohibits having recourse to impious judges in the various matters that are their concern (interrogation, the establishment of proof, and so on), designates those who may act as judge, and clarifies the duties of his followers. Then he declares that they must refrain from having recourse to illegitimate rulers. This makes it plain that the question of judges is separate from that of having recourse to illegitimate authority; they are two different subjects. Both are mentioned in the tradition of ‘Umar ibn Hanzalah; there, the seeking of justice from both illegitimate authorities and judges is forbidden. In the tradition of Abū Khadijah the Imām (‘a) has appointed only judges, but in that reported by ‘Umar ibn Hanzalah the Imām (‘a) has designated both those who are to act as ruler and executive and those who are to act as judge.

In accordance with the tradition narrated Abu Khadijah, then, the Imām (‘a) designated the *fuqahā* as judges in his own lifetime, and according to that narrated by ‘Umar ibn Hanzalah, he assigned them both governmental and judicial authority. We must now examine whether the *fuqahā* automatically forfeited those functions when the Imām (‘a) left this world? Were all the judges and rulers appointed by the Imāms (‘a) somehow dismissed from their functions when the Imāms (‘a) left?

The governance of the Imāms (‘a) differs, of course, from that of all others; according to the Shi‘ah school, all the commands and instructions of the Imāms (‘a) must be obeyed, both during their lifetime and after their death. But, aside from this consideration, let us see what becomes of the functions and duties they have assigned in this world to the *fuqahā*.

In all existing forms of government whether monarchical, republican, or following some other model, if the head of state dies or circumstances change so that there is a change in administration, military ranks and appointments are not affected. For example, a general will not automatically be deprived of his rank, an ambassador will not be dismissed from his post, and a minister of finance or a provincial or local

governor will not be removed. The new administration or successor administration may, of course, dismiss or transfer them from their posts, but their functions are not automatically withdrawn from them.

Obviously, certain powers do automatically terminate with death of the person who conferred them. Such is the case with *ijāza-yi hasbiyyah*, the authority given to someone by a *faqīh* to fulfill certain tasks on his behalf in a given town; when the *faqīh* dies, this authority expires. But, in another case, if a *faqīh* appoints a guardian for a minor or a trustee for an endowment, the appointments he makes are not annulled by his death but continue in force.

The judicial and governmental functions assigned by the Imāms to the *fuqahā* of Islam are retained permanently. The Imām (‘a) was certainly aware of all aspects of the matter, and there can be no possibility of carelessness on his part. He must have known that in all governments of the world the position and authority of individual officeholders is not affected by the death or departure of the head of state. If he had intended that the right to govern and judge should be withdrawn after his death from the *fuqahā* whom he had designated, he would have specified that to be the case, saying: “The *fuqahā* are to exercise these functions as long as I live.”

According to this tradition, then, the *‘ulamā* of Islam have been appointed by the Imām (‘a) to the positions of ruler and judge, and these positions belong to them in perpetuity. The possibility that the next Imām would have annulled this decree and dismissed the *fuqahā* from these twin functions is extremely small. For the Imām forbade the Muslims to have recourse to kings and their appointed judges for obtaining their rights, and designated recourse to them as equivalent to recourse to the *tāghūt*; then, referring to the verse that ordains disbelief in *tāghūt*,⁸⁶ he appointed legitimate judges and rulers for the people. If his successor as Imām were not to have assigned the same functions to the *fuqahā* or to the new ones, what should the Muslims have done, and how would they have resolved their differences and disputes? Should they have had recourse to sinners and oppressors, which would have been equivalent to recourse to the *tāghūt* and thus a violation of divine command? Or should they have had recourse to no one at all, depriving themselves of all authority and refuge, which would have allowed anarchy to take over, with people freely usurping each other’s property, transgressing against each other’s rights, and being completely unrestrained in all they did?

We are certain that if Imām as-Sādiq (‘a) assigned these functions to the *fuqahā*, neither his son Mūsā (‘a) nor any of the succeeding Imāms (‘a) abrogated them. Indeed, it is not possible for them to have abrogated these functions and said: “Henceforth, do not have recourse to the just *fuqahā* for the settlement of your affairs; instead, turn to kings, or do nothing at all and allow your rights to be trampled underfoot.”

Naturally, if an Imām appoints a judge to a certain city, his successor may dismiss that judge and appoint another in his place, but the positions and functions that have been established cannot

themselves be abolished. That is self-evident.

The tradition that I shall now quote supports the thesis I have been advancing. If the only proof I had were one of the traditions I have been citing, I would be unable to substantiate my claim. Its essence, however, has been proved by the traditions already cited; what follows now is by way of supplementary evidence. Imām as-S̄adiq (‘a) relates that the Prophet (s) said: “For whomever travels a path in search of knowledge, God opens up a path to paradise, and the angels lower their wings before him as a sign of their being well pleased [or God’s being well pleased]. All that is in the heavens and on earth, even the fish in the ocean, seeks forgiveness for him. The superiority of the learned man over the mere worshipper is like that of the full moon over the stars. Truly the scholars are the heirs of prophets (‘a); the prophets bequeathed not a single dinār or dirham; instead they bequeathed knowledge, and whoever acquires it has indeed acquired a generous portion of their legacy.”⁸⁷

The links in the chain of transmission of this tradition are all trustworthy; in fact, Ibrāhīm ibn H̄shim, father of ‘Ali ibn Ibrāhīm, is not moderately trustworthy but outstandingly so. The same tradition has been narrated with a slightly different text by another chain of transmission, one that is sound as far as Abū ‘I-Bukht̄ari although Abū ‘I-Bukht̄ari himself is of questionable reliability. Here is the second version of the tradition: “Muhammad ibn Yahyā relates, on the authority of Ahmad ibn Muhammad ibn S̄ad, who was told it by Muhammad ibn Kh̄lid, to whom it was narrated by Abū ‘I-Bukht̄ari, that Imām Ja‘far as-S̄adiq (‘a) said: ‘The scholars are the heirs of the prophets, for although the prophets bequeathed not a single dinār or dirham, they bequeathed their sayings and traditions. Whoever, then, acquires a portion of their traditions has indeed acquired a generous portion of their legacy. Therefore, see from whom you may acquire this knowledge, for among us, the Family of the Prophet, there are in each generation just and honest people who will repel those who distort and exaggerate, those who initiate false practices, and those who offer foolish interpretations [that is, they will purify and protect religion from the influence of such biased and ignorant people and others like them].’ ”⁸⁸

Our purpose in citing this tradition (which has also been referred to by the late Narāqi) is that it clarifies the meaning of the expression: “The scholars are the heirs of the prophets.” There are several matters that must be explained at this point.

First, who are “the scholars”? Is it intended to mean the scholars of the Muslim community or the Imāms (‘a)? Some people are of the opinion probably the Imāms are intended. But it would appear that, on the contrary, the scholars of the community—the *‘ulamā*—are intended. The tradition itself indicates this, for the virtues and qualities of the Imāms (‘a) that have mentioned elsewhere are quite different from what this tradition contains. The statement that the prophets (‘a) have bequeathed traditions and whoever learns those traditions acquires a generous portion of their legacy cannot serve as a definition of the Imāms. It must therefore refer to the scholars of the community. In addition, in the version narrated by Abū ‘I-Bukht̄ari, after the phrase: “The scholars are the heirs of the prophets,” we read: “Therefore, see

from whom you may acquire this knowledge.” It seems that what is intended here is that, indeed, the scholars are the heirs of the prophets, but one must be careful in the choice of a person from whom to acquire the knowledge the prophets have bequeathed. It will contradict the obvious meaning of the tradition, therefore, to maintain that the Imams are intended by the expression “heirs of the prophets” and that it is from them that people must acquire knowledge. Anyone acquainted with the traditions that relate to the status of the Imams (‘a) and the rank accorded them by the Most Noble Messenger (s) will immediately realize that it is not the Imams but the scholars of the community who are intended in this tradition. Similar qualities and epithets have been used for the scholars in numerous other traditions; e.g., “The scholars of my community are like the prophets preceding me,” and “The scholars of my community are like the prophets of the Children of Israel.”

To conclude, then, it is obvious that the *‘ulam*—the scholars—are intended here.

There is a second objection that might be raised here, which calls for clarification. It might be said that the expression: “The scholars are the heirs of the prophets” cannot be used as a proof of our thesis—the governance of the *faqih*—since the prophets (*anbiya*) have only one dimension of prophethood, which is that they derive knowledge from an exalted source by means of revelation, inspiration, or some other method, and this does not imply or require rule over the people or the believers. If God Almighty has not bestowed leadership and rule on the prophets, they can in no wise possess it; they are only prophets in the narrow sense of the word. If they have been ordained to communicate the knowledge they have received, then it will be their duty at most to communicate it to the people. For in our traditions, a distinction is made between the prophet (*nabi*) and the messenger (*rasul*): the latter has the mission of communicating the knowledge he has received, while the former merely receives it. In addition, the state of prophethood (*nubuwwat*) is different from that of governance (*wilayat*), and it is this titular designation of “prophet” (*nabi*) that has been used in this tradition. The scholars have been made the successors of the prophets with respect to this titular designation, and since this designation does not imply or necessitate governance (*wilayat*), we cannot deduce from the tradition that the scholars are to possess governance. If the Imam had said that the scholars hold the rank of Moses or Jesus, we would naturally infer that the scholars possess all of the aspects and qualities of Moses or Jesus, including governance, but since he did not say this and did not assign to the scholars the rank of any particular person among the prophets, we cannot draw that particular conclusion from the tradition in question.

In answer to this objection, it must first be stated that the criterion for the understanding of traditions and their wording must be common usage and current understanding, not precise technical analysis, and we, too, follow this criterion. Once a *faqih* tries to introduce subtle technical points into the understanding of traditions, many matters become obscured. So, if we examine the expression: “The scholars are the heirs of the prophets” in the light of common usage, will it occur to us that only the titular designation of “prophet” is intended in the tradition, and that the scholars are heirs only to what is implied in that

designation? Or on the contrary, does this expression provide a general principle that can be applied to individual prophets? To put it differently, if we were to ask someone who is aware only of the common usage of word, “Is such-and-such a *faqīh* a successor of Moses and Jesus?” He would answer—in the light of the tradition under discussion—“Yes, because Moses and Jesus are prophets.” Again, if we were to ask, “Is the *faqīh* an heir to the Most Noble Messenger (s)?” he would answer, “Yes, because the Most Noble Messenger is one of the prophets.”

We cannot, therefore, take the word “prophets” as a titular designation, particularly since it is in the plural. If the singular “prophet” were used in the tradition, then it might be possible that only the titular designation was intended, but since the plural is used, it means “every one of the prophets,” not “every one of the prophets with respect to that by virtue of which they are prophets.” This latter sense would indeed indicate that the titular designation exclusively was intended, as distinct from all other designations, so that the expression would come to mean, “The *faqīh* enjoys the stature of the prophet (*nabī*), but not that of the messenger (*rasūl*) nor that of the ruler (*wali*).” Analyses and interpretations like these, however, go against both common usage and reason.

For a third objection, let us suppose that the scholars are given the stature of the prophets with respect to their titular designation, with respect to that by virtue of which they are prophets. We must then regard the scholars as possessing all the attributes that God Almighty has designated the prophets as possessing, in accordance with this same equation of the scholars with the prophets. If, for example, some one says that so-and-so enjoys the same rank as the just and says next that we must honor the just, we infer from the two statements taken together that we must honor the person in question. This being the case, we can infer from the Qur’anic verse: “The prophet has higher claims on the believers than their own selves” (33:6) that the *‘ulamā* possess the function of governance just as the prophet does. For what is implicit in having “higher claims” is precisely governance and command. In commenting upon the verse in question, the work *Majma‘ al-Bahrayn*⁸⁹ cites a tradition of Imām al-Bīqir (‘a): “This verse was revealed concerning governance and command”. The prophet, then, is empowered to rule and govern over the believers, and the same rule and governance that has been established for the Most Noble Messenger (s) is also established for the scholars for both in the verse quoted and in the tradition under discussion the titular designation “prophet” has been used.

We can, moreover, refer to a number of verses that designate the prophet as possessing various qualities and attributes, as, for example: “Obey God and obey the Messenger and the holders of authority from among you” (Qur’an, 4:59). Although a distinction is made in certain traditions between “prophet” and “messenger” with respect to the mode of revelation, rationally and in common usage the two words denote the same meaning. According to common usage, the “prophet” is one who receives tidings from God, and the “messenger” is one who conveys to mankind what he has received from God.

A fourth objection might also be raised. The ordinances that the Most Noble Messenger (s) left are a

form of legacy, even though they are not designated technically as such, and those who take up those ordinances are his heirs. But what proof is there that the function of governance that the Prophet (s) exercised could be bequeathed and inherited? It might be that what could be bequeathed and inherited consisted only of his ordinances and his traditions, for the tradition states that the prophets bequeathed knowledge, or, in the version narrated by Abu 'l-Bukhturi, that they bequeathed “a legacy of their sayings and traditions.” It is apparent, then, that they bequeathed their traditions, but governance cannot be bequeathed or inherited.

This objection is also unjustified. For governance and command are extrinsic and rational matters; concerning these matters, we must have recourse to rational persons. We might ask them whether they regard the transfer of governance and rule from one person to another by way of bequest as possible. For example, if a rational person is asked, “Who is heir to the rule in such-and-such a country?” will he answer that the position of ruler cannot be inherited, or say instead that such-and-such a person is the heir to the crown and the throne? “Heir the throne” is a well-known current expression. There can be no doubt that rationally speaking governance can be transferred from one person to another just like property that is inherited. If one considers first the verse: “The prophet has higher claims on the believers than their own selves,” and then the tradition: “The scholars are the heirs of the prophets,” he will realize that both refer to the same thing: extrinsic matters that are rationally capable of being transferred from one person to another.

If the phrase: “The scholars are the heirs of the prophets” referred to the Imams (‘a)—as does the tradition to the effect that the Imams are the heirs of the Prophet (s) in all things—we would not hesitate to say that the Imams are indeed the heirs of Prophet in all things, and no one could say that the legacy intended here refers only to knowledge and legal questions. So if we had before us only the sentence: “The scholars are the heirs of the prophets” and could disregard the beginning and end of the tradition, it would appear that all functions of the Most Noble Messenger (‘a) that were capable of being transmitted—including rule over people—and that devolved on the Imams after him, pertain also to the *fuqahā*, with the exception of those functions that must be excluded for other reasons and which we too exclude wherever there is reason to do so.

The major problem still remaining is that the sentence: “The scholars are heirs of the prophets” occurs in a context suggesting that the traditions of the prophets constitute their legacy. The authentic tradition narrated by Qaddh reads: “The prophets bequeathed not a single dinār or dirham; instead they bequeathed knowledge.” That related by Abū 'l-Bukhturi reads: “Although the prophets did not bequeath a single dinār or dirham; they bequeathed their sayings and traditions.” These statements provide a context suggesting that the legacy of the prophets is their traditions, and that nothing else has survived of them that might be inherited, particularly since the particle “*innam*” occurs in the text of the tradition, indicating exclusivity.

But even this objection is faulty. For if the meaning were indeed that the Most Noble Messenger (s) had left nothing of himself that might be inherited except his traditions, this would contradict the very bases of our Shi'ah school. The Prophet (s) did indeed leave things that could be inherited, and there is no doubt that among them was his exercise of rule over the community, which was transmitted by him to the Commander of the Faithful ('a), and then to each of the other Imams ('a) in succession. The particle "innam" does not always indicate exclusivity, and indeed there are doubts that it ever does; in addition, "innam" does not occur in the text narrated by Qaddh, but only in that related by Abu 'l- Bukhturi whose chain of transmission is weak, as I have already said.

Now let us examine in turn each of the sentences in the text narrated by Qaddh in order to see whether the context does, in fact, indicate that the legacy of the prophets consists exclusively of their traditions.

"For whoever travels a path in search of knowledge, God opens up a path to paradise." This is a sentence in praise of scholars, but not in praise of *any* scholar, so that we imagine the sentence to be uniformly praising all types of scholar. Look up the traditions in *al-Kafi* concerning the attributes and duties of scholars, and you will see that in order to become a scholar and an heir of the prophets, it is not enough to study a few lines. The scholar also has duties he must perform, and therein lies the real difficulty of his calling.

"The angels lower their wings before him as a sign of their being well pleased with him." The meaning of "lower their wings" is obvious to those who concern themselves with these matters. It is an act signifying humility and respect.

"All that is in the heavens and on earth, even the fish in the ocean, seeks forgiveness for him." This sentence does not require detailed explanation because it is not relevant to our present theme.

"The superiority of the learned man over the mere worshipper is like that of the full moon over the stars." The meaning of this sentence is clear.

"Truly the scholars are the heirs of the prophets." The entire tradition, from its beginning down to and including this sentence, is in praise of the scholars and in exposition of their virtues and qualities, one of these qualities being that they are the heirs of the prophets. Being the heirs of the prophets becomes a virtue for the scholars when they exercise governance and rule over people, like the prophets, and obedience to them is a duty.

The meaning of the next expression in the tradition, "The prophets bequeathed not a single dinar or dirham," is not that they bequeathed nothing but learning and traditions. Rather it is an indication that although the prophets exercised authority and ruler over people, they were men of God, not materialistic creatures trying to accumulate worldly wealth. It also implies that the form of government exercised by

the prophets was different from monarchies and other current forms of government, which have served as means for the enrichment and gratification of the rulers.

The way of life of the Most Noble Messenger (s) was extremely simple. He did not use his authority and position to enrich his material life in the hope of leaving a legacy. What he did leave behind was knowledge, the most noble of all things, and in particular, knowledge derived from God Almighty. Indeed, the singling out of knowledge for mention in this tradition may have been precisely because of its nobility.

It cannot be said that since the qualities of the scholars are mentioned in this verse together with their being heirs to knowledge and not heirs to property, therefore, the scholars are heirs *only* to knowledge and traditions.

In certain cases, the phrase: “What we leave behind is charity” has been added to the tradition, but it does not truly belong there. Found only in Sunni versions of the traditions, it has been added for political reasons.[90](#)

The most we can say with respect to the context these sentences provide for the statement: “The scholars are heirs to the prophets” is that the statement cannot be taken in an absolute sense, which would mean that everything that pertains to the prophets also pertains to the scholars. Nor can the statement, because of its context, be taken in the restricted sense that the scholars are heirs *only* to the knowledge of the prophets. If that were sense, the tradition would contradict the other traditions we quoted earlier in connection with our theme and tend to neglect them. This restricted sense cannot be derived from this.

For the sake of argument, if it were true that this tradition means that the Most Noble Messenger (s), left no legacy but knowledge, and that rulership and governance can be neither bequeathed nor inherited, and if, too, we did not infer from the Prophet’s saying: “Ali is my heir” that the Commander of the Faithful (‘a) was indeed his successor, then we would be obliged to have recourse to *nass*[91](#) with respect to the successorship of the Commander of the Faithful and the remaining Imams (‘a). We would then follow the same method with respect to the exercise of governance by the *faqih*, for according to the tradition cited above, the *fuqah* have been appointed to the function of successorship and rule. Thus, we have reconciled this tradition with those that indicate appointment.

In his ‘*Aw‘id*,[92](#) Narqi quotes the following tradition from the *Fiqh-i Razvi*:[93](#) “The rank of the *faqih* in the present age is like that of the prophets of the Children of Israel.” Naturally, we cannot claim that the *Fiqh-i Razvi* was actually composed by Imam Rid‘ (‘a), but it is permissible to quote it as a further support for our thesis.

It must be understood that what is meant by “the prophets of the Children of Israel” is indeed the prophets, not *fuqah* who lived in the time of Moses and may have been called prophets for some reason or other. The *fuqah* who lived in the time of Moses were all subject to his authority, and exercised their functions in obedience to him. It may be that when he dispatched them somewhere to convey a message, he would also appoint them as “holder of authority”—naturally, we are not precisely informed about these matters—but it is obvious that Moses himself was one of the prophets of the Children of Israel, and that all of the functions that existed for the Most Noble Messenger (s) also existed for Moses, with a difference, of course, in rank, station, and degree. We deduce from the general scope of the word “rank” in this tradition, therefore, that the same function of rulership and governance that Moses exercised exists also for *fuqah*.

The *Jami' al-Akhab*⁹⁴ contains the following tradition of the Most Noble Messenger (s): “On the Day of Judgment I will take pride in the scholars of my community, for the scholars of my community are like the prophets preceding me.” This tradition also serves to support my thesis.

In the *Mustadrak*,⁹⁵ a tradition is quoted from the *Ghur*⁹⁶ to the following effect: “The scholars are rulers over the people.” One version reads “*hukam*” (“wise men”) instead of “*hukk*” (“rulers”), but this appears to be incorrect. According to the *Ghur*, the form “*hukk*” is correct. The meaning of this tradition is self-evident, and if its chain of transmission is valid, it may also serve to support my thesis.

There are still additional traditions that may be quoted. One of them is quoted in *Tuhf al-'Uq*⁹⁷ under the heading: “The Conduct of Affairs and the Enforcement of Ordinances by the Scholars.” This tradition consists of two parts. The first is a tradition transmitted by the Doyen of the Martyrs (‘a) from the Commander of the Faithful, ‘Ali (‘a), and concerns the enjoining of the good and the prohibition of the evil. The second part is the speech of the Doyen of the Martyrs concerning the governance of the *faqih* and the duties that are incumbent upon the *fuqah*, such as the struggle against oppressors and tyrannical governments in order to establish an Islamic government and implement the ordinances of Islam. In the course of this celebrated speech, which he delivered at M⁹⁸nah, he set forth the reasons for his own *jihad* against the tyrannical Umayyad state. Two important themes may be deduced from this tradition. The first is the principle of the governance of the *faqih*, and the second is that the *fuqah*, by means of *jihad* and enjoining the good and forbidding the evil, must expose and overthrow tyrannical rulers and rouse the people so that the universal movement of all alert Muslims can establish Islamic government in place of tyrannical regimes.

This is the tradition.⁹⁹ The Doyen of the Martyrs (‘a) said: “O people, take heed of the counsel God gave His friends when he rebuked the rabbis by saying, ‘Why do their scholars and rabbis not forbid their sinful talk and consumption of what is forbidden [that is, such talk and consumption on the part of the Jews]? Truly what they have done is evil’ (Qur’an, 5:63). Again God says: “Cursed by the tongue of David and Jesus, son of Mary, are those among the Children of Israel who have failed to believe on

account of their rebellion and transgression. They did not prevent each other from committing vile and corrupt acts; truly what they did was abominable!” (Qur’an, 5:78). God blamed and reproached them because they saw with their own eyes the oppressors committing vile and corrupt acts but did not stop them, out of love for the income they received from them as well as fear of persecution and injury. However, God orders us to fear Him, not men, and He says: “And the believing men and women are friends and protectors of each other; they enjoin the good and forbid the evil” (Qur’an, 9:71).

“We see that this verse, in the course of enumerating the attributes of the believers, the attributes that indicate mutual affection, solitude, and desire to guide each other, God begins with enjoining the good and forbidding the evil, considering this the prime duty. For He knows that if this duty is performed and is established within society, performance of all other duties will follow, from the easiest to the most difficult. The reason for this is that enjoining the good and forbidding the evil means summoning people to Islam, which is a struggle to establish correct belief in the face of external opposition, while at the same time vindicating the rights of the oppressed; opposing and struggling against oppressors within the community; and endeavoring to ensure that public wealth and the income derived from war are distributed in accordance with the just laws of Islam, and that taxes [*zakāt* and all other forms of fiscal income, whether compulsory or voluntary] are collected, levied, and expended in due and proper form.

“O scholars, you who are celebrated and enjoy good repute on account of your learning! You have achieved fame in society because of your devotion, the good counsel you impart, and the guidance you dispense. It is on account of God that men venerate and stand in awe of you, so that even the powerful fear you and feel compelled to rise respectfully before you, and men who are not subject to you and over whom you hold no authority willingly regard themselves as your subordinates and grant you favors they deny themselves. When the people do not receive their due from the public treasury, you intervene and act with the awesomeness and imperiousness of monarchs and the stature of the great. Have you not earned all these forms of respect and prestige because of men’s hopes that you will implement God’s laws, even though in most instances you have failed to do so?

“You have failed to enforce most of the rights you were entrusted to preserve. For instance, you have neglected the rights of the oppressed and the lowly, squandered the rights of the weak and the powerless, but pursued assiduously what you regard as your personal rights. You have not spent your money or risked your lives for the sake of the One Who gave you life, nor have you fought against any group or tribe for the sake of God. You desire, and regard it as your due, that He should grant you paradise, the company of the Prophet, and security from hellfire in the hereafter. You who have such expectations of God, I fear that the full weight of His wrath will descend upon you, for although it is by his might and glory that you have achieved high rank, you show no respect to those who truly know God and wish to disseminate their knowledge while you yourselves enjoy respect among God’s bondsmen on His account.

“I am also afraid for you for another reason: you see the covenants enacted with God¹⁰⁰ being violated and trampled underfoot; yet you show no anxiety. When it comes to the covenants enacted with your fathers, you become greatly disturbed and anxious if they are only violated in part, but the pledges you have given to the Most Noble Messenger¹⁰¹ are a matter of complete indifference to you. The blind, the dumb, and the poverty-stricken cultivators of the land everywhere lack protectors and no mercy is shown them. You do not behave in accordance with your function and rank, nor do you support or pay any regard to those who do so behave and who strive to promote the standing of the religious scholars. You purchase your safety from the oppressive ruling powers with flattery, cajolery and compromise.

“All these activities have been forbidden you by God, and He has, moreover, commanded you to forbid each other to engage in them, but you pay no attention. The disaster that has befallen you is greater than what has befallen others, for the true rank and degree of *‘ulam* has been taken away from you. The administration of the country, the issuing of judicial decrees, and the approving of legislative programs should actually be entrusted to religious scholars who are guardians of the rights of God and knowledgeable about God’s ordinances concerning what is permitted and what is forbidden. But your position has been usurped from you, for no other reason than that you have abandoned the pivot of truth—the law of Islam and God’s decree—and have disagreed about the nature of the Sunnah, despite the existence of clear proofs.

“If you were true men, strong in the face of torture and suffering and prepared to endure hardship for God’s sake, then all proposed regulations would be brought to you for your approval and for you to issue; authority would lie in your hands. But you allowed the oppressors to take away your function, and permitted that the government, which is supposed to be regulated by the provisions of the *shar‘ah*, to fall into their hands so that they administer it on the shaky basis of their own conjectures and suppositions and make arbitrariness and the satisfaction of lust their consistent practice. What enabled them to gain control of government was your fleeing in panic from being killed, your attachment to the transitory life of this world. With that mentality and the conduct it inspires, you have delivered the powerless masses into the clutches of the oppressors. While some cringe like slaves under the blows of the oppressors, and others search in misery and desperation for bread and water, the rulers are entirely absorbed in the pleasures of kingship, earning shame and disgrace for themselves with their licentiousness, following evil counselors, and showing impudence toward God. One of their appointed spokesmen mounts the *minbar*¹⁰² in each city. The soil of the homeland is defenseless before them, and they grab freely whatever they want of it. The people are their slaves, and are powerless to defend themselves. One ruler is a dictator by nature, malevolent and rancorous; another represses his wretched subjects ruthlessly, plundering by imposing on them all kinds of burdens; and still another refuses in his absolutism to recognize either God or the Day of Judgment! Is it not strange—how can one not think it strange—that society is in the clutches of a cunning oppressor whose tax collectors are oppressors and whose governors feel no compassion or mercy toward the believers under their rule?

“It is God Who will judge concerning what is at dispute among us and deliver a decisive verdict concerning all that occurs among us.

“O God! You know that everything we did [that is, the struggle in which they had recently engaged against the Umayyads] was not prompted by rivalry for political power, nor by a search for wealth and abundance; rather it was done in order to demonstrate to men the shining principles and values of Your religion, to reform the affairs of Your land, to protect and secure the indisputable rights of Your oppressed servants, and to act in accordance with the duties You have established and the norms, laws, and ordinances You have decreed.

“So, O scholars of religion! You are to help us reach this goal, win back our rights from those powers who have considered it acceptable to wrong you and who have attempted to put out the light kindled by your Prophet. God the One suffices us—upon Him do we rely, to Him do we turn, in His hands lies our fate, and to Him shall we return.”

When the Doyen of the Martyrs (‘a) said at the beginning of this sermon: “O people, take heed of the counsel God gave His friends when He rebuked the rabbis,” his address was not restricted to a particular group of people—those present in the assembly, the inhabitants of a certain city, town, or country, or even all people alive in the world at the time. Rather it embraces all who hear the summons at whatever time, for it begins with the expression “O people” (*yā ayyuha ‘n-nās*), which occurs in the Qur’an with the same universal meaning. [103](#) When God rebukes the rabbis—the Jewish scholars—and condemns their behavior, He is at the same time addressing His friends (*awliyā*) and advising them. The word “*awliyā*” means here those who have set their faces toward God and hold responsible positions in society, not the Twelve Imāms. [104](#)

God says in the verse we are examining: “Why do their scholars and rabbis not forbid their sinful talk and consumption of what is forbidden? Truly what they have done is evil.” Thus He reproaches the rabbis and Jewish religious scholars for failing to prevent the oppressors’ sinful talk—a term that includes lying, slander, distorting the truth, and so forth—and consumption of what is forbidden. It is obvious that, this reproach and upbraiding is not confined to the scholars of the Jews, nor for that matter to those of the Christians; it applies also to the religious scholars in Islamic society, or indeed, any other society. If the religious scholars of Islamic society are silent, therefore, in the face of the policies of the oppressors, they too are reproached and condemned by God; and here there is no distinction between scholars of the past, present, and future—they are equal in this regard. The Doyen of the Martyrs (‘a) made reference to this verse of Qur’an so that the religious scholars of Islamic society would take heed, awaken, and no longer neglect their duty of enjoining the good and forbidding the evil or stay silent in the face of the oppressive and deviant ruling classes.

There are two points to which he draws attention by citing this verse. First, the religious scholars’ neglect

of their duties is more harmful than the failure of others to perform their normal duties. If a bazaar merchant, for example, does something wrong, it is only he who suffers the harm that results. But if the religious scholars fail in fulfilling their duties, by keeping silent, let us say, in the face of tyranny, Islam itself suffers as a result. But if, on the contrary, they act in accordance with their duty and speak out when they should, eschewing silence, then Islam itself will benefit.

Secondly, although all things contrary to the *shar‘ah* must be forbidden, emphasis has been placed on sinful talk and consumption of what is forbidden, implying that these two evils are more dangerous than all the others and must therefore be more diligently combated. Sometimes the statements and propaganda put forth by oppressive regimes are more harmful to Islam and the Muslims than their actions and policy, endangering the whole repute of Islam and the Muslims. God reproaches the religious scholars, therefore, for failing to prevent the oppressors from uttering dishonest words and spreading sinful propaganda. He says in effect: “Why did they not denounce the man who falsely claimed to be God’s vicegerent on earth and the instrument of His will, who claimed to be enforcing God’s laws in the right way and to have a correct understanding and practice of Islamic justice, even though he was incapable of comprehending what justice is? Claims like these are a form of sinful talk that is extremely harmful to society. Why did the religious scholars not prevent them from being made? The tyrants who uttered this nonsense talk and committed treason and brought evil innovations¹⁰⁵ into Islam; why did the religious scholars not stand in their way and make them desist from these sins?

If someone interprets God’s ordinances in a way displeasing to Him, thus introducing an evil innovation in Islam, or executes laws that are anti-Islamic, claiming to be acting in accordance with the requirements of Islamic justice, it is the duty of the religious scholars to proclaim their opposition. If they fail to do so, they will be cursed by God, as is apparent both from the verse under discussion and from this tradition: “When evil innovations appear, it is the duty of the scholars to bring forth his knowledge [by condemning them]; otherwise, God’s curse will be upon him.”

In such cases, the expression of opposition and the expounding of God’s teachings and ordinances that stand in contradiction to innovation, oppression, and sin, are also useful in themselves, for they make the masses aware of the corruption of society and the wrongdoing of the treacherous, sinful, and irreligious rulers. The people will then rise up in revolt and refuse to collaborate any longer with the tyrants or to obey corrupt and treacherous ruling powers. The expression of opposition by religious scholars is a form of “forbidding the evil” on the part of the religious leadership, which creates in its wake a wave of broad opposition and “forbidding the evil” on the part of all religiously inclined and honorable people. If the oppressive and deviant rulers do not bow to the wishes of such an oppositional movement by returning to the straight path of Islam and obedience to God’s laws, but attempt to silence it by force of arms, they will, in effect, have engaged in armed aggression against the Muslims and acquired the status of a rebellious group (*fī’a b‘ghiya*). It will then be the duty of the Muslims to engage in an armed *jihād* against that ruling group in order to make the policies of the ruling society and the norms of

government conform to the principles and ordinances of Islam.

It is true that at present, you do not have the power to prevent the innovative practices of the rulers or to halt the corruption in which they are engaged. But at least do not stay silent. If they strike you on head, cry out in protest! Do not submit to oppression; such submission is worse than oppression itself. In order to counteract their press and propaganda apparatus, we must create our own apparatus to refuse whatever lies they issue and to proclaim that Islamic justice is not what they claim it is, but on the contrary, has a complete and coherent program for ordering the affairs of the family and all Muslim society. All these matters must be made clear so that people can come to know the truth and coming generations will not take the silence of the religious leaders as proof that the deeds and policies of the oppressors conform to the *sharī'ah*, and that the perspicacious religion of Islam allows them to “consume what is forbidden,” or in other words, to plunder the wealth of the people.

Since the range of thought of some people is confined to the mosque we are now sitting in and is incapable of extending any further, when they hear the expression “consumption of what is forbidden,” they can only think of some corner grocer whose is (God forbid) selling his customers short. They never think of the whole range of more important forms of “consuming what is forbidden,” of plunder. Huge amounts of capital are being swallowed up; our public funds are being embezzled; our oil is being plundered; and our country is turned into a market for expensive, unnecessary goods by the representatives of foreign companies, which makes it possible for foreign capitalists and their local agents to pocket the people’s money. A number of foreign states carry off our oil after drawing it out of the ground, and the negligible sum they pay to the regime they have installed returns to their pockets by other routes. As for the small amount that goes into the treasury, God only knows what it is spent on. All of this is a form of “consumption of what is forbidden” that takes place on an enormous scale, in fact on an international scale. It is not merely an evil, but a hideous and most dangerous evil. Examine carefully the conditions of society and the actions of the government and its component organs, and then you will understand what hideous “consumption of what is forbidden” is taking place now. If an earthquake occurs in some corners of the country, it too becomes a means for the ruling profiteers to increase their illegal income: they fill their pockets with money that is supposed to go to the victims of the earthquake. Whenever our oppressive, anti-national rulers enter into agreements with foreign states or companies, they pocket huge amounts of our people’s money and lavish additional huge sums on their foreign masters. It is a veritable flood of forbidden consumption that sweeps past us, right before our eyes. All this is misappropriation of wealth goes on and on: in our foreign trade and in the contracts made for the exploitation of our mineral wealth, the utilization of our forests and other natural resources, construction work, road building, and the purchase of arms from the imperialists, both Western and communist.

We must end all this plundering and usurpation of wealth. The people as a whole have a responsibility in this respect, but the responsibility of the religious scholars is graver and more critical. We must take the lead over other Muslims in embarking on this sacred *jihād*, this heavy undertaking; because of our rank

and position, we must be in the forefront. If we do not have the power today to prevent these misdeeds from happening and to punish these embezzlers and traitors, these powerful thieves that rule over us, then we must work to gain that power. At the same time, to fulfill our minimum obligation, we must not fail to expound the truth and expose the thievery and mendacity of our rulers. When we come to power, we will not only put the country's political life, economy, and administration in order, we will also whip and chastise the thieves and the liars.

They set fire to the Masjid al-Aqsá. [106](#) We cry out: "Leave the Masjid al-Aqsá half-burned to the ground; do not erase all traces of the crime!" But the Sháh's regime opens an account, sets up a fund, and starts collecting money from the people supposedly to rebuilt the Masjid al-Aqsá, but really to fill the pockets of our rulers while also covering up the crime committed by Israel.

These are the disasters that are afflicting the nation of Islam, and that have brought us to our present state. Is it not duty of the scholars of Islam to speak out about all this? "Why do their rabbis not forbid their consumption of what is forbidden"? why do our Muslims scholars not protect? Why do they say nothing about all this plundering?

To return to the sermon of the Doyen of the Martyrs ('a), he continues with a reference to the verse: "Cursed are those among Children of Israel who have failed to believe" (5:78). This is not relevant to our present discussion. Then he says: "God reproached and blamed them [the rabbis] because they saw with their own eyes the oppressors committing vile and corrupt acts but did not stop them." According to the Doyen of the Martyrs, their silence was due to two factors: greed and baseness. Either they were covetous persons who profited materially from the oppressors, accepting payment to keep quiet, or they were faint-hearted cowards who were afraid of them.

Consult the traditions referring to enjoining the good and forbidding the evil. There the conduct of those who constantly invent excuses in order to escape from doing their duty is condemned and their silence is considered shameful. "God says: 'Do not fear men, but fear Me' (2: 150). This verse means roughly: 'Why do you fear men? Our friends (*awliyá*) have given up their lives for the sake of Islam; you should be prepared to do the same.'

"Elsewhere in the Qur'an God also says: "The believers, men and women, are friends and protectors to each other; they enjoin the good and forbid the evil;...they establish the prayer, pay the *zakát*, and obey God and His Messenger' (9:71). In this verse, God mentions the duty of enjoining the good and forbidding the evil first because He knows that if this duty is correctly performed, all other duties, whether easy or difficult, will fall into place. For enjoining the good and forbidding the evil means summoning men to Islam while at the same time remedying oppression, opposing the oppressor, making just distribution of the spoils of war, and levying and spending taxes in just and due form."

If the duty of enjoining the good and forbidding the evil is properly performed, all other duties will automatically fall into place. If the good is enjoined and the evil forbidden, the oppressors and their agents will be unable to usurp the people's property and dispose of it according to their own whims; they will be unable to squander the taxes taken from the people. For he who enjoins the good and forbids the evil actively calls men to Islam by remedying injustice and opposing the oppressor.

Enjoining the good and forbidding the evil has been made a duty primarily for the sake of accomplishing these high aims. We have restricted it, however, to a narrow category of affairs where harm is suffered chiefly by the individual who is guilty of a sin by deed or by omission. We have the idea firmly in our heads that the instances of evil we are called upon to combat (*munkar*) are only the things we encounter or hear about in everyday life. For example, if someone plays music while we are riding on the bus,¹⁰⁷ or the owner of a coffee house does something wrong, or someone eats in the middle of the bazaar during Ramadan,¹⁰⁸ we regard all these things as instances of evil we must denounce. Meanwhile, we remain totally oblivious to far greater evils. Those who are destroying the welfare of Islam and trampling on the rights of the weak---it is they whom we must force to desist from evil.

If a collective protest were made against the oppressors who commit an improper act or crime, if several thousand telegrams were sent to them from all the Islamic countries telling them to desist, to relinquish their errors, they certainly would desist. If every time a step were taken or a speech given against the interests of Islam and the welfare of the people, those responsible were condemned throughout the country, in every single village and hamlet, they would be obliged to retreat. Could they possibly do otherwise? Never! I know them; I know what kind of people they are. They are very cowardly and would retreat very quickly. But if they see that we are more gutless than they are, they will give themselves airs and do whatever they want.

When the *'ulamā* of Qum met and banded together on one occasion, and the provinces supported them by sending delegations and delivering speeches to show their solidarity, the regime retreated and canceled the measures we were objecting to.¹⁰⁹ Afterwards, they were able to cool our enthusiasm and weaken us; they divided us up and invented a separate "religious duty" for each of us. As a result of the differing opinions that appeared among us, they grew bold again, and now they do whatever they want with the Muslims and this Islamic country of ours.

The Doyen of the Martyrs (a) speaks of "summoning men to Islam while at the same time remedying oppression and opposing the oppressors"; it is for the sake of these great aims that enjoining the good and forbidding the evil has been made a duty. If some poor grocer does something wrong, he has not harmed Islam, but only himself. In performing our duty of enjoining the good and forbidding the evil, we must pay closest attention to those who harm Islam and those who, under various pretexts, plunder the people's means of livelihood.

On occasion we read in the paper—sometimes it is stated humorously, sometimes seriously—that many of the items collected for the victims of floods or earthquakes are picked up by our rulers for their own use. One of the *'ulam* of Malaya told me that the people had wanted to send a truckload of shrouds for the victims of some disaster, but the police refused to let them through, and even tried to confiscate the load! “Enjoining the good and forbidding the evil” is more imperative in such cases.

Now let me ask you, were the subjects mentioned by the Doyen of the Martyrs (‘a) in his sermon addressed only to his companions who were gathered around him listening to his words? Does not the phrase “O people, take heed” address us too? Are we not included in “people”? Should we not profit from this address of the Doyen of the Martyrs (‘a)?

As I stated at the beginning of this discussion, the subjects contained in the sermon of the Doyen of the Martyrs (‘a) were not intended for a single group or class. His address was more in the nature of a circular directed to all commanders, ministers, rulers, *fuqah*—and in short, to the whole world, particularly those who are alive and fully conscious. The circulars he issued belong together with the Qur’an in the sense that they demand our obedience until the Day of Resurrection. The verse referred to in the address speaks only of the Jewish scholars and rabbis, but its purport is universal. The Jewish scholars and rabbis were condemned by God because fear or covetousness made them keep silent in the face of the misdeeds of the oppressors, whereas if they had spoken or cried out in protest, they could have prevented oppression from occurring. If the *'ulam* of Islam likewise fail to rise up against the oppressors and remain silent instead, they too will be condemned.

After addressing the people in general, the Doyen of the Martyrs (‘a) then turns to a particular group, the *'ulam* of Islam, and tells them: “You enjoy prestige and standing in society; the nation of Islam respects and venerates you. You are held in awe and have high standing in society because you are expected to rise up against the oppressors in defense of the truth and to compel the oppressor to enforce the rights of the oppressed. Men have placed their hopes in you for the establishment of justice and the prevention of transgression by the oppressors.

“Thus you have reached a certain station and rank. But you have failed to perform the duties of your station. If some harm were to befall the father of one of you, or if—God forbid—someone were to insult him, you would be greatly distressed and would cry out in protest. But now that God’s covenants are being violated before your very eyes and Islam is being dishonored, you keep silent and are not distressed even in your hearts for if you were distressed, you would be bound to raise your voices in protest. The blind, the dumb, and the poverty-stricken cultivators of the land are being destroyed and nobody shows any concern; no one is concerned for the wretched, barefooted people.”

Do you imagine all that bombastic propaganda being broadcast on the radio is true? Go and see for yourselves at first hand what state our people are living in. Not even one, out of two hundred villages

has a clinic. No one is concerned about the poor and the hungry, and they do not allow the measures Islam has devised for the sake of the poor to be implemented. Islam has solved the problem of poverty and inscribed it at the very top of its program: “*Sadaqat* is for the poor.”¹¹⁰ Islam is aware that first, the conditions of the poor must be remedied; the conditions of the deprived must be remedied. But *they* do not allow the plans of Islam to be implemented.

Our wretched people subsist in conditions of poverty and hunger, while the taxes that the ruling class extorts from them are squandered. They buy Phantom jets so that pilots from Israel and its agents can come and train in them in our country.¹¹¹ So extensive is the influence of Israel in our country—Israel, which is in a state of war with the Muslims, so that those who support it are likewise in a state of war with the Muslims—and so great is the support the regime gives it, that Israeli soldiers come to our country for training! Our country has become a base for them! The markets of our country are also in their hands. If matters go on this way, and the Muslims continue to be apathetic, the Muslims will lose all say in the commercial life of the country.

To return to the address of the Doyen of the Martyrs (‘a): “You have not made proper use of your station. Not only you do nothing yourselves; you fail to support the person who does want to do his duty. The only source of concern and satisfaction for you is that you have the support and respect of the oppressor, that he addresses you as ‘Noble Shaykh’! What the nation suffers at the hands of the government is of no concern to you. The disaster that has befallen you is greater than what has befallen others for the true rank and degree of ‘*ulam*’ has been taken away from you. The administration of affairs and the implementation of law ought to be undertaken by those who are knowledgeable concerning God and are trustees of God’s ordinances concerning what is permitted and what is forbidden. But that rank has been taken away from you.”

The Imām (‘a) could have said at this point: “What is my right has been taken away from me, but you have not come to my aid,” or, “The rights of Imāms have been taken away, but you have kept silent.” Instead, he spoke of those “knowledgeable concerning God” (*al-‘ulam bi-’Ilh*), meaning the religious scholars (*rabbāniyyin*) or leaders. Here he is not referring to the philosophers or mystics, for the person knowledgeable concerning God is the one who is learned in God’s ordinances. It is such a person who is designated as a religious scholar (*rāhāni* or *rabbāni*), naturally on condition that spirituality (*rāhāniyyat*) and orientation to God Almighty be fully apparent in him.

The Imām went on: “But your position has been usurped from you, for no other reason but that you have abandoned the pivot of truth and have disagreed about the nature of the Sunnah, despite the existence of clear proofs. But if you were to show strength in the face of hardship and suffering for God’s sake, then the conduct of affairs, as willed by God, would be restored to you; command and authority would be yours.”

If you were to act correctly and perform your duty, you would see that the conduct of affairs would be

bound over to you. If the form of government willed by Islam were to come into being, none of the governments now existing in the world would be able to resist it; they would all capitulate. But unfortunately, we have failed to establish such a government. Even in the earliest age of Islam, its opponents hindered its establishment and prevented governments from being entrusted to the person chosen by God and His Messenger precisely in order to prevent what has happened.

“You allowed the oppressors to take away your functions.” When you failed to perform your duties and abandoned the task of government, it became possible for the oppressors to take over the position that was legitimately yours. “You allowed the affairs of God to fall into their hands, so they came to conduct them on the basis of their suppositions and arbitrary desires. What enabled them to win this control was your panic-stricken flight from being killed, and your attachment to the life of this world. You have delivered the powerless into their clutches, so that some of the people are now subjugated like slaves and others are deprived of even their livelihood.” All of this applies to the age we live in; in fact, it applies more fully to the present than to the time of the Imām (‘a). “The rulers are entirely absorbed in the pleasures of kingship, earning shame and disgrace for themselves with their licentiousness, following evil counselors, and showing impudence toward God. One of their appointed spokesmen mounts the *minbar* in each city to tell lies.” In those days preachers would praise the oppressors from the *minbar*. Today, radio stations fill the air with propaganda on their behalf and maliciously misrepresent the ordinances of Islam.

“The earth is defenseless against them.” Now, too, the oppressors can freely exploit the earth, without any obstruction; there is no one to stand in their way. “They grab freely whatever they want [of the earth]. The people are their slaves and are powerless to defend themselves. One ruler is an obstinate tyrant, while another represses his wretched subjects ruthlessly, and still another refuses in his absolutism to recognize God as the beginning and end of all things. Is it not strange—how could one not think it strange—that the world is in the clutches of cunning tyrants, oppressive tax collectors, and governors who have no compassion for the believers under their rule?

“It is God Who will judge concerning what is at dispute among us, and deliver a decisive verdict concerning all that occurs among us.

“O God! You know that everything we did was not prompted by rivalry for political power, nor by desire for the chattels of this world. Rather, it was done in order to demonstrate the signs of Your religion, to reform the affairs of your land, to protect the oppressed among Your servants, and to act in accordance with the duties, norms, and ordinances You have established.

“So, O scholars of religion! Help us reach our goal and obtain our rights. The oppressors will wax strong in their efforts against you and will attempt to put out the light kindled by your Beloved [the Prophet]. But God suffices us; upon Him do we rely, to Him we do turn, and to Him is our journeying.”

As we said, the entire address from beginning to end is addressed to the *'ulamā*. There is no indication that the person intended by the expression “those knowledgeable about God” are the Imāms (‘a). They are the scholars of Islam, the *rabbāniyyīn*. The designation *rabbāni* refers to one who believes in God, fulfills God’s ordinances, and is knowledgeable concerning those ordinances, as a trustee of God’s decrees concerning what is permitted and what is forbidden.

When the Imām (‘a) said that the conduct of affairs belongs to the *'ulamā*, he did not mean to restrict this function to a period of ten or twenty years, or simply to the city and people of Medina. It is apparent from the whole speech that his meaning was more universal, that he had in mind a vast community that would undertake the establishment of justice.

If the *'ulamā* who are the trustees of God’s decrees concerning what is permitted and what is forbidden, and who possess the two characteristics of knowledge and justice as set forth above—if they were to implement God’s ordinances, to execute the penal provisions of the law, and generally to conduct and administer the affairs of the Muslims, the people would no longer be hungry and wretched and the laws of Islam would no longer be in abeyance.

The tradition containing this noble speech, then, is part of the evidence supporting our thesis, the governance of the *faqāh*. Were its chain of transmission not weak, we could cite it as a direct proof. Even as it stands, we might say that the content of the tradition, being veracious, bears witness that it was uttered by one of the *ma’sūmīn*. [112](#)

We have now completed our discussion of the governance of the *faqāh*; we have nothing further to say on the subject. There is no need to go into details such as the manner in which *zakāt* is to be collected or spent, or how the penal provisions of the law are to be implemented. We have set forth the main principles of the subject and shown that the same governance that was exercised by the Most Noble Messenger (s), and by the Imāms (‘a), is also the prerogative of the *fuqahā*. There can be no doubt about this. If there is any evidence, however, that in certain specific cases the *faqāh* does not possess the same right of governance, we naturally exclude such cases from the operation of the general rule.

As I stated previously, the subject of the governance of *faqāh* is not something new that I have invented; since the very beginning, it has been mentioned continually.

The ruling given by the late Mārzī Hasan Shirāzi [113](#) prohibiting the use of tobacco was in effect a governmental ruling; hence all other *fuqahā* were obliged to follow it, and indeed the great *'ulamā* of Iran did follow it, with only a few exceptions. It was not a judicial ruling on a matter being disputed by a few individuals, based purely on his own determination. It was instead a governmental ruling based on the interests of Islam and the Muslims and his determination of a secondary consideration (*'unvān-i-*

sanavi). [114](#) As long as this secondary consideration obtained, the ruling retained its validity, and when the consideration no longer applied, the decree also ceased to apply.

Again, when Mīrzā Muhammad Taqi Shirāzi [115](#) gave orders for *jihād*—or “defense,” they called it—all the ‘*ulamā* obeyed, because his order was a governmental ruling.

It is related that the late Kāshif al-Ghitā [116](#) also used to expound much of what I have said. Among other modern scholars, the late Narāqi also was of the opinion that the *fuqahā* are entitled to exercise all the worldly functions of the Most Noble Messenger (s). The late Nā’ini also believed that the doctrine of the governance of the *faqh* may be deduced from the *maqbalā* of ‘Umar ibn Hanzalah. [117](#)

In any case, this subject is by no means new. I have simply examined it at greater length with reference to the different branches of government, to give the subject greater clarity for my listeners. In accordance with the commands of God Almighty, as expressed in His Book and by the tongue of His Most Noble Messenger (s), I have also set forth certain matters of importance to the present age.

We have stressed the main principles of the subject. Now it is up to the present and future generation to discuss it further and reflect upon it, and to find a way to translate it into reality, eschewing all forms of apathy, weakness and despair. God Almighty willing, by means of mutual consultation and the exchange of views, they will develop a method for establishing an Islamic government with all its various branches and departments. They will entrust the affairs of government to persons who are honest, intelligent, believing, and competent and remove traitors from the control of the government, the homeland, and the treasury of the Muslims. Let them be assured that God Almighty is with them.

[1.](#) It is referring to the Prophet’s appointment of Imām ‘Ali as his successor at a gathering near the pool of Khumm during his return to Medina from Mecca, after having performed the last pilgrimage in his life. See Muhammad Bāqir as-Sadr, *Ghadir* (Qum: Ansariyan Publications); Ahlul Bayt Digital Islamic Library Project, The Event of Ghadīr Khumm in the Qur’ān, Hadīth, History, <http://www.al-islam.org/ghadir> [1]. An article entitled, Did the Prophet (s) Appointed a Successor translated in various languages of the world is available at: <http://www.al-islam.org/nutshell> [2]. (Pub.)

[2.](#) The attribution of errors to Abū Bakr and ‘Umar and deviations to ‘Uthmān is a part of Shī‘ī belief and is entirely to be expected in this context. See Ibn Abil Hadīd, *Sharh-i Nahj al-Balāghah*, vol. 2, commentary on Sermon 30, pp. 126–161 and pp. 324–333; vol. 3, commentary on Sermon 43, 3–69; vol. 9, commentary on Sermon 135, pp. 3–30; and *Al-Ghadīr*, vol. 8, pp. 97–323. Worthy of note, however, is the statement here that Abū Bakr and ‘Umar adhered to the example of the Prophet in their personal lives. See also the statement on p. 37. (Pub.)

[3.](#) Hijāz: the region in Western Arabia that includes Mecca and Medina.

[4.](#) *Bihār al-Anwār*, vol. 40, p. 324.

[5.](#) After the Revolution, extensive evidence came to light of misappropriation of the religious endowment. Land was being given to cabaret singers and members of the royal family by the state-controlled administration of the endowments. See the articles on this subject in the Tehran daily *Kayhān*, *Isfand* 27, 1357/March 18, 1979. Concerning attempts by the regime to build a cinema in Qum, see S.H.R., *Barrasā va Tahliq az Nihzat-i Imām Khumaynī* (Najaf? 1356 Sh./1977), pp. 103–104.

[6.](#) A reference to the coronation ceremonies of 1967.

[7.](#) Concerning the precise meaning of “justice,” see n. 21 above.

[8.](#) Imām ‘Ali (‘a) said: “O men! The most qualified among men for the caliphate is he who is most capable and

knowledgeable of Allah's commands." Nahj al-Balaghah, Sermon 172. See Al-Ihtijaj, vol. 1, p. 229; Bihār al-Anwār, vol. 25, "Kitāb al-Imāmah," "Bāb Jam' fī Sifāt al-Imām," p. 116. (Pub.)

9. The reference here is to certain shortcomings Shū'ah traditionally perceived in the exercise of rule by Abū Bakr. See 'Allāmah Hilli, Kashf al-Murād fī Sharh Tajrīd al-Itiqād, 'Destination' (Maqsad) 5, 'Issue' (Mas'alah) 6. (Pub.)

10. Imām Ja'far as-Sādiq ('a) said: "The king is sovereign over the people while the scholar is the authority over the king." Bihār al-Anwār, vol. 1, "Kitāb al-'Ilm," sec. 1, hadīth 92, p. 183. (Pub.)

11. Fuqahā: the plural of faqīh (see n. 1 above).

12. The words of God's since they are Qur'anic, but in the context in which they appear, the speaker is Abraham. After asking God that prophethood be vested in his progeny, Abraham excludes any of his descendants who might be wrongdoers from exercising the prophetic function. For an elaborate commentary on this verse (Q 2:124), see Mūr Ahmad 'Ali, Text, Translation and Commentary of the Holy Qur'an (Elmhurst, NY: Tahrike Tarsile Qur'an, Inc., 1988), pp. 146–154, <http://www.al-islam.org/quran> [3]. (Pub.)

13. Occultation: see n. 27 above.

14. The "governance" (vilāyat) of the faqīh is extrinsic (i'tibārī) to his person; he exercises it only by virtue of the acquired attribute of just faqīh.

15. Taxable lands: those acquired by the Muslims under the Prophet (s) or the Islamic ruler. These lands belong to all Muslims and therefore non-sellable. The Islamic government leases them and their accrued income is called kharāj. (Pub.)

16. The "governance" (vilāyat) of the Imāms is intrinsic to their persons, unlike that of the fuqahā; moreover, its scope is not limited to men but embraces the whole of creation. They therefore exercise "cosmic governance" (vilāyat-i takvīnī), in part through the performance of miracles. This form of vilāyat is common to the Imāms and to the foremost of the prophets, who exercised a governmental function while also propagating a divine message. The statement here that "no one can attain the spiritual status of the Imāms, not even the cherubim or the prophets" thus carries the strict sense that the Imāms are superior to those prophets whose mission lacked the dimension of governmental leadership. Concerning the different types of vilāyat, see Murtazā Mutahhari, Valāh va Vilāyat-h (Qum, 1355 Sh./1975), which was translated into English by Mustajab Ansāri under the title Master and Mastership (Karachi: Islamic Seminary Publication, 1980) and by Yahyā Cooper as Wilāyat: The Station of the Master (Tehran: World Organization for Islamic Services, 1982); <http://www.al-islam.org/mastership> [4]. (Pub.)

17. Concerning these attributes of the Imāms, see Henri Corbin, Histoire de la philosophie islamique (Paris, 1964), pp. 74 ff; Sayyid Saeed Akhtar Rizvi, Imamate: Vicegerency of the Prophet, anno. Sayyid Muhammad Akhtar Rizvi (Tehran: WOFIS, 1986); Sayyid Mujtabā Mūsāwi Lūrī, Imamate and Leadership, trans. Hamid Algar (Qum: Foundation for Cultural Propagation in the World); Sayyid Muhammad Rizvi, Shī'ism Imamate and Wilāyat (Qum: Ansariyan Publications, 2000). (Pub.)

18. The archangel Jibrīl (Gabriel) accompanied the Most Noble Messenger on his mi'rāj (ascension to the divine presence), but being of lowlier station than the Messenger, he was unable to endure the splendor of the divine presence. See Bihār al-Anwār, vol. 18, "bāb ithbāt al-mi'rāj wa ma'nahu wa kayfiyatah," p. 382. (Pub.)

19. A well-known tradition relating to the mi'rāj.

20. Fātimah, the daughter of the Prophet, shared in the exalted states of the Prophet and the Twelve Imāms in that she possessed the same quality of 'ismat (divinely bestowed freedom from error and sin) that they did. As daughter of the Prophet and wife of the first Imām, she served, moreover, as a link between the Prophet and his successors. See Ibrāhīm Amīni and Sayyid Kāzīm Qazvīni, Fatima the Gracious, trans. Abū Muhammad Ordoni (Qum: Ansariyan Publications). (Pub.)

21. Ibn 'Abbās: more fully, 'Abdullāh ibn 'Abbās ibn 'Abdul Muttalib (3 B.H.–68 A.H.) was a cousin of the Prophet and 'Ali, who learned the science of Qur'anic exegesis from the latter and known as "chief of the exegetes" and "scholar of the community". He had been one of Imām 'Ali's commanders in the Battles of Jamal, Siffīn and Nahrawan. (Pub.)

22. Nahj al-Balaghah, Sermon 33, p. 76. (Pub.)

23. Nahj al-Balaghah, p. 50.

24. Nahj al-Balaghah, Sermon 3 (Shaqshaqiyyah Sermon). (Pub.)

25. Nahj al-Balaghah, pp. 188–189.

- [26.](#) Nahj al-Balaghah, Sermon 131 on p. 31 of the present volume. (Pub.)
- [27.](#) Malik Ashtar: more fully, Malik ibn Harith from Nakha'a and famous as al-Ashtar, was among the prominent commanders of Imam 'Ali's army and the governor appointed to Egypt by Imam 'Ali. He accompanied the Imam in the Battles of Jamal and Siffin. On his way to Egypt, he was killed through the conspiracy of Mu'awiyah. For the text of the Imam's famous instructions to him before setting forth to Egypt, see Nahj al-Balaghah, Letter 53, pp. 426–445. A complete translation is contained in William C. Chittick, A Shi'ite Anthology (Albany, N.Y., 1980), pp. 68–82. (Pub.)
- [28.](#) Shaykh Saduq: also known as Ibn Babuyah, one of the most important of the early Shi'ite scholars. He died in 381/991. For his short biography and works, see the introduction of Shaykh as-Saduq, I'tiqadatu 'l-Imamiyyah: A Shi'ite Creed, 3rd Ed., trans. Asaf A. A. Fyze (Tehran: World Organization for Islamic Services, 1999), pp. 6–23. (Pub.)
- [29.](#) Jam' al-Akhdar: a collection of Shi'ite traditions. 'Uyun Akhdar ar-Ridh: a collection of traditions relating to Imam Ridh, compiled by Shaykh Saduq for Sa'hib ibn 'Abbad, celebrated minister of the Buwayhid dynasty and patron of learning. Al-Majlis: also known as al-Amali, the record of a series of discourses given by Shaykh Saduq concerning all aspects of Shi'ite Islam.
- [30.](#) Musnad: a hadith that goes back to the Prophet by an unbroken chain of transmission.
- [31.](#) Mursal: a hadith whose chain of transmission goes only as far back as a "follower" (member of the second generation of Islam) who does not mention the name of the companion of the Prophet from whom he heard it.
- [32.](#) That is, there is a functional distinction between the scholar of hadith and the faqih, although it is possible for a single individual to embody the two functions.
- [33.](#) Kulayni: see n. 30 above.
- [34.](#) Shaykh Saduq: see n. 73 above.
- [35.](#) Shaykh Mufid: the common designation of Abi 'Abdullah Muhammad ibn Muhammad ibn Nu'man al-Harithi (d. 413/1022) who was a great Shi'ah jurist, traditionist and scholar of scholasticism. Notable among his disciples were Sayyid Murtad 'Allama al-Hud, Sayyid Razi, Shaykh Tusi, and Najashi. Around 200 works are attributed to him, from which we can cite Kitab al-Irshad, Ikhtis, Aw'il al-Maqalat, 'Amali, and Maqna'ah. See Shaykh Mufid, Kitab al-Irshad: The Book of Guidance into the Lives of the Twelve Imams, trans. I.K.A. Howard (Karachi: Islamic Seminary Publications), introduction, pp. xxi–xxvii; Martin J. McDermott, The Theology of al-Shaikh al-Mufid (Beirut: Dar al-Mashreq, 1978), introduction, pp. 8–45. (Pub.)
- [36.](#) Fiqh: jurisprudence; the discipline devoted to the study of the principles and ordinances of Islamic law.
- [37.](#) Taqiyyah: see n. 16 above.
- [38.](#) Ijtihad: see n. 4 above.
- [39.](#) A well-known tradition that has led to the compilation of anthologies of forty hadith intended for memorization by those who wish to attain the promised reward.
- [40.](#) Sam'rah ibn Jundab: more fully, Abi Sa'd Sam'rah ibn Jundab al-Qazari, a companion of the Prophet who accompanied him in numerous battles. He later settled in Basrah, where he temporarily acted as governor on a number of occasions during the rule of Mu'awiyah, first Umayyad caliph.
- [41.](#) One of the two weak traditions referred to here is probably: "The sultan is the shadow of God upon earth; whoever respects him, respects God, and whoever affronts him, affronts God." For a critique of this alleged tradition, see Nasir ad-Din al-Albani, Silsilat al-ahadith ad-Da'ifa wa'l-Maud'u'a (Damascus, 1384/ 1964), I, i, 98. The other weak tradition may be that says: 'Whoever wishes long life for a king will be resurrected together with him'. See Islam and Revolution, p. 220.
- [42.](#) For example, there is a tradition that says: "A word of truth spoken in the presence of an unjust ruler is a meritorious form of jihad," and two others close with the phrase "there is no obeying the one who disobeys God." For these and similar traditions, see 'Abdullah Fahd an-Nafisi, 'Indam yahkum al-Islam (London, n.d.), pp. 142–146.
- [43.](#) Imam Abi 'l-Hasan M's, son of Ja'far: seventh of the Twelve Imams, and generally known as Imam M's al-K'zim. He was born in Medina in 128/744 and died in prison in Baghdad in 183/799.
- [44.](#) See Shaykh Abi Ja'far al-Kulayni, al-K'fi, Eng. trans. Sayyid Muhammad Hasan Rizvi (Tehran: WOFIS, 1398/1978), I, ii, 94–95.
- [45.](#) Shah Sult'n Husayn was the last monarch of the Safavid dynasty, which ruled over Iran from the beginning of the sixteenth century until the second decade of the eighteenth. Among the least competent of the Safavid rulers, he devoted

his energies to debauchery and failed to organize the defense of his capital city, Isfahan, against Afghan invaders, to whom it fell in 1722 after a six-month siege. See L. Lockhart, *The Fall of the Safavid Dynasty* (Cambridge, 1958), pp. 144–170.

46. See n. 2 above.

47. Part of a long hadīth concerning a dream in which the Messenger foresaw the misdeeds of the Umayyads.

48. The expression translated here as “leadership” is *imāmat-i i’tibārī*; see n. 62 above.

49. Khumayn: the native town of Imām Khomeini.

50. Since the Imām of the Age—i.e., the Twelfth Imām—will emerge from his occultation at the time when injustice fills the earth, it has sometimes been thought that all positive action to remedy injustice must be postponed until his coming.

51. See Kulayni, *al-Kūfi*, I, ii, 188–119.

52. Mufti: a scholar who pronounces an authoritative opinion (*fatwā*) on a point of law.

53. *Usamah*: that is, *Usamah ibn Zayd*, a beloved companion of the Prophet who was placed in charge of a military expedition when he was only eighteen. He died in 59/679.

54. See n. 21 above.

55. *Shahi*: now obsolete, formerly the smallest unit of Iranian currency, worth one-twentieth of a rial.

56. *Mu‘awiyah*: first of the Umayyad caliphs and an adversary of Imām ‘Ali. He ruled from 41/661 to 60/680.

57. See n. 30 above.

58. *Yū-Sūn* is the thirty-sixth chapter of the Qur’an. Its recitation is recommended as particularly meritorious on certain occasions, among them Thursday night, because it leads into Friday, the best of all days.

59. *Shurayh*: more fully, *Abū Umayyah Shurayh ibn al-Harith al-Kindi*, judge of *Kāfah* appointed by ‘Umar. He retained this position under ‘Uthmān, ‘Ali, and the Umayyads and died a centenarian in 87/706. It is said that he sided with Ibn Ziyād and instigated the people against Imam Husayn in the ‘*ashūrā* uprising. (Pub.)

60. From *Was‘īl ash-Shah*, a *Shahī* collection of traditions by Muhammad Hasan al-Hurr al-‘*īmili* (d. 1104/1693).

61. *Fatwā*: the plural of *fatwā* (an authoritative opinion on a point of law).

62. *Narāqi*: that is, *Hajj Mullāh Ahmad Narāqi*, a scholar of importance in the early nineteenth century, d. 1244/1829. He not only was a prolific author, but also clashed repeatedly with the monarch of his day, Fath ‘Ali *Shāh*. See Hamid Algar, *Religion and State in Iran, 1785–1906* (Berkeley, 1969), pp. 57, 89.

63. *Nā‘ini*: that is, *Murzū Muhammad Husayn Nā‘ini*, an important scholar of the early twentieth century, 1277/1860–1354/1936. Concerning his book on *Shahī* political theory, *Tanbāh al-Ummah wa Tanzāh al-Millah*, see ‘Abdul-Hādī *Hā‘iri*, *Shi‘ism and Constitutionalism in Iran* (Leiden, Netherlands, 1977), pp. 165–220.

64. *Sulaymān ibn Khālid*: more fully, *Sulaymān ibn Khālid ibn Dehqān ibn Nāfilah*, was a reciter, jurist, traditionist, and a trustee and confidant of Imāms al-Bāqir and as-Sādiq (‘a). (Pub.)

65. *Imām Ja‘far as-Sādiq*: sixth of the Twelve Imāms, 83/702–140/757. Also referred to as *Imām Sādiq*, he was particularly important for his role in developing the religious sciences. See Shaykh Mohammed al-Husayn al-Muzaffar, *Imām Al-Sādiq*, trans. *Jāsim al-Rasheed* (Qum: Ansariyan Publications, 1998). (Pub.)

66. The technical sense of the word *imām* is that which it requires when applied to the Twelve Imāms, who were not only successors to the Prophet but also endowed with lofty spiritual virtues.

67. *Ikmā ad-Dīn wa Itmām an-Ni‘mah*: a work by Shaykh *Sādāq* on the occultation of the Imām.

68. *Imām of the Age*: the Twelfth Imām. See n. 95 above.

69. *Muhammad ibn ‘Uthmān al-‘Umari*: the second deputy of the Imām during the Lesser Occultation. See n. 27 above.

70. The designation *hujjat* (“proof”) given to the Imāms has a two-fold sense. First, through the qualities they manifest, they are proofs of the existence of God and of the veracity of the religion He has revealed. Second, they constitute proofs to be advanced on the Day of Judgment against those who claim they were uninformed of God’s law. See ‘Abdul ‘Azīz ‘Abdulussein *Sachedina*, *Islamic Messianism* (Albany, N.Y., 1980), pp. 66–67.

71. *Zurārah*: more fully, ‘Abd *Rabbih ibn A‘yan Shaybāni al-Kufi al-Zurārah*, an authority on the traditions of the fourth, fifth, and sixth Imāms, d. 150/767. Scholars of ‘*ilm ar-rijāl* (science of hadīth transmitters’ biographies) have affirmed his reliability. He was known to have authored the books *Al-Istī‘āh* and *Al-Jabr*. (Pub.)

72. *Sadaqah*: voluntary payments collected by the Muslim state to be spent for purposes of charity.

73. The *Shāh* organized his vulgar and criminally extravagant celebration of two-and-a-half millennia of monarchical rule in

October 1971, some two years after these lectures were given in Najaf. Preparations for the event, however, were begun in the late 1960's. See also *Islam and Revolution*, pp. 200–208.

[74.](#) In 1967 the Shāh had himself and his wife crowned.

[75.](#) Maqbūlah: a hadīth to which one may make acceptable reference.

[76.](#) See, for example, *Ism'āl Haqqi al-Burṣawi, Ruh al-Bayṭn* (Istanbul, 1390/1970), II, 227–228.

[77.](#) See, for example, *Tabṭab'ī, al-Maḥẓn*, IV, 385.

[78.](#) Dhimmi: one of the ahl adh-dhimmi, concerning whom see n. 35 above.

[79.](#) The Bani Qurayza was a Jewish tribe inhabiting Medina. During the Battle of the Ditch (Ghazwat al-Khandaq) in the fifth year of Islam, they collaborated with a Meccan force that came to attack the city. The menfolk of the tribe were put to death for their treachery. See chapter 38, "The Last Stage of Mischief," of ʿIyātullāh Ja'far Subḥānī's *The Message* (Karachi: Islamic Seminary Publications), <http://al-islam.org/message/index.htm> [5]. (Pub.)

[80.](#) Usūmah: see n. 98 above.

[81.](#) The reference to customary law ('urf) is not intended to sanction, but merely to clarify, existing judicial practice.

[82.](#) This tradition is contained in *al-'āmilī, Was'īl ash-Shāh*, XVII, 98.

[83.](#) Harām: categorically forbidden by religious law.

[84.](#) See Qur'an, 2:256.

[85.](#) See *al-'āmilī, Was'īl ash-Shāh*, XVIII, 100.

[86.](#) Here, "disbelief" implies disobedience. See p. 92.

[87.](#) This tradition is quoted in *Kulayni, al-Kaḥfi*, I, ii, 85–86.

[88.](#) *Kulayni, al-Kaḥfi*, I, 78–79.

[89.](#) There are a number of works by this title. The reference here may be to the Qur'an commentary written in the eleventh/seventh century by Ziyā ad-Dīn Yūsuf Qazvīnī. See ʿIqāḥ Buzurg Tehrānī, *Adh-Dharrī'ah il-Tasnīf ash-Shāh* (Tehran, 1390/1970), XX, 23.

[90.](#) After the death of the Prophet (s), his daughter Fātimah asked for the arable lands near Fadak (a small town near Medina) to be assigned to her as a legacy from her father, since in his lifetime the Prophet had used the produce of the land for the upkeep of his wives. Abū Bakr refused, citing the alleged words of the Prophet: "We prophets bequeath no legacies; what we leave behind is charity (sadaqah)." See *al-Balādhārī, al-Futūḥ*, ed. de Goeje (Leiden, Netherlands, 1886), pp. 29–33. For Shāhī tradition, Fadak became a symbol of unjust denial. "The Shāhī traditionists and exegetes and some Sunni scholars write: "When the verse: Give the kinsmen his due, and the needy, and the wayfarer... (Sūrah Isrā, 17:26) was revealed the Prophet called her daughter Fātimah and made over Fadak to her" [*Majma' al-Bayṭn*, vol. III, p. 411; *Sharḥ-i Ibn Abi 'l-Hadīd*, vol. XVI, p. 248]. And the narrator of this incident is Abū Sa'īd al-Khudrī who was one of the distinguished companions of the Prophet." Subḥānī, *The Message*, chap. 44, "The Story of Fadak," <http://www.al-islam.org/message/45.htm> [6].

[91.](#) Nass: a clear and authoritative text, unequivocal in its meaning.

[92.](#) Narḥqī (n. 107 above) wrote a comprehensive book on the principles of fiqh entitled 'Aw'īd al-Ayyām min Qaw'īd al-Fuqahā al-A'lam.

[93.](#) *Fiqh-i Razvī*: a work purporting to contain the legal pronouncements of Imām Ridā, of disputed authenticity. See Tehrānī, *adh-Dharrī'ah*, XVI, 292–293.

[94.](#) See n. 74 above.

[95.](#) Mustadrak: that is, *Mustadrak al-Was'īl*, a supplement to *Was'īl ash-Shāh* (see n. 105) composed by Mārzī Husayn Nūrī (d. 1320/1902).

[96.](#) Possibly Ghurūr al-Far'īd was Durūr al-Qal'īd, a work on the principles of fiqh by Muḥṣn ibn Hasan al-A'rajī (d. 1227/1812). See Tehrānī, *Adh-Dharrī'ah*, XVI, 41–42.

[97.](#) *Tuḥf al-'Uqūl*: a collection of sermons and aphorisms of the Imāms compiled by Shaykh Muhammad al-Halabī, a contemporary of Shaykh Sadīq and teacher of Shaykh Mufīd.

[98.](#) Mānah: a small town near Mecca.

[99.](#) Imām Khomeini quotes the Arabic text of the tradition before giving his own translation in Persian. We have rendered into English only the Persian translation, which is slightly fuller in parts than the Arabic original.

- [100.](#) That is, the social contracts that establish the institutions of society and determine social relations in Islam. (Kh.)
- [101.](#) That is, Islamic relationships based upon the oath of loyalty sworn to the Prophet and similar pledge to obey and follow his successors, ‘Ali and his descendants, given to the Prophet at the pool of Khum. (Kh).
- [102.](#) Minbar: the pulpit in the mosque.
- [103.](#) See, for example, 2: 168, 4: 170, 7: 150, 10: 57, and many other verses.
- [104.](#) The word awliyā—like the cognate wilāyat—has numerous different meanings. It is used here in the general sense that can be deduced from Qur’an, 10: 62–63: “Verily the friends (awliyā) of God—those who believe and guard against evil—shall suffer no fear nor shall they grieve.”
- [105.](#) Evil innovation: bid‘at, a belief or practice not compatible with either the Qur’an or the Sunnah.
- [106.](#) Masjid al-Aqsā: see n. 37 above.
- [107.](#) Among the different schools of Islamic law, the Shāfi‘ī school manifests the greatest disapproval of music. Music in a public place is doubly reprehensible since it is an imposition on the unwilling listener.
- [108.](#) There are certain circumstances that may dispense one from fasting during Ramadān, notably illness, but out of respect for the sanctity of the month and the fasting of others, one must refrain from eating in public.
- [109.](#) A reference to the agitation against the new laws on the election of local councils promulgated by the Shāh’s regime on October 6, 1962. These laws no longer specified that candidates were to be Muslim, and they were seen as a prelude to increased participation in public life by the Bahā’īs and eventual abolition of the Constitution of 1906. After a prolonged campaign against the laws, in which Imām Khomeini took a prominent part, they were annulled by the government on November 28, 1962. See S.H.R., Barrasā va Tahlilā, pp. 142–187.
- [110.](#) Qur’an, 9: 60.
- [111.](#) One indication of the close ties existing with Israel was the regular contacts that took place between Iranian generals and high-ranking members of the Zionist armed forces. For example, General Palizban met in Occupied Palestine with Moshe Dayan and Arik Sharon, most probably in 1974. Photographs of the meeting, showing all participants with cordial smiles, were discovered after the Revolution and published in the newspaper Jumhūrī-yi Islāmī on Shahrivar 26, 1359/September 17, 1980.
- [112.](#) Ma’sūmīn: those possessing the quality of ‘ismat (see n. 67 above); i.e., the Prophet, Fātimah, and the Twelve Imāms. See A Brief History of the Fourteen Infallibles (Tehran: WOFIS); Sayyid Murtadā al-‘Askari, The Twelve Successors of the Holy Prophet (s), <http://www.al-islam.org/twelve> [7]. (Pub.)
- [113.](#) Mīrzā Hasan Shirāzi: a mujtahid, d. 1312/1894. After the production and marketing of tobacco in Iran had been made the monopoly of a British company, he declared in December 1891 that “the use of tobacco is tantamount to war against the Imām of the Age.” In obedience to his declaration, all of Iran boycotted tobacco, forcing the cancellation of the concession in early 1892. See Algar, Religion and State, pp. 205–215.
- [114.](#) “Secondary consideration”: ‘unvān-i sanavi, a contingent circumstance of legal significance. Tobacco as a substance was religiously unobjectionable; it was the circumstance of the British monopoly that furnished the legal grounds for its prohibition.
- [115.](#) Mīrzā Muhammad Taqī Shirāzi: a pupil of Mīrzā Hasan and an important Shāhī scholar, d. 1338/1921. He was a leading force in the resistance by the Shāhī ‘ulamā opposed to the imposition of British rule on Iraq at the end of World War I. See Muhammad Hirz ad-Dīn, Ma‘ārif ar-Rijāl (Najaf, 1384/1964), II, 215–218.
- [116.](#) Kāshif al-Ghitā: more fully, Muhammad Husayn Kāshif al-Ghitā, a leading Shāhī scholar of Iraq, 1295/1876–1373–1954. He was active politically as well as academically throughout his life. See the biographical introduction to his Asl ash-Shāhī wa Usūluhū, 7th ed. (Beirut, 1377/1957), pp. 7–21. The book is translated into English as The Origin of Shāhīte Islam and Its Principles (Qum: Ansariyan Publications). (Pub.)
- [117.](#) See p. 79.

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