Leadership from the Perspective of Imam Khomeini (q.) - 7 /Feb/ 2010

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Conditions of Leadership

The necessary conditions to be available in a leader are directly connected to the nature of the Islamic government. Disregarding the general conditions like wisdom and proper management, two basic conditions, i.e. justice and to know the law, should also be available.
Even after the demise of the Holy Prophet Muhammad (s.a.w.), when the bitter controversy about who would succeed him appeared, there was no theoretical dispute among Muslims over such an issue that his successor should be a knowledgeable and virtuous man. Mainly there were two controversial issues:
1- Since the Islamic government is a government of law, the person who governs should have a wide knowledge of law as it is referred to in traditions. It is necessary for the ruler as well as every one who takes charge of a post or occupies a job to acquire such knowledge; the only difference is that the leader should be the most knowledgeable. Our Infallible Imams (a.) had just used this same point – that the Imam (the religious leader) has to have superiority over others – to prove their imamate. Also, the queries that Shī'ah scholars raise and criticize others fall within this very domain when they say: the caliph did not know the answer to a question about the Islamic Law or he did a certain act which was against the Islamic law, so he was not qualified for this office.(1)
Muslims consider justice and knowing the law as essential conditions and basic elements while other things are neither significant nor necessary. For example, to know how the angles are or what the characteristics of the Creator (Allah) are has nothing to do with the matter of leadership. Similarly, suppose someone knows everything about physics and has discovered all the natural forces or knows music well, he will neither be qualified to be a caliph nor be given priority – over those who are just and knowledgeable in Islamic law – to occupy the office of leader. Therefore, what is really related to the caliphate – which was the matter of discussion and talk during the era of the Noble Prophet (s.) and our Infallible Imams (a.) and which is accepted by all Muslims – is that the ruler or the caliph should, firstly, know the Islamic law and, secondly, be just and perfect in both religious beliefs and morals. This fact is admitted by the reason as well because the Islamic government is a government of law and not a government of desires or a dictatorship.
If the leader is not acquainted with law, he will not be competent to govern people. Because if he follows [another person] in taqlīd, that will weaken his power; and if he does not, he cannot put the Islamic law into effect. The tradition that "the Islamic jurists rule over the kings" (السلاطين على حكام الفقهاء) is undisputed.(2) If kings really follow Islam, they should follow the Islamic jurists and ask their opinion. In this way the jurists themselves will be the real rulers and, therefore, the power should officially be given to them and not to those who are compelled to follow jurists as they do not know the law.
2- A leader should be perfect in religious beliefs and morals, just and spiritually not polluted with sins. The individual who wants to take the responsibility for applying the Islamic penal code properly, to control the Muslims' assets and country's expenditures and wants Allah, the Exalted, to delegate him the administration of His servants' affairs should not be a sinner because Allah, the Almighty, does not allow a tyrant to have such a power (لاينال عهدى الظالمين).(3)
Unless the ruler is just, he will not administer justice in providing Muslims with their rights, collecting and distributing taxes properly, and putting the penal code into effect. Such a ruler may also make his friends, supporters and relatives take control of people and spend Muslims' assets in fulfilling his own personal whims and desires.(4)

It Is Not Necessary to Be a Marji'

I was and I am still believing and I am insisting on the belief that it is not necessary that an Islamic leader should be a marji'. A just mujtahid chosen by the honored experts – who are the representatives of the whole country [in the

Assembly of Experts] – is just enough. When the people vote for the experts in order that they appoint a just mujtahid to rule them and those experts, then, has really assigned somebody to the leadership post, the leadership of such a person would be accepted by the people. In such a case, this person becomes the walī (leader) that has been elected by the people and whose orders and commands are, consequently, effective.(5)

The Model of Leadership

In the early days of Islam, the ideal Islamic government ruled twice: first at the time of the Holy Prophet Muhammad (s.) and secondly when Imam Ali ibn Abī Tālib (a.) governed in Kūfah. They were the only two examples that the immaterial values dominated. In other words, they were governments of justice in which the rulers had never violated the law. During those two periods, a government of law was in control and perhaps we will never find another government of law with such qualities all over the world. A government whose walī al-amr – 'king' or 'president' in nowadays' terms – was equal to the simplest citizen living there before the law.
It happened in the government of the early Islam. In this regard, there is a story about Amīr al-Mu'minīn, Imam Ali (a.). During his rule which was extended to include the Arab Peninsula, Egypt, Iran and many other areas, while it was he who was assigning judges, an individual from Yemen – living under the control of this very government – brought a lawsuit against the Imam (a.) and the judge summoned Imam Ali (a.). When Imam (a.) arrived in the court, the judge tried to show respect for him. Although the judge was really appointed by Amīr al-Mu'minīn (a.) himself, Imam (a.) said, 'While judging do not respect only one party. He and I should be equal. And after the judge issued a rule against Imam Ali (a.), he accepted it cheerfully.
In such a government all are equal before the law because the Islamic law is a divine one and all – whether the ruler, the Prophet, the Imam or the common people – are equal before Allah, be He blessed, the Exalted.(6)

Leader among People

The Islamic leader was not like kings and presidents. He was coming and sitting among the people in a small mosque in Madīnah and listening to their words. Those who had the country's destiny in their hands were meeting the common people in the same mosque in such a way that when somebody entered the mosque could not differentiate the leader and government officials from the populace. They were just like people in their dress style and association. Justice was so applied that if a citizen from the lowest class of the society took a legal action against the first person in the country, the judge used to summon the leader who would attend the court.(7)

Wilāyah of the Jurist Is against Dictatorship

In Islam it is the law which rules. The Noble Prophet (s.) was also following the law, the Divine law. He was not able to violate it. Addressing the Holy Prophet, Allah the Exalted says that if you say something against that which I say, I will seize you and cut off your aorta.(8) If the Prophet (s.) was a dictator or a person that people were afraid lest he may dictate to them on enjoying the whole power, then a jurist could, also, be a dictator.(9)
A jurist will never be despotic. A jurist with such characteristics is just. This kind of justice differs from the social justice. Jurist's justice is so that if he lies just once or if he has only a single look at a non-maḥram, he will be no longer considered as just. Such a person cannot and does not act against the law.(10)

Powers of the Leader and Government

If an eligible person with these two characteristics rises and comes to power, he will acquire the same wilāyah (authorities) which were established for the noble Prophet Muhammad (s.) as far as administering the society is concerned. And, therefore, all people are required to obey him.
Such understanding that the governmental powers of the Holy Prophet (s.a.w.) were more than those of Imam Ali (a.), or that the government authorities of Amīr al-Mu'minīn (a.) should be more than those of the jurist, is just wrong. Of course, the moral qualities of the Prophet Muhammad (s.) is universally the best, and then those of Amīr

al-Mu'minīn (a.). However, being in the highest rank of moralities does not increase one's governmental powers. Allah; who had given such authorities to the Prophet (s.) and the Infallible Imams (a.) like mobilizing and calling up the armed forces, assigning rulers and mayors, collecting taxes and spending them on the basis of Muslims' common interest; had given the same authorities to this very government with only one difference that He did not recognize a certain person for such a post, but gave a general title for it which is: 'the just Islamic jurist'.

When we say that after the disappearance [of the Imam of Time (aj.)] the powers, which the Prophet (s.) and the Imams (a.) had, are given to the just jurist; nobody should misunderstand this by thinking that the position of jurists is the same with that of the Imams (a.) and the Prophet (s.) because the discourse here is not on positions, but on duties and responsibilities. Wilāyah, which means the power of governing and administrating a country and putting the sacred Islamic laws into effect, is a very difficult and important duty. It does not provide the person with an unusual station or position to put him in a higher class in comparison with the normal individuals. In other words, wilāyah here; which refers to ruling, enforcing laws and administrating [a country]; is not an honor, as many conceive, but rather a weighty and great responsibility.

Among the matters that the jurist should accept its responsibility is the enforcement of the Islamic penal code. The question here is that is there a distinction among the Prophet Muhammad (s.a.w.), the Infallible Imams (a.) and a jurist so far as applying penal code is concerned? If jurist' position is lower, should he pass a lighter sentence? Should the number of lashes received by an adulterer/ adulteress – which is 100 – be 150 if judged by the Noble Prophet (s.), 100 if judged by Amīr al-Mu'minīn (a.) and only 50 if judged by a jurist? Or it is the executive ruler who should have the responsibility of putting the Divine Penal Code into effect no matter whether he is the Prophet (s.a.w.); Imam Ali (a.), his representative, or a judge in Baṣrah or Kūfa; or an Islamic jurist now.

Also, the Noble Prophet (s.) and Amīr al-Mu'minīn (a.) were responsible for collecting taxes, khums, zakat, jizyah and taxes on lands. How much zakat should Prophet Muhammad (s.a.w.) take? Should he take – from somewhere – twice as much as he take from another place?

What would Imam Ali (a.) do when he became a caliph? What about you if you become a jurist of time and influential? Is the wilāyah of the Prophet (s.) with respect to these matters varies from that of Imam Ali (a.) and a jurist? Allah, the Exalted, had appointed the Prophet Muhammad (s.) as the walī (leader) for all Muslims and as long as he was alive, he had control over even Amīr al-Mu'minīn (a.).

When the Prophet (s.a.w.) passed away, Imam Ali (a.) also had control over all Muslims even over the next Imam. It means that his governmental commands should have been obeyed by all and he was able to appoint and depose local rulers.

Just as the Noble Prophet(s.) was charged with implementing rules and establishing the Islamic system and Allah had made him leader and ruler of Muslims and considered submission to him as mandatory, a just jurist should also be leader and ruler, apply Divine rules and endeavor to set the Islamic social system up.(11)

Governance Is a Primary Rule and Has Priority over Secondary Rules

If the government powers were considered within the domain of the Divine secondary rules, the delegation of the Divine government and the absolute wilāyah to the Prophet Muhammad (s.) would be a meaningless phenomenon. The governance, which is a part of the absolute wilāyah of the Prophet Muhammad (s.), is among the primary Islamic rules and takes precedence over the whole secondary rules including the prayer, fasting and ḥajj. The [Islamic] ruler can ruin a mosque or a house which obstructs a street and pay the owner its price. He can also temporarily ban the mosques – when necessary – or demolish a mosque which proves detrimental [to the public good] in case it is impossible to prevent its harm without destroying it. The government can unilaterally revoke a Shar'ī contract that it has itself signed with people when it is understood to be against the interest of the county or Islam. It is also able to stop any practice, be it a worship or not, if it is recognized to be against the good of Islam. The government can even temporarily prevent performing ḥajj, which is among the important Divine obligations, when it proves to be against the Islamic country's interest.(12)

Wilāyah and Right of Ownership

In Islam it is legal [to own] property but it is restricted by certain limitations. Limitation of ownership is among the issues which are within the jurist's area of competence due to his wilāyah; which [wilāyah of the jurist] is, unfortunately, not clear for our intellectuals. In spite of the fact that ownership is respected by the sacred Legislator, walī al-amr (the Leader of Muslims) has the power to restrict a legal property or even confiscate it if he realizes that such ownership goes against the advantage of Islam and Muslims.(13)

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Footnotes:

1. Bihar ul-Anwar – vol. 25, p. 116; Nahj ul-Balaaghah, p. 588, sermon 172; al-Ihtijaaj – vol. 1, p. 229.
2. Mustadrak al-Wasā'il – vol. 17, p. 321; Kitāb al- Qaḍā' – characteristics of a judge, chapter 11, tradition no. 33.
3. The Glorious Qur'an, Chapter Baqarah: 124.
4. Wilayat-e-Faqih – p. 58-61.
5. Ṣaḥīfah-e-Nūr, vol. 21, p. 129, date: 29/4/1989.
6. Ṣaḥīfah-e-Nūr, vol. 10, p. 168-169, date: 8/11/1979.
7. Ṣaḥīfah-e-Nūr, vol. 3, p. 54, date: 9/11/1978.
8. Reference to the blessed verses 44-46 of the chapter Haqqah of the Qur'an which says:
)وَلَوْ تَقَوَّلَ عَلَيْنَا بَعْضَ الأَقَاوِيلِ * لأَخَذْنَا مِنْهُ بِالْيَمِينِ * ثُمَّ لَقَطَعْنَا مِنْهُ الْوَتِينَ (
An if he had fabricated against Us some of the sayings, We would certainly have seized him by the right hand. Then, we would certainly have cut off his aorta.
9. Ṣaḥīfah-e-Nūr , vol. 10, p. 29, date: 21/11/1979.
10. Ṣaḥīfah-e-Nūr, vol. 11, p. 133, date: 28/12/1979.
11. Wilayat-e-Faqih – p. 92-93.
12. Ṣaḥīfah-e-Nūr, vol. 20, p. 170, date: 6/1/1988.
13. Ṣaḥīfah-e-Nūr, vol. 10, p. 138, date: 5/11/1979.