

# The Authority of the Jurist (Faqih): Absolute or Limited?

## Question: Is the authority of the Jurist (Faqih) absolute or limited? Why?

The authority of the Jurist (Faqih) is absolute, meaning that the Supreme Leader (Wali al-Faqih) possesses all of the authority which the Noble Prophet (SAWW) and infallible A`immah (AS) possess in relation to the administration of the society.

In order to better understand this discussion, we must first discuss two points:

The first point is that ‘wilayat’ or ‘authority’ is of two types – ‘wilayat takwini’ – the ‘generative authority’, and ‘wilayat tashrii’ – the ‘legislative authority’.

The ‘generative authority’ – meaning any form of intervention in the world of creation – is a right restricted to Allah (SWT) alone. However, sometimes Allah (SWT) grants a portion of this authority to some of His servants and the miracles and super-natural acts of the prophets and select-friends (awliya`) of Allah (SWT) stem from this form of authority.

The second form, the ‘legislative authority’, refers to the right to issue commandments and prohibitions in regards to matters of faith and the life of the temporal world.

When we say that the Noble Prophet (SAWW) and the A`immah (AS) possess ‘wilayat tashrii’ or the ‘legislative authority’, we mean that they have the right, by the permission of Allah (SWT), to command and prohibit the people from certain actions. Once these individuals (the Prophet (SAWW) and A`immah (AS) have employed their ‘legislative authority’, it then becomes obligatory upon the people to obey them in everything which they command (and prohibit).

We see that the same authority (as that of the Prophet (SAWW) and A`immah (AS) has also been given

to the Jurist, and therefore, the meaning of the governance of the Jurist (the wilayat of the Faqih) is within the boundaries of the 'wilayat tashrii' or the 'legislative authority.'

Therefore, the Jurist also has the right, just as the Noble Prophet (SAWW) and A`immah (AS) have the canonical right, to command and prohibit the people from various actions.<sup>1</sup>

The second point which must be noted is that such an authority being absolute does not mean that it is unrestrained and uncontrolled! It does not mean that the Jurist can work in any way which he wishes!

Rather, the meaning of the absolute authority of the Jurist is that he has an absolute authority in regards to the enforcement of the Islamic injunctions. This means that the Jurist and Muslim ruler's absolute authority is limited to the scope of the implementation of the rulings – not that he is able to alter the Islamic commandments!

In addition, the meaning of the absolute authority in regards to the implementation of the rulings is not that the Jurist can put the Islamic laws into practice in any way he sees fit. Rather, the implementation of the Islamic laws must be carried out in the ways which the sacred teachings have explained that they are to be executed.<sup>2</sup>

## **The Reason why the Authority of the Jurist is Absolute**

The reason why the authority of the Jurist is absolute is that during the occultation of Imam al-Zaman (may Allah hasten his return), since Islam must be implemented in all of its dimensions and because all of its societal rules must be put in place, the Jurist is the custodian of the faith.

In order to implement all of the Islamic commandments, the Islamic leader must establish a government so that all aspects of the Islamic regulations – such as the application of the rules of retribution, the economic regulations and all other areas of life (governed by Islam) can be put into action.

In addition, the Jurist who fulfills all of the conditions to implement this system is responsible for putting an end to all forms of societal corruptions and deviations for which he is in need of the co-operation of the entire society, a central system of management and a just and able government.

In order to regulate the society and implement the various Islamic regulations, the Muslim leader must be able to appoint individuals to maintain the system. He must also be able to issue the necessary laws and regulations for the maintenance and preservation of the country, protection of the wealth (of individuals), safety of the people and the freedom and independence of the entire Islamic society. Such laws must also cover the areas of war and peace – as needed.

Maintaining local and foreign relations; dispatching border patrols to protect the country; appointing the prayer leaders for Salat al-Jumuah and Salat al-Jamaat; appointing financial representatives who would be responsible for collecting the zakat and other forms of wealth [which are due by the people to

maintain the country] and hundreds of other programs which must be implemented, including the various cultural issues, economic rights, political and military issues, etc... are all the definite responsibility and task of the Jurist!

Without such responsibilities, it would be impossible to implement the complete and comprehensive code of Islam and correctly manage the Islamic society in a way which would earn the pleasure of Allah (SWT).<sup>3</sup>

## In Summary

From that which we have just mentioned, we conclude that:

1. The meaning of 'wilayat' or 'authority' is the 'wilayat tashrii' or 'legislative authority'.
2. The absolute authority does not mean that the Jurist works unrestrained or with no one overseeing him. Rather, it means that he has the absolute authority when it comes to the implementation of the Islamic regulations within the framework of the sacred teachings of Islam.
3. Seeing as how the Jurist is responsible for all aspects of the faith and its protection during the occultation of the infallible Imam (AS), he cannot achieve his goals without having a full authority in the realm of the implementation of all of the aspects of Islam and the best form of management of the Islamic society as it should be managed and guided. Therefore, this (too) points to his absolute authority.

### **For more information on this topic, refer to:**

1. Naqd Quarterly Journal, issue 7, pp. 68 to 69.
2. Naqd Quarterly Journal, issue 8, pg. 68 onwards.

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1. Ayatullah Muhammad Taqi Misbah Yazdi, Questions and Answers, vol. 1, pg. 59

2. Ayatullah Abdullah Jawadi Amuli, Wilayatul Faqih, pg. 251

3. Ibid., pp. 248 - 249

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