

The role of the Muslim scholars

Question No. 13

How far is the scope of the Muslim scholars' function in Islamic State? In case of conflicts between Muslim scholars' views with that of the rulers, which one has priority over the other one?

A) The Muslim scholars play the prime role in some parts of the government – which are the places for accommodating the political and social behaviors of the state with religious standards. Besides, the leadership of the Islamic government in the Occultation period is the responsibility of a just, qualified and knowledgeable Muslim scholar who is competent of social management in the macro-level.

B) In case of conflict between the Muslim scholars' view and that of the rulers, some points should be taken into consideration:

1. Who are meant by the rulers?
2. What is the subject of the conflict?

If by “rulers” we mean all those involved in the government, then we cannot give all of these views priority over the Muslim scholar's view¹, especially if all Muslim scholars are unanimous in holding those views to be against divine law. But if it is something in the personal jurisdiction of that agent and it is not held as a view against law by all Muslim scholars, then the opposing Muslim scholar's view is not necessarily preferred.

3. If by “rulers” we mean the “Authoritative Muslim scholar”, his verdict is certainly prior to that of all other Muslim scholars. All Muslim scholars are unanimous in holding that opposing the “Authoritative Muslim scholar” in governmental issues is not permissible.

Of course, it must be noted that the priority of Waliy-e Amr's view is in effect just in governmental verdicts. As for other issues, any Muslim scholar acts according to his own inference, and his imitators (“muqallids”) follow his expert opinion (“fatwa”).

4. In some cases, the Muslim scholars' views are legally valid; such as cases where the Guardian Council² should verify the legitimacy of something. In this case, if the Council – within the realm of its legal duties – declares something as illegitimate, its view must be accepted; unless the Expediency Discernment Council of the System verifies it, in which case it would be preponderant according to the authoritative rule.³

¹. Here we mean the jurist without any legal and formal position in the Islamic State.

². The council within IRI government, consisting of 6 Muslim scholars and 6 jurists, whose responsibility – inter alia – is to investigate the conformity of any enacted law to the Islamic principles.

³. For further information, see Muhammad Hadi Ma'rifat, *Jami'iy-e madani*, p. 163; Muhammad Hussein Mahuri, *Marja'iyat va rahbari* (the article on Islamic government), 5th year, issue no. 2; Kazim Qazizade, *andishihay-e fiqhi va siyasi-e Imam Khomeini*, p.222.

Source URL:

<https://www.al-islam.org/40-questions-islamic-state-hamid-reza-shakerin/role-muslim-scholars#comment-0>