

## Authority and Tradition

### Authors(s):

Dr. Ghasem Kakaie [1]

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An article explaining the different types of authority (wilayah) in Shi'a Islam, in particular the religious authority of a jurist in society after the Greater Occultation.

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# Authority and Tradition

Dr. Ghasem Kakaie

Authority, in Islamic terminology, may be defined as "wilayah". Literally, this term means intimacy, assistance, love, and tenure of office. He who has such qualities is called "wali". According to the Holy Quran, God is to be known as "wali". God owns all existence<sup>1</sup> and as a result, He leads the universe.<sup>2</sup>

Since God is Wali and Guardian of the entire world, He is its "Guide" as well. God, Who has authority over the entire existence, guides every type of existent to its own way of perfection. Unlike most of the existents, human perfection is to be achieved consciously and freely. Therefore, man is in need of teaching so that this consciousness and freedom may grow.

There are two types of divine guardianship:

- Generative Guardianship (al-wilayah al-takwiniyah): God has authority over the entire existence and leads the entire world to perfection. This authority is deterministic and undeniable.
- Legislative guardianship (al-wilayah al-tashri'iyah): Human beings are endowed with another kind of guidance. Through prophets, human beings are provided with divine law, and they are free to accept it and act accordingly. If they accept it, they will attain happiness, and otherwise they will go astray. Revelation grants human beings what they need for happiness, and meets their spiritual and individual needs through individual and devotional commandments, including supplications and prayer.

According to Islam, human beings' otherworldly happiness passes through this world and, therefore, human beings must be actively involved in the social life. One of the striking aspects of the Holy Quran is that it announces plans and rules for social life. In this regard, there are four duties for the Holy Prophet:

I. Receiving what revealed by God.

II. Communicating the revelation to people.

III Interpreting the revelation. In the reception and communication, the Prophet should be infallible and free of mistake. The language of revelation is sometimes of certain complexity, however; thus it should be explained and commented upon.

The Prophet himself was responsible for interpretation of the Qur'an and explaining divine law in a more detailed account. In this detailing and commenting upon the revelation, the Holy Prophet (pbuh) was infallible and free of mistake. At the same time, people are asked to act as the Holy Prophet (pbuh) instructs them:

***“And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it)” (59:7).***

Whatsoever issued by the Holy Prophet (pbuh) is of a revelatory origin:

***“Nor doth he speak of (his own) desire. It is naught save an inspiration that is inspired” (53:3/4).***

Thus, the Holy Prophet (pbuh)'s sayings are absolutely valid and should be accepted. This is also true about his conducts:

***“Verily in the messenger of Allah ye have a good example” (33:21).***

Thus in addition to the Holy Quran, God's legislative guidance has been revealed in the Holy Prophet (pbuh)'s sunnah, i.e. his saying and conducts.

IV. Administering the divine rules: Islam has many social, political, and economical commandments. Clearly, the mere existence of rules cannot guarantee society's happiness. These rules should be executed and rule the society. Here, the Holy Prophet (pbuh)'s fourth duty entrusted to him by God is execution of rules and establishment of a State.

In other words, the Holy Prophet (pbuh) has authority here. This is not only a right, but also an obligation entrusted to the Holy Prophet (pbuh) by God. For example, in the Holy Quran, God commands the Holy Prophet (pbuh):

***“thou mayst judge between mankind by that which Allah showeth thee” (4: 105).***

However, Islam draws no sharp line between this world and the other world, between devotional points and political ones. But rather many Islamic devotional commandments are at the same time political ones as well. No one has cast doubt in the fact that the Holy Prophet (pbuh) had established a State in his own era, during which he led Muslims and appointed some persons for certain positions.

Moreover, in some occasions, he issued certain instructions in which rulers' responsibilities had been clarified. Also, to settle disputes among people, he appointed judges. He executed Islamic Penal Statute. Between him and other tribes and sects, pacts were concluded. In order to study people's and tribes' problems, he had appointed some persons to collect information; assigned natural resources, according to rules, to some people to exploit these resources.

To collect Islamic taxes, a systematic organization had been established; and many times, he organized and dispatched peoples to resist attacks by other tribes and states. Such activities made sense only in the light of a State led by the Holy Prophet (pbuh).

## After the Holy Prophet (pbuh)

For Muslims, Muhammad is the last and final prophet. In other words, after his demise reception of revelation and communication of revelation had come to an end. But as mentioned, the Holy Prophet (pbuh) had two other offices as well, one of which was infallible explanation of revelation. The other was that the Holy Prophet (pbuh) had authority and based on this he implemented the divine law and presided the state.

After the Holy Prophet (pbuh)'s death, some questions arose about these two last responsibilities. Did infallible commentary upon religion come to an end after the Holy Prophet (pbuh)'s death? Is there no other reference whose explanation of the religion cannot be questioned? On the other hand, is there any one appointed by God to execute God's religion and social rules of the religion?

In reply to these questions, two general views were formed. The first one, which is that of Sunnis, considers the Holy Quran's revelation and the Holy Prophet (pbuh)'s sunnah to be sufficient, and in this view no one has been appointed by God to execute the religion. In other words, according to them, there is no special authority for an Islamic State.

The Shi'a, on the other hand, believe that after the Holy Prophet (pbuh)'s death, his daughter, Lady Fatima (s) and twelve Imams were infallible. After the Holy Prophet (pbuh), they undertook to comment upon and explain the religious laws in the same way that the Holy Prophet (pbuh) did.

In other words, in the same way that the Holy Prophet (pbuh) took religious sciences from an infallible source and communicated them to people, and declared commandments which had not been apparently described in the Holy Quran for them, after him the aforementioned persons are of the same office, free of mistakes in commenting upon the religion, and infallible.

According to what is said in Shi'i traditions (hadiths), they are aware of all apparent and hidden aspects of the Holy Quran. These persons are of three characteristics. The first one is that they are infallible. The second is that they have knowledge of the hidden world, and the third is that they have been appointed by God to this superior office and introduced by the Holy Prophet (pbuh) to Muslims, and have occupied office of Imamate one after the other.

They are perfect human beings and have the highest human characteristics. Thus, in the same way as that of the Holy Prophet (pbuh), their tradition, i.e. their sayings and conducts, is a firm argument as well. In other words they do not receive the revelation, but they comment upon the Scripture (the Holy Quran) infallibly. In addition to explaining the revelation, these perfect human beings are in charge of execution of divine commandments and establishment of religious state.

Within 250 years of the presence of Imams, they had such scientific position that even scholars from all schools of Islam benefited from their knowledge. In this period, Imams (a) trained many disciples in

Islamic sciences. Their spiritual appeals were of great influence on Muslims, and they left many supplications and hadiths.

As for administrative system and establishment of a State, Imams (a) were confronted with many obstacles created by opponents and oppressors, and these obstacles led to martyrdom of first eleven Imams; and apart from a short period at the end of Imam Ali's life and at the beginning of Imam Hasan's Imamate, there was no possibility for other Imams to establish a State.

Finally, there came the twelfth Imam. Here, the Shi'a reached a new stage, and theory of concealment which was predicted in Shi'i and Sunni religious and ideological resources, was realized. In other words, at this time the twelfth Imam is concealed from view, but like a sun concealed by clouds, he shows his existential blessings. In other words, his generative guidance continues to spiritually guide people; but people are deprived of his legislative and apparent guidance.

According to Shi'i belief, he is still alive, and at the end of the time, he will come together with some prophets including Jesus Christ (a); and establish justice and a just State. Belief in sa'vat which is part of fundamental creeds of all religions makes itself apparent in Shi'i view in the existence of Imam of the Time (a). The Shi'a always await for his return. Such a faith grants a spiritual power to human being that, in spite of all problems and difficulties, he considers himself to be happy and remains hopeful.

## **Occultation and the Issue of Religious Authority**

During the lives of Imams, many scholars benefited from their knowledge. When the minor occultation started, access to this source of teaching and infallible commentary upon the scripture was very limited. After this time, esoteric role of Imams to some extent was inherited by mystics and saints, and their legislative authority was inherited by jurists. There have been, of course, people who have had both dimensions.

All great Sufis were, mediately or immediately, under training and guidance of Imam Ali (a) and other Imams (a). For example, Kumayl is attributed to Ali (a), Ibrahim Adham to the fourth Imam, Bayazid Bastami to the sixth Imam, Shafiq Balkhi and Boshir Hafi to the seventh Imam, and Ma'ruf Balkhi to the eighth Imam.

These Sufi masters who considered themselves to be inspired by Imams, brought others to perfection and appointed them their successors; and in this way, various chains of Sufism were formed.

Contrary to Sunnis, these great Sufis believe that God's religion is not only the Scripture and the Holy Prophet (pbuh)'s tradition so that it may come to an end upon his death; but rather there should be Imam and an authority along with the Scripture to comment upon the latter; and this office came to Ali (a) and his successors. Thus, this kind of mysticism is to some extent similar to esoteric Shi'ism.

Exoteric aspect and legislative authority of Imams were inherited by jurists. At the beginning,

however, religious scholars contented themselves to narrate sayings and conducts of the Holy Prophet (pbuh) and Imams.

Gradually and with appearance of various, intricate, and new needs, the need for reflection on, and analysis of, hadiths arose, and reason was recognized for deduction from the Scripture and tradition; and juridical discretion, i.e. rational deduction of new commandments from the Scripture and sunnah emerged as a discipline. Because of the stress that the Shi'a have put on reason, natural theology and philosophy elevated to a high place among the Shi'a.

A religious jurist is he who becomes able, through studying certain sciences and mastering them, to deduce religious rulings from their sources. The difference between a jurist's view and that of Imam is that the former may be mistaken, unlike the latter. Here a jurist is like any expert in any discipline that may make mistake, yet the lay should follow him. Indeed, following e.g. a jurist is following knowledge and expertise and not the person of the jurist as such.

Thus, authority of jurist (wialayat faqih) means, in fact, authority of jurisprudence. According to Shi'i jurisprudence, a religious jurist whom they follow should be alive so that he may recognize requirements and needs of the age and deduce pertaining Islamic rulings from the holy Quran and sunnah. This grants vitality to the Shi'i jurisprudence, instead of being stuck with the views of the early jurists.

## **Authority of Jurist in Society**

As mentioned before, in addition to individual rulings and devotional issues, Islam has many social, political, and economic rulings. Moreover, Islam is concerned with the happiness of all mankind and not only those who lived in a particular era. In the eras of the Holy Prophet (pbuh) and Imams, they were responsible to do their best for establishing a sociopolitical system in which Islamic rulings could be practiced and human happiness could be secured.

In the age of occultation, however, on the one hand such task cannot be abandoned and people cannot be deprived, and on the other there is no Imam available. Thus, the question is: who is in charge with and competent to undertake such responsibility.

There are two outstanding characteristics of Imams that make them distinct from others: infallibility (i.e. being free from mistake and sins) and immense knowledge. When there is no access to Imams naturally people should refer to someone who resembles them the most i.e. someone with highest level of piety and knowledge.

This is why the Shi'a believe that in the time of the occultation it is the responsibility of the just jurist whose piety, knowledge and competence are more than others to be in charge of the Islamic state. This is the same idea which has been crystallized in the Islamic Revolution of Iran and is known as authority of jurist.

This State, however, takes its acceptability from people. For, according to Shi'i Islam, without acceptance of people, the State will be a despotic one. For this reason, Islamic State in Iran emerged as Islamic Republic.

The term "Republic" determines the State's form, and the term "Islamic" specifies its content. Islamic Republic means a State whose form is democracy and its president is elected by people, and its content is Islamic. The role played by a jurist in an Islamic country, i.e. a country in which people have accepted Islam as their way of life is that of a supervisor or an ideologue. His duty is to supervise execution of strategies and overall running of the state.

Thus people have to elect from among jurists the most competent one and, by listening to him, give him power to practice his authority.

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1. "Unto Allah (belongeth) whatsoever is in the heavens and whatsoever is in the Earth" (the Holy Quran, 2:284).
  2. "But Allah, He (alone) is the Wali" (42:9), "Ye have not, beside Him, a Wali" (32:4).

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