

Foreword by the Publisher

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

In such times of peril and strife, it becomes incumbent upon everyone, however the Muslim in particular, to understand the global political maneuvers, rhetoric used to mislead the innocent people and the tactics employed to oppress the downtrodden peoples of the world – regardless of their color or religion – and to have a comprehensive awareness of the various political theories and ideologies present.

This will help in being able to better analyze and understand the various theories, see which one truly offers ‘freedom’ to the masses and help alleviate the present predicament which a majority of the countries of the world – particularly the ‘Muslim’ countries – are facing. In addition, from the point of view of the Islamic teachings of the Qur’an and Sunnah, it is incumbent that the Muslim understands the role which ‘religion’ plays in ‘politics’.

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

However, it must be kept in mind that the ‘submission’ to Allah (SWT) is not limited to the daily rituals such as prayers (*salat*), fasting (*sawm*), pilgrimage (*hajj*) and other such actions. Rather and more importantly, it extends to rules of social engagement, economic policy and covers the entire life of the human being – from birth to death – and in all areas of life.

Once we understand the reason for the creation of the human being and why he was placed on this

Earth, which is beautifully illustrated in the Noble Qur`an, we can then begin to understand the reason why Allah (SWT) appointed prophets to humanity, just as He (SWT) clearly tells us:

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا الطَّاغُوتَ..

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

Thus, how can we keep away from the despots, tyrants, oppressors and dictators if there is no land on the Earth which is ruled by the righteous people of Allah (SWT)? Where would the downtrodden people of the Earth – regardless of their ‘religion’ – flee to in times of peril and strife and in whom could they take refuge?

Indeed, this is exactly what the founder of the Islamic Republic of Iran and the Supreme Leader of the Muslim Ummah and the guide for all of the oppressed and downtrodden peoples of the Earth, the late Ayatullah al-Uzma al-Hajj as-Sayyid Ruhullah al-Musawi al-Khumayni alluded to in his work, *Islamic Government*, where he stated:

“The most Noble Messenger (SAWW) headed the executive and administrative institutions of Muslim society. In addition to conveying the revelation and expounding and interpreting the articles of faith and the ordinances and institutions of Islam, he undertook the implementation of law and the establishment of the ordinances of Islam, thereby, bringing into being the Islamic state.

He did not content himself with the promulgation of law; rather, he implemented it at the same time, cutting off hands and administering lashings, and stonings.

After the most Noble Messenger (SAWW), his successor had the same duty and function.

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

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

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

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

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

First, he himself established a government, as history testifies. He engaged in the implementation of laws, the establishment of the ordinances of Islam, and the administration of society. He sent out governors to different regions; both sat in judgment himself and also appointed judges; dispatched emissaries to foreign states, tribal chieftains, and kings; concluded treaties and pacts; and took command in battle. In short, he fulfilled all the functions of government.

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

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

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

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

According to one of the noble verses of the Qur`an, the ordinances of Islam are not limited with respect to time or place; they are permanent and must be enacted until the end of time.⁴ They were not revealed merely for the time of the Prophet (SAWW), only to be abandoned thereafter, with retribution and the penal code no longer be enacted, or the taxes prescribed by Islam no longer collected, and the defense of the lands and people of Islam suspended. The claim that the laws of Islam may remain in abeyance or are restricted to a particular time or place is contrary to the essential creedal bases of Islam!

Since enactment of laws, then, is necessary after the departure of the Prophet (SAWW) from this world, and indeed, will remain so until the end of time, the formation of a government and the establishment of executive and administrative organs are also necessary. Without the formation of a government and the establishment of such organs to ensure that through enactment of the law, all activities of the individual take place in the framework of a just system, chaos and anarchy will prevail and social, intellectual and moral corruption will arise. The only way to prevent the emergence of anarchy and disorder and to protect society from corruption is to form a government and thus impart order to all the affairs of the

country.

Both reason and divine law, then, demonstrate the necessity in our time for what was necessary during the lifetime of the Prophet (SAWW) and the age of the Commander of the Faithful, Ali ibn Abi Talib (AS) –namely the formation of a government and the establishment of executive and administrative organs.”⁵

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

The life of the Prophet of Islam (SAWW) while in Madinah and his power of authority shows that he was not only a ‘prophet’ of Allah (SWT), rather, he was the ‘*Khalifah*’ of Allah (SWT) – the governor appointed by Allah (SWT) to rule over the believers.

Those who came after him, the twelve righteous and legitimate leaders (AS) were also charged with this responsibility and even though it was only the first Imam, the Commander of the Faithful, Ali ibn Abi Talib (AS), who was able to exercise this right [due to the political climate of the time], nonetheless, the remaining leaders of the faith (AS) also had this responsibility on their shoulders which was enacted in a limit capacity amongst those who recognized and accepted their authority.

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

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

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

Thus, with the great importance that the issue of leadership and governance plays in Islam, especially in today’s political climate in which many non-Muslims have launched calculated assaults against the teachings of Islam and in which an increasing number of ‘Muslims’ are claiming to speak for ‘Moderate Muslims’ or ‘Moderate Islam’ and are seeking to label and portray those Muslims who wish to follow the Qur`an and Sunnah as ‘fundamentalists’, it is of the utmost importance to understand the Islamic mode of governance which is based directly on the Qur`an and the Sunnah of the Prophet Muhammad (SAWW) – what is referred to as ‘*Wilayatul Faqih*’ or the ‘Governance of the Jurist’.

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

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

This work is an extract from the work, *On the Shore of Contemplation*, written in Farsi by Akbar Asad Ali Zadeh under the guidance of the well-known scholar and researcher, Ayatullah Shaykh Ja'far Subhani [www.imamsadeq.org] [1] – the founder and rector of the Imam as-Sadiq (AS) Research Institute based in Qum, Iran.

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

1. Allah (SWT) and various issues in regards to the Creator;
2. The creation of the Jinn;
3. The necessity of following a religion;
4. The necessity of following Islam;
5. The intellect of the human being and how it can reach to completion;
6. Logical proofs for the infallibility of the A`immah;
7. The reason behind the occultation of Imam al-Zaman;
8. Governance of the Jurist (the present work);
9. The physical resurrection of human beings after being decomposed and consumed by animals;
10. Nahj al-Balagha and women.

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

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

Due to various reasons, all installments in this series will be made available via www.iph.ca [2] and www.al-mubin.org [3]. Those wishing to publish this series in print format are requested to contact the publishers for permission.

All praise belongs to Allah – only the mistakes are mine

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www.iph.ca [2]

1. Surat al-Nahl (16), Verse 36

2. Lit. “the one who holds authority,” a term derived from the Noble Qur`an, 4:59: “O you who believe! Obey God, and obey the Messenger and the holders of authority (أُولِي الْأَمْرِ) from among you.” For commentary of this verse, see M`r Ahmad Ali, The Noble Qur`an (NY: Tahrike Tarsile Qur`an, 1988).

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

4. See, for example, Surat Ibr`h`m (14), verse 52:

هَذَا بَلَاغٌ لِلنَّاسِ وَلِيُنذَرُوا بِهِ وَلِيَعْلَمُوا أَنَّمَا هُوَ إِلَهُ وَاحِدٌ وَلِيَذَّكَّرَ أُولُوا الْأَلْبَابِ

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

Surat Yunus (10), verse 2:

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

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

Surat al-H`jj (22), verse 49:

قُلْ يَا أَيُّهَا النَّاسُ إِنَّمَا أَنَا لَكُمْ نَذِيرٌ مُبِينٌ

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

Surat al-Ahz`b (33), verse 40:

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

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

and Surat Y` S`n (36), verse 70:

لِيُنذَرَ مَنْ كَانَ حَيًّا وَبِحَقِّ الْقَوْلِ عَلَى الْكَافِرِينَ

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

5. Islamic Government: Governance of the Jurist

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