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THE GOVERNMENT AND THE QUESTION OF LEGITIMACY ACCORDING TO THE TWELVER SHIITES

Dr. Ahmed Mahmoud Ibrahim

Professor of History and Civilization, Faculty of Dar al-Ulum, Cairo University

ABSTRACT

Twelver Shiite jurists have undertaken great strides to rationalize the lack of legitimacy that successive political systems have suffered from during the period of the Imam's absence. The Imam is conclusive proof of the right to take power. But this (i.e., lack of legitimacy) has remained a contentious point to a large extent. All these attempts by the jurists indicate this is a genuine problematic point. The doctrine of Velayat-e Faqih was an important means by which to exit this problem, but it did not gain consensus among Shiite scholars and remained a contentious theory among the sect's jurists. But Khomeini's *ijtihad* represented a qualitative transformation which laid out a new theoretical framework to address the question of a lack of political legitimacy. He managed to transform Velayat-e Faqih into a political model following the Iranian revolution in 1979. Since then, Velayat-e Faqih has become a political model implemented by Khomeini and a governing constitutional framework to which Iran submits. However, this does not avoid the fact that the question pertaining to the lack of political legitimacy is still under discussion by reformist Shiite currents that are attempting to make the guardianship of the people the main source of legitimacy via more democratic steps, intending to curb the powers of the Guardian Jurist which are based on a divine right to govern.

Introduction

Political activities in Islam, whether inspired by revelation or by historical experiences, are based on religious texts which are interpreted by fallible individuals. This merging of religious texts with the experiences of fallible individuals has occupied a central position in Islam. Political actions in Islam are based on the comprehensive view of Islam towards human beings and its general philosophy which brings together material and spiritual aspects. Islam does not recognize the complete separation between religious and political issues. It is therefore not surprising that the most prominent problem the Islamic nation has historically faced is the question related to power and governance. This question of governance is the most contentious question which has occupied the minds of Muslims since the death of Prophet Muhammad (632 AD, 11 AH). They suffered divisions – involving cutthroat disputes – which divided the population into warring factions and sects, each claiming that they represented the true understanding of Islam, and all the factions/sects represented nothing but a peripheral understanding of Islam and a deviation from the true understanding.

Although the dispute over power was the foremost reason behind the first division within the Islamic nation,⁽¹⁾ it is still a critical factor which Muslims debate today. However, the dispute now is much more complex and a greater source of confusion. In addition to the dispute's historical problems, "other problems surfaced; the historical legacy intertwined with present-day complexities."⁽²⁾

In fact, this historical legacy is one of the main pillars which modern Islamic currents use to legitimize their ideological platforms and refute the arguments of their foes and opponents. There is no doubt that it is impossible to understand many of the incidents and ideas existing at present without tracing their roots in the distant past. Bernard Lewis shed light on this. Lewis stated, "The names of Ali, of Mu'awiya, of Yazid are as contemporary as this morning's newspaper, more so than yesterday's."⁽³⁾

Perhaps this close intertwinement between the problems of the current Islamic currents and their distant historical roots grants this study – which focuses on the question of political legitimacy according to Twelver Shiism and the historical transformations which occurred in relation to its perception towards the legitimacy of the government – some degree of contemporariness and immediateness.

I. The Early Days of Islam and the Question of Government and Legitimacy

It is true that the problem of governance in Islam is an old one. It dates back – if we want to trace its initial roots – to what could be defined as "the post-revelation era," a period which began following the death of Prophet Muhammad and the subsequent dispute among Muslims over his successor. Then the problem went deeper and took a new shape at the end of the era of the Rightly Guided Caliphs in a way that gave rise to a host of opposing political movements: Shiite and Khawarej, also known as the Kharijite movement.

Then it evolved slowly with the emergence of various sectarian factions adopting religious and political positions opposite to those adopted by the nation's main current, Sunnis.

Among the points of disagreement between these sectarian factions were differences over the system of government in relation to its legitimacy, and the mechanism to select the ruler and his role.⁽⁴⁾

The legislator did not outline definitions and regulations in relation to the system of government. This provided the Muslim community with a great deal of freedom in regulating their polity in line with their circumstances and enabled the community to cope with developments and change. However, this opened the door for different answers to a number of questions posed in relation to the system of government. The question of political legitimacy is a compound question as it branches into several partial questions, like: who could succeed Prophet Muhammad as the head of the state? How would he be chosen? What are the criteria for a ruler to gain legitimacy? What is the scope of his power? These questions are among a few for which Muslims in the past did not have concrete answers.

It is no secret that these questions pivot around two main issues. The first is in relation to how to bring a person to power. The second is in relation to how a ruler exercises his power in a manner that satisfies society. These two issues led to discussions about the nature of political legitimacy during the early periods of Islam.⁽⁵⁾

Hence, we could say that there is a link between government and legitimacy since the issue of governance entails thinking about the exercise of power. Legitimacy is an inconstant and changing concept. It differs within different communities and across various historical phases because of differences in values and divergences in interests.

Legitimacy can be defined as: acceptance by society, or the largest segment within it, of the political system willingly, without repression or force, because they believe that this system reflects their values, seeks to secure their interests, meets their needs, and lives up to their expectations in terms of how the sitting government acquires and exercises power.⁽⁶⁾

The concept of legitimacy includes two concomitant meanings which cannot be separated: the first is the necessity to ensure power is taken in accordance with the regulations approved by the Muslim community, and rulers should agree to observe them. The second is how to exercise power.⁽⁷⁾

Building on the concept of legitimacy, political theory scholars distinguish between the use of ruthless force and an organized legitimate government. The first refers to the ability to influence the behavior of others, while the second refers to the right to exercise influence. This means that legitimacy is the central feature which transforms a repressive force into a legitimate government which Shiites believe in and obey, not out of fear or by concealing one's conviction and faith from others to avoid harm (taqiya).⁽⁸⁾

II. Political Shiism and the Issue of Legitimacy

The first dispute among Muslims resulted in three major movements which hold different views in relation to selecting the system of government and its leader. The criteria presented by these movements on how a government gains legitimacy also varied.

As for the first perspective, it was led by the core movement of the Islamic nation, Sunni Muslims. This perspective is based on the concept that establishing a system of government (imamate/caliphate) is mandatory and choosing the caliph is the only way to legitimize the position of the caliph. The caliph must also be from the Quraysh (the Arab tribe that had settled and controlled Makkah and the Ka'aba for a long period of time),⁽⁹⁾ and political obedience is linked to the caliph's legitimacy, whether in relation to how he was appointed or the way he exercises power.

Those adopting this perspective were known for preferring a realistic approach when it comes to viewing political life and dealing with its concepts and developments. They managed to approve the legitimacy of the historical phases that the Muslim community experienced since the Saqifah Convention which resulted in the Rightly Guided Caliphate leadership or Rashidun rule. Sunni Muslims were flexible enough, which enabled them to adapt to the radical transformations in the system of government under the Umayyad and Abbasid dynasties. Then the system of government evolved to be based on the premise that force is the ultimate way of acquiring power to rule and hereditaryness is the basis of transferring power.

Based on the aforementioned, Sunni Muslims had developed the foundations for a new type of legitimacy, the 'legitimacy of *darūra*' (necessity). This was critical to unite the Muslim community and prevent the nation from falling into a cycle of endless conflict.

As for the second perspective, the Khawarej led it. They denied the concept of a caliphate and viewed that establishing it is up to the discretion of Muslims. "They should reach a just understanding, if they believe that this is not possible without a ruler, then they can appoint one."⁽¹⁰⁾

The Khawarej were concerned with evaluating the caliphate's historical phases and judging those in power. They deemed legitimate the caliphate of Abu Bakr and Omar and supported Uthman during the first six years of his tenure, and thereafter they rejected him. As for the caliphate of Imam Ali, they said that his pledge of allegiance was taken in accordance with legal regulations. They remained supportive of him until before the arbitration. Then they rejected him and revolted against him, saying that his legitimacy was no longer valid.

They also questioned the legality of the Umayyad and Abbasid dynasties and remained hostile to them. They also believed that being from the Quraysh was not a requirement for a person to rule, and that it is permissible for a caliph to be from a tribe other than the Quraysh.⁽¹¹⁾

Finally, they were known for their opinion that it is mandatory to revolt

against tyrannical rulers, their flagship principle for which they were renowned throughout history.⁽¹²⁾

As for the third perspective, it is symbolized by the Shiites, whose Shiism, since the reign of Ali bin Abi Talib to the tragedy of Karbala, is something close to a political movement, the supporters of which believed Ali had been selected to lead following the death of Prophet Muhammad. However, Ali did not question the legality of the pledge of allegiance given to the first three caliphs before him nor did he question the legitimacy of their rule.

When Imam Ali became caliph, in an atmosphere full of chaos and potential disputes, the Shiites rallied behind him and supported him in his wars against those who opposed his rule as he was the legitimate caliph, until he died in 661. Then they supported his children Hassan and Hussein, according to the most notable Shiite and Sunni historical sources.

In fact, the earlier generations of Shiites believed during this early phase in “the sovereignty of the *ummah* (nation) through the free *bay‘ah* (pledge of allegiance) and Shoura.”⁽¹³⁾ This means that they supported Imam Ali in his capacity as a leader who derived his legitimacy from the Muslims who selected him; not based on his credentials as an Infallible Imam who gained leadership based on certain religious texts or commandments, which Shiites ultimately adopted.⁽¹⁴⁾ In this regard, it is telling that Hasan ibn Ali recognized the legitimacy of the Rightly Guided Caliphs and considered that their legacy should be emulated. Additionally, the legacy of Hussein ibn Ali includes narratives that indicate Shiite acceptance of legitimacy via societal approval.⁽¹⁵⁾ However, Shiite sources claim that Hussein highlighted the imamate as a well-established right for the people belonging to Ahl al-Bayt on a hereditary basis. Despite this claim, Hussein did not position himself as one of the Infallible Imams to his supporters in accordance with religious texts. The views of Hussein on the missions of the Imams were close to the prevalent understandings at the time.⁽¹⁶⁾

According to the foregoing, the Imams of Ahl al-Bayt upheld the political legitimacy of the Rightly Guided Caliphs. However, later they relinquished their position due to the pressures stemming from the situation and the swelling role of radicals within the sect during the period of the Umayyad and Abbasid dynasties.

III. The Peaceful Imamate: Twelver Shiism and Waiting-inspired Legitimacy

Shiism, due to the transformations in the political sociology of Islam after Imam Hussein’s martyrdom in Karbala (680 AD-61AH), shifted from a dissenting political movement to an independent religious sect, or, more precisely, transformed into different religious sects which were hostile towards the nation’s main current. The main Shiite sects were: Zaidi Shiism, Twelver Shiism, and Ismaili Shiism.

The imamate theory is central to the Shiite sect in general and to Twelver Shiism in particular. There are two basic issues that should be highlighted in this regard before shedding light on the general features of this theory.

First: this theory, like any other Islamic political theory, was shaped from within the movement and the texts supporting it were more reflective of this movement's beliefs rather than regulating or shaping its direction or providing criteria that determined its orientation from the onset. This led, in most recent times, to strong doubts about the theory's credibility on the one hand and about Shiite interpretation of it on the other hand.

The other issue is that Twelver Shiites have always been concerned with the imamate and extensively spoke of its problems from a position of opposition, not as leaders. This made the theory, as some researchers mention, "defensive with a confrontational zest," a characteristic which embodied Twelver Shiism even after Shiites shifted from the position of opposition to ruling under the Safavids in the 10th Hijri century (16th century according to the Georgian calendar) and again under Khomeini in the 14th Hijri century (20th century).⁽¹⁷⁾

Even though Twelver Shiites agreed with Sunnis in the obligation to establish a government (imamate-caliphate), they disagreed with them about the nature and proof of its obligatory status. This is because its obligatory status, according to Sunnis, is based on public interest while Shiites argue that it is imperative because of religious and fundamental reasons. The imamate, according to Shiites, is one of the pillars of the religion which the messengers (peace be upon them) did not ignore, overlook, and leave up to societal discretion.⁽¹⁸⁾

From this latter point of view, the imamate is not merely a political position but is also a religious spiritual position which agrees with prophethood in its sublime aim, explaining the heavenly message and guiding the people. The imamate is an extension of prophethood and a completion of its meaning, without which it is impossible to understand revelation and implement its laws.⁽¹⁹⁾

The imamate, according to Twelver Shiites, cannot be proved without a text handed down from the first Infallible Imam or a commandment by him. They have a deep-rooted belief that the Prophet mentioned that Imam Ali ibn Abi Talib should be the caliph/imam after his death, explicitly at times and implicitly at others. According to their opinion, it would have been unlawful for him to depart from the Islamic nation (die) without deciding this question to settle the matter afterwards.⁽²⁰⁾

Hence, we could say that the imamate, according to the perspective of Twelver Shiites, is a religious-political position based on religious texts or commandments of the Infallible Imam from among the imams of Ahl al-Bayt. It was then handed over to Imam Ali's children from Fatimah al-Zahrā – Hasan and Hossein – and then to the children of Hossein exclusively.

The question of political legitimacy according to the understanding of Twelver Shiites was based on two integrated axes. The Twelvers – on the one hand – denied the legitimacy of the established Sunni government which denied the Infallible Imam the right to rule as caliph. But they accepted the Sunni government, adapting to the situation, an adjustment dictated by necessity and imposed by the need to

coexist. They opted to live peacefully under Sunni governments, rejected all calls to rebel against them and opposed all slogans raised to establish a parallel Shiite government.

On the other side, the Twelvers limited political legitimacy to its true definition, to their Infallible Imams that were mentioned in the religious texts. Despite these imams being deprived of “worldly leadership” and their rights usurped by the Umayyad and Abbasid dynasties, it is impossible to strip them of their “spiritual imamate/leadership” which is equivalent to prophethood in terms of their religious and legislative roles which last until the end of time.⁽²¹⁾

Thus, Shiism shifted from a movement which in its early days demonstrated opposition at the highest level via rebellion and insurrection, to a theoretical school of thought which has no problem with truce and peace with existing governments by practicing *taqiya*, a principle which became closely related to Twelver Shiism.

Abdel-Jawad Yassin interpreted this transformation by taking into consideration three historical factors: the atmosphere of Umayyad repression, rivalry within the Shiite movement and the role of personalities such as Baqir and then his son Ja'far al-Sadiq who opposed all forms of Shiite resistance, deeming the establishment of a Shiite government as a postponed objective which should not be hastened. Shiite history is full of quotes which Twelver Shiites have attributed to the two imams, Mohammed al-Baqir and Ja'far al-Sadiq, in which they call for waiting and forsaking attempts to acquire political power. In addition, the quotes indicate that the spiritual imamate suffices.⁽²²⁾

Such Shiite narratives calling for holding on to the idea of waiting for the Hidden Imam and the principle of *taqiya* were extremely abundant to the extent that people began to think that that “the legitimacy of waiting” was no longer a temporary measure to address the repression and crackdown experienced by Shiites. Thus waiting became a critical foundation of Twelver Shiism's political outlook⁽²³⁾ during the period of the Major Occultation.

IV. The Major Occultation: The Lack of Prospects and the Crisis of Legitimacy

The Minor Occultation of the 12th Imam Muhammad ibn Hasan al-Mahdi in 873AD/250AH and the Major Occultation in 940AD/329AH were indicative of a decisive turning point in the history of the Twelver Shiite movement. These incidents ushered in one of the phases of the sect's historical evolution during which it witnessed major turbulence and its theory was subject to a great deal of confusion.

It was natural for Twelver Shiites to experience turbulence and for confusion to enter their political theory because Twelver Shiism's hardcore support base believed that “there should be an imam or a leader on earth [...] Whoever from within this nation acts without the guidance of an imam is deemed astray and misled. If he dies without following an imam, he shall die as a pagan or a hypocrite.” Then, is not

the absence of the imam, as was the case, considered a breach of the theory and a contradiction of some of its well-established fundamentals?

The occultation of Imam Mahdī caused a dangerous political vacuum in Twelver Shiism, especially since Shiites lacked an imam who they could depend on. They were forced to recognize the existing Sunni government, however, their hearts were filled with loyalty to the legitimate imam. When this imam disappeared, the Shiite community suffered from turbulence, as mentioned. They felt the need to fill this vacuum and run their affairs and protect themselves from disintegration and perdition.

It is worth mentioning that the Major Occultation coincided with dynastic rule over the Muslim political arena. The Buyid dynasty (946-1005), which followed Shiite Zaydis, took control of Iraq and imposed their control over the Abbasid caliphate. The latter had become a nominal caliphate with little power. It is certain that the radical transformations in the structure of the government at the time prompted jurists to pay attention to developments and look again at the issue of political legitimacy. This renewed attention on the system of government could have been to defend the crisis-riddled Abbasid caliphate as Mawardi's Sunni treatise and others did, or to question its political legitimacy. We find the latter in the books authored by Twelver Shiite jurists⁽²⁴⁾ who flourished under the Buyid dynasty, something they had not experienced throughout their history. They dedicated all their time to research and writing books to accomplish the theoretical development of the sect. Jurists like al-Kulayni (329AH/940AD), Mohammad Ali ibn Babawayh (381 AH/991 AD), al-Shaykh al-Mufid (431 AH/1023 AD), Sharif al-Murtaza (436 AH/1045 AD), Abū Ja'far al-Tusi (460 AH/1068 AD) and other jurists should be given credit for writing the main texts of the sect.⁽²⁵⁾

Wajīh Kawtharānī rejects the point that the prolific Shiite intellectual development under the Buyid dynasty was because jurists accepted its political legitimacy. However, Shiite jurists were not engaged with this matter. Their focus was on working to develop a watertight philosophical and jurisprudential framework through which they could back up the beliefs of their sect. This was because the position of the legitimate imam or the Infallible Imam following the occultation of the 12th imam became a postponed objective and essential to the Shiite belief system.

In other words, Shiite jurists focused on presenting the theoretical framework distinguishing Twelver Shiism from other currents, such as detailed literature about the imamate; the infallibility of imams; and the *nass* (text) which stipulates *wasiyyah* (testaments) of Prophet Muhammad. The Buyids accepted the jurists' Theoretical argument - though it did support their legitimacy- because it protected their dynasty from the possibility of facing rebellion by an imam who is granted legitimacy by the jurists.⁽²⁶⁾

Whatever the matter was, Twelver Shiite jurists shouldered the responsibility – in addition to the scholastic role they performed – of tackling the vacuum resulting from the occultation of the imam. In the imam's presence, Shiite jurists were ordered to abandon politics, refrain from opposing the existing governments and live peacefully under them. Then, what should they do during the Infallible Imam's occultation? Could the Shiite community be led by an usurping authority, whose legitimacy they deny? Who would take over the duties performed by the Infallible Imam, including the spiritual and legislative roles in a way that was acceptable to the community?

Twelver Shiite jurists believed that suspending political activity is a solution to this problem of occultation. The theory of waiting emerged, which makes it obligatory for Shiites not to rally under any political banner before the reappearance of the Mahdi.⁽²⁷⁾

This was backed up by narratives attributed to the imams confirming that whoever raises political banners before the reappearance of the Mahdi represents false deities instead of God. Any pledge of allegiance before the reappearance of the Infallible Imam is an allegiance of disbelief, hypocrisy, and deception. God's curse will be upon those pledging allegiance and to those whom this allegiance is pledged.⁽²⁸⁾

It is noticeable that Twelver Shiite political jurisprudence in relation to the question of political legitimacy in the post-occultation era was a continuation of what existed before; "in terms of the continued Shiite belief that an usurping authority has no legitimacy, and the latter rests only with the Infallible Imam."⁽²⁹⁾ This means, in other words, that "the state and authority during the occultation were in reality like the state and authority in the imam's presence." In both cases, it is unlawful to establish the state and exercise power until al-Qa'im al Muhammad reappears. The statehood remained a postponed plan after the occultation, as it was postponed throughout the age of the imams.⁽³⁰⁾

The Twelver Shiite political vision has turned into a resurrection-based one, totally detached from this world since the imam will end his occultation closer to the end of time.⁽³¹⁾

The Twelver Shiite jurists became very powerful to such an extent that they were able to fill the power vacuum and lead the Shiite community during the occultation. This is not astonishing as jurists, with various standings, performed this leading role given the absence of grassroots political organizations. However, the reforms which the jurists ushered in during that phase were confined to issuing fatwas and the judiciary made no reforms in relation to public guardianship or political guardianship.⁽³²⁾

However, the theory of waiting did not resolve the dangerous quagmire caused by the Major Occultation. The occultation of the imam continued to be a key reason behind the political and religious vacuum which Shiites continued to suffer for a long time. They were forced to live under the existing circumstances until the return of the Absent Imam.⁽³³⁾

V. Iran Before Safavid Rule: The Expansion of Twelver Shiism and the First Signs of Velayat-e Faqih

The historical phase, which followed the Mughal invasion of Iran and other regions of the eastern parts of the Islamic world, was of utmost importance for Twelver Shiism. This invasion led to the creation of a religious atmosphere which paved the way for the spread of Shiite movements and sects in all their diversity.

This encouraged some ruling regimes to embrace Twelver Shiism as their official version of religion, which could be considered as prior experiences preceding the establishment of the Safavid dynasty. This dynasty played a critical role in the internal evolution of Twelver Shiism on the one hand, and reshaped relations with Sunnis on a totally new basis on the other hand.

Perhaps the first among these early experiences was the Mughal Ilkhanate dynasty (1256-1336) established by Hulagu. His sons succeeded him and gradually gained independence from the central Mughal dynasty in Karakoram. The Ilkhanate dynasty imposed their control over Iran, Iraq, Upper Mesopotamia, and Anatolia.

Shiite Islam had seen a huge boom in Iran under the Ilkhanate Sultan Öljeitü Khodabandeh (1304-1317) who adopted Twelver Shiism as the official religion of his sultanate in 1309. "He made public his rejection of other sects and insulted the Messenger's companions, ordering preachers across his sultanate to exclude the Rightly Guided Caliphs from religious sermons."⁽³⁴⁾ He also ordered new coins to be minted with the names of the twelve Shiite Imams engraved on them.⁽³⁵⁾ He was also keen to bring Shiite clerics closer to him, foremost among them Jamāl ad-Dīn bin al-Muṭahhar al-Ḥillī (d. 1325), also known as al-Allamah al-Ḥillī.⁽³⁶⁾ On the other hand, he adopted a fanatical approach towards Sunnis and persecuted them, throwing them into "an agonizing situation."⁽³⁷⁾

Al-Allamah al-Ḥillī ended up becoming the chief cleric of the Twelver Shiites of his time. Sources indicate that he played the most prominent role in spreading Twelver Shiism during this period. He played a key role in Öljeitü believing in the sect's doctrine.⁽³⁸⁾

He authored one of the most significant books on the theory of the imamate titled "Minhaj al-karamah fi ma'rifat al-imamah" (The Miraculous Way of Knowledge of the Imamate) in which he answered a number of historic questions in relation to the obligatory status of the imamate, the religious texts proving Imam Ali's right to be caliph (imam), the proofs of his merit to be imam and identifying the imams who followed him until the 12th imam, and the obligation to follow Twelver Shiism. However, such questions added nothing new to the political discourse of Shiite jurisprudence.⁽³⁹⁾

Al-Allamah al-Ḥillī, like his predecessors, had no problem with recognizing the role of the Ilkhanate dynasty. This recognition resulted in two levels of legitimacy: a religious level connected to the legitimacy of the Infallible Imam, within the

framework of the theory of waiting, and a realistic level connected to the political legitimacy of the overpowering ruler, the Mughal ruler Öljeitü.⁽⁴⁰⁾

Regarding the question of Velayat-e Faqih or ruling on behalf of the Infallible Imam during the occultation, al-Hilli followed the same opinion of the Twelver Shiite jurists who preceded him. He limited this guardianship to issuing fatwas, resolving judicial disputes and *hisbah* (accountability), stopping short of the general guardianship pertaining to political authority.⁽⁴¹⁾

Although Al-Allamah al-Hilli did not add anything new to the question of political legitimacy during the occultation, Muhammad Jamaluddin al-Makki al-Amili, also known as the First Martyr (d. 1384), pushed this question one step further. He was the first to articulate the opinion that the jurist has a right to general guardianship. He did not confine this guardianship to issuing fatwas and resolving disputes. By adopting this position, he paved the way for granting the guardian jurist powers in relation to political guardianship.⁽⁴²⁾

In fact, many dynasties tilted towards Twelver Shiism in Iran during the Mughal era; the Ilkhanate dynasty was not the only one. Sources indicate that some dynasties such as the Jalayirid Sultanate and Qara Qoyunlu rulers adopted Shiite beliefs. But the sources did not clarify how far these dynasties used Shiism to gain legitimacy and ensure the obedience of their subjects. It seems, however, that it is likely that these Shiite beliefs adopted by those dynasties were intricately linked to radical Shiite movements which spread in Iran and Anatolia at that time.⁽⁴³⁾

The Sarbadars (1330-1380) was one of the heretical Shiite movements which had strong ties with the jurists of Twelver Shiism. The Sarbadars managed to establish a state resembling the Safavid dynasty. In the beginning, it was a Sufi order and then turned into a Shiite-oriented military movement.⁽⁴⁴⁾

Whatever the situation was, Shiism, as time passed, became the nationalistic ingredient for the Iranian monarchy's mandated version of Islam at the time when the Safavid dynasty was first established in the 16th century (1502-1736).⁽⁴⁵⁾

VI. The Safavid Dynasty: Between the Legitimacy of Overpowering Rulers and Ruling on Behalf of the Imam

The Safavid dynasty is one of the five dynasties which make up what is known as the Shahs of Iran who ruled this region for nearly four uninterrupted centuries. They are the Safavid dynasty (1502-1736), the Afghan dynasty (1722-1729), the Afsharid dynasty (1736-1796), the Zand dynasty (1750-1794), and the Qajar dynasty (1779-1925).⁽⁴⁶⁾

It is ironic that the dynasty which was destined to change the course of life in Iran by changing its identity from Sunnism to Shiism – the Safavid dynasty – did not have Shiite origins but moderate Sunni Sufi ones. Safi-ad-din Ishaq al-Ardabili (1252-1334), who was linked to the Safavids, was never a Shiite.⁽⁴⁷⁾

But he was a man who adopted Sufism and communicated with Ebrahim Zahed al-Gilani (d. 1301). He followed this approach to worship and married Gilani's

daughter. He then inherited the Sufi order after Gilani's death, which was then named after him.

The Safavid dynasty had maintained its Sunni identity under the leadership of Safi-ad-din and throughout the tenure of his three immediate successors Sadr al-Din (d. 1393), Khvajeh Ali (d. 1429) and Sheikh Ibrahim (d. 1448). From this point, the dynasty gained respect from the dynasties at the time such as from Ilkhanate sultanate and the Timurid Empire. The Safavid's sheikhs had no political ambitions and they were never known to be from among those who called for revolt or opposition against the standing regimes, unlike the popular Sufis or those who drank into their hearts rebellious and disobedient inclinations.⁽⁴⁸⁾

When Sheikh Junayd ibn Ibrahim (d. 1460) took over the dynasty, he deviated from the approach pursued by his predecessors. He abandoned the superstition-free Sunni Sufism and became involved in the radical Shiite movement. He also catapulted himself into the political life of the dominant current of the time, turning the dynasty under his leadership into a movement with a political and partisan outlook.⁽⁴⁹⁾

Colin Turner believes that this dangerous religious transformation was nothing but a cloak hiding the political ambitions of Junayd. Turner then continues and explains his viewpoint. He mentions that Junayd alleged that his pedigree could be traced back to Ahl al-Bayt. He departed for Anatolia at a time when there was fertile ground for all kinds of religious heretics due to the spread of political chaos which had become widespread across the region on the one hand, and heretical religious creeds brought by the Mughals and Turkmen on the other hand. Anatolia saw significant activity among the religious Shiite fundamentalist movements. At this point, Junayd believed that the time was ripe to abandon Sufism and Sunni Islam and adopt Shiism to attract combatant Turkmen tribes in Anatolia in the hope of winning their support to achieve his political ambitions.⁽⁵⁰⁾

When Shaykh Haydar ibn Junayd al-Safavi became the leader of the dynasty, he continued the political and military plans of his father. He reorganized the dynasty and reasserted its radical Shiite inclinations. His followers were known as the Qizilbash-people with red heads. The name is derived from their distinctive 12-gored crimson headwear which he instructed them to wear. Under his rule, the military activity of the dynasty significantly expanded. Within half a century, it became a powerful dynasty with his son Shah Ismail in 1501 sitting on its throne in Tabriz. It wielded its authority via the powerful swords of the radical Qizilbash over most parts of Iran; since then Iran has never been the same.⁽⁵¹⁾

1. The Safavid Dynasty and Converting Iran to Shiism

There is no doubt that the Safavids' rise to power was a decisive turning point whether in the history of Iran or in the history of Twelver Shiism. Until the establishment of the Safavid dynasty, Iran was a region predominantly inhabited by Sunnis despite having a considerable scattering of Shiite centers across various cities. The cities

included Al-Ray, Sabzevar, Kashan Qom, Gilan and Mazandaran. It is worth noting that the Arabs had led the Twelver Shiism since the seventh Hijri century, the 13th century on the Georgian calendar. The sect's activity was concentrated outside Iran. Al-Ahsa, Jabal Amel, Bahrain and Hillah became the most important Shiite teaching centers.⁽⁵²⁾

The Safavid ruler Shah Ismail (1502-1524) brought forth his sectarian plan and succeeded in converting most of the population in Iran to Twelver Shiism, which continues to dominate Iran to this day despite the Safavid dynasty collapsing and the rise of others who did not implement the violent and harsh sectarian plan adopted by the Safavids. As soon as he entered Tabriz and was crowned king, Shah Ismail announced his sectarian plan, which was based on forcing the Iranian people to believe in Twelver Shiism via a ruthless crackdown, considering such an act (i.e. to believe in Shiism) "an obligatory deed aimed to please God Almighty." This is in addition to his ambition to implement "a sectarian identity through which he could unify the Persians, Turks, Balochis, Armenians, Arabs and others within the different ethnic groups making up the peoples of Iran at that time."⁽⁵³⁾

Based on this singular identity, Shah Ismail managed to create a new form of political loyalty for his fledging dynasty. He also took advantage of this sectarian outlook, making it a bulwark against the dangers posed to him by contemporary Sunni political authorities, especially the Ottoman empire as the Ottoman Sultan was the caliph over all Muslims. By pursuing this policy, he mobilized Iranian nationalist sentiments on totally sectarian grounds against all Sunni authorities and Dawah groups.⁽⁵⁴⁾

Thus, Shah Ismail declared Twelver Shiism as the official religion of the regions under his rule. He instructed preachers to give sermons in the name of Twelver Shiite imams and use the Shiite version of the Adhan (call to prayer). It has an added line, "I bear witness that Ali is the viceregent of God" and "Make haste towards the best thing," in addition to invoking curses upon the three caliphs. Shah Ismail did not pay heed to the religious sentiments of Sunnis who made up more than two thirds of the population of the capital Tabriz nor did he pay heed to the concerns of his court officials who warned him against declaring Shiism as the official sect of the dynasty. He responded to them by saying, "I am committed to this action; God and the [Infallible] imams are with me, and I fear no one; by God's help, if the people utter one word of protest, I will draw the sword and leave not one of them alive."⁽⁵⁵⁾

In fact, this clear-cut answer highlights two important indications:

The first: Shah Ismail considered himself to be an absolute ruler surrounded by God's providence. "He proclaimed himself the hidden Imam, the reincarnation of Ali and the epiphany of the divine being. Ismail claimed to be descended from the seventh imam [...] and the bearer of the divine fire passed down from generation to generation to its embodiment in Ismail."⁽⁵⁶⁾

The second: nothing could prevent Shah Ismail from imposing Twelver Shiism

on the Iranian population even if this meant resorting to bloodshed and using the harshest and cruelest approaches, which had already happened.

All those who refused to renounce Sunni Islam and invoke curses upon the three caliphs were subject to murder. Many people responded to this terrorist call in order to protect their lives.

In fact, the policy of religious persecution – which Shah Ismail laid the foundations for and which his successors continued, especially Tahmasp I (1524-1576) and Abbas I (1587-1628) – did not target Sunnis alone. Its torment hit all those who believed in doctrines other than Twelver Shiism. The Sufi shrines were pulverized, the Naqshbandiyah tombs were desecrated and a crackdown was launched targeting the Khalwati, Zahabi and Nurbakhshi orders. Hajj to Makkah was given scant attention and was replaced with visits to the shrines of the Shiite imams. Hence, Iran had lost one of its landmark historical characteristics, religious diversity, with only one jurisprudential school accepted, Twelver Shiism.⁽⁵⁷⁾

Throughout the 16th and 17th centuries, the persecution of Sunnis and Sufi orders who disagreed with Twelver Shiism never stopped. The persecution also extended to include non-Muslims such as the Jews and Zoroastrians, who were forced to believe in Shiite Islam. Perhaps the Armenians and Georgians were the only ones who survived this persecution. The dynasty recruited a large number of them as soldiers and officers in administrative and commercial positions.⁽⁵⁸⁾

2. Arab Scholars and Spreading Twelver Shiism in Iran

Earlier it was stated that the main centers of Twelver Shiism had been located since the 7th Hijri century in the Arab regions. From this point, Shah Ismail faced a huge problem – the deficiency of Twelver Shiite jurisprudential culture in Iran and the lack of a massive network of Shiite scholars who could convert people to Shiism. This is in addition to the scant number of books explaining the fundamentals of Shiism, except for a book titled “Rules of Islam” authored by Allamah al-Hilli (d. 1326) translated into Persian by Judge Nasrallah al-Zaitouni. The book became the official reference point when teaching people the fundamentals of Twelver Shiism.⁽⁵⁹⁾ In the meantime, Shah Ismail realized that he could not turn the Safavid dynasty into a state without seeking help from Shiite jurists.⁽⁶⁰⁾

Here, Shah Ismail resorted to bringing some Twelver Shiite jurists from Syria, especially from Jabal Amel in present-day southern Lebanon, Bahrain, the northeastern Arabian Peninsula and Iraq. This step was intended to strengthen Shiism through a solid jurisprudential framework and a coherent intellectual pattern. One jurist who Shah Ismail brought to the dynasty was called Nour al-Din Abu Al-Hassan Ali Karaki (d. 1534).⁽⁶¹⁾

3. The Legitimacy of the Safavid Dynasty

Though the Safavid dynasty adopted Twelver Shiism as an official doctrine, Twelver

Shiite jurists considered it a *sultanistic regime*⁽⁴⁾ that used force and repression. This is because during the occultation, all aspects of *sultanistic regimes* lacked legitimacy.⁽⁶²⁾

Indeed, the extremist sectarian plan pursued by Shah Ismail and his successors had nothing to do – according to my viewpoint – with the question of legitimacy. It did not make their dynasty legitimate, nor did they think of acquiring legitimacy by imposing the creed using oppressive approaches. This is because every dynasty that adopted Twelver Shiism as an ideological framework stumbled into the occultation doctrine which had become a complicated problem since it – as we mentioned – makes the establishment of a government a postponed objective. The doctrine makes it mandatory to wait until the reappearance of the imam, as none but the state ruled by this imam is legitimate. Moreover, the Shiite inclination toward the Safavid dynasty did not come with Shah Ismail, so it could not be said that he wanted to gain legitimacy by adopting this belief. But the inclination began under his grandfather Junayd ibn Ebrahim because of a host of reasons, which never included his ambition to provide legitimacy to his political-military project.

How can we understand the nature of the Safavid's sectarian plan, particularly the motivations and the objectives driving it? Wajih Kawtharāni gives an answer to this question, indicating that a central objective prompting the Safavid shahs was establishing a central state capable of unifying the home front and resisting outside pressures. To achieve this end, it was necessary to install an absolute monarchy and to lay the foundations for the state's religion and creed. Here, the Safavids sought to establish an Iranian identity which was to be strengthened via Twelver Shiism as a counterpoint to Sunnism prevailing in the Ottoman empire in its Turkish and Arab regions.⁽⁶³⁾

On the other side, the Safavid shahs realized that the dynasty's transformation into a state necessitated the wiping out of all potential threats. At the top of these threats included the Qizilbash. After taking control of Iran, the Qizilbash lost their political value and became a liability for the state. Thus, the solution was to depend on Twelver Shiism and take advantage of Twelver Shiite jurists who did not pose a threat or danger because they had no political ambitions.⁽⁶⁴⁾

But how did Shah Ismail overcome the dilemma of the occultation doctrine and gain political legitimacy? First, he claimed that his ancestry traced back to Ahl al-Bayt, especially to Imam Musa al-Kadhim. But such kinship was not sufficient to provide legitimacy for his state which was not established by the Mahdi. Additionally, his kinship with Ahl al-Bayt did not permit him to have the legitimate right to rule after the end of the twelve imams. Hence, he alleged, in addition to having kinship to Ahl al-Bayt, that he was the representative of the Absent Imam

⁽⁴⁾ *Sultanistic regimes*, as Juan Linz describes them, are authoritarian regimes based on personal ideology and personal favor to maintain the autocrat in power; there is little ideological basis for the rule except personal power.

See Houchang E. Chehabi, *Sultanistic Regimes* (Baltimore, MD: Johns Hopkins University Press, 2020), 19.

(the Mahdi). Therefore, he appointed himself as the legitimate ruler and instructed Shiite jurists to refer to him during the occultation period. Such a claim ensured that he could monopolize both the religious and temporal spheres, allowing him to control and dispose of state resources without any resistance.⁽⁶⁵⁾

However, he did not end with this. He added some titles to his name such as the Unblemished Safavi Guide and the Padishah to give his persona an aspect of holiness. In addition, he took advantage of a prophecy that emerged during his leadership about the imminent reappearance of the Mahdi.⁽⁶⁶⁾

As Shah Ismail claimed that he was the representative of the Absent Imam or the Mahdi, Al-Muhaqqiq al-Karaki – one of the outstanding Shiite jurists who served under the Safavid dynasty – took a new step towards developing the theory of the general Guardianship of the Jurist under Shah Tahmasp (930-984AH). Karki articulated his theory in a way which was neither ambiguous nor lacked clarity. He said, “Our companions agreed that the just jurist who fulfills the requirements of issuing fatwas known as a mujtahid in Islamic law shall be the deputy for the infallible imam during the occultation in all the aspects over which his position has authority over— except for capital punishment and *hudud* (God-prescribed laws). He should be the source of judgement and his sayings must be obeyed.”⁽⁶⁷⁾

There is no doubt that Karki’s opinion, which rendered the general guardianship of the jurist lawful, contributed to strengthening the legitimacy of the Safavid dynasty’s shahs. It became possible for the jurist – in his capacity as a representative for the Absent Imam – to delegate temporal rule to the overpowering sultan. Tahmasp realized this standing that the jurist gained in a letter to Karki. He said in the letter, “You should be the ruler because you are the representative of the imam. I should be one of those working under your administration, obeying your orders, and refraining from your prohibitions.”⁽⁶⁸⁾ In the end, the Safavid shah was deriving his legitimacy from the jurist.

Despite the outcomes of Karki’s opinion, which opened the political arena for the jurist, it was subject to criticism and protest by a significant number of Twelver Shiism jurists, especially supporters of the Akhbari school, who argued that Karki’s opinion was against the doctrine of waiting. They added that his opinion was an admission — that part of the general guardianship of the imam becoming part of the purviews of the standing sultanistic rule— lacked proofs.

Perhaps among the clerics who opposed Karki the most vocally and criticized his position on the Safavid dynasty was Shaykh Ibrahim al-Qatifi.⁽⁶⁹⁾ It is worth mentioning that the Akhbaris opposed the legitimacy and justifications made by the Usulis for the dynasty’s policies. The Usulis were deeply involved in the politics of the court that contradicted the characteristics which the clerics should have, including piety, fearing God, and abandoning the pursuit of close ties with rulers.⁽⁷⁰⁾

Finally, it is worth mentioning that there were Twelver Shiite scholars who preferred to withdraw from political life during the time of occultation and refused

to recognize the legitimacy of the sitting government as it was an unjust sultanate. They included Baha' al-din al-Amili (d. 1622); Ahmad ibn Muhammad Ardabili known as the Sacred Ardabili (d. 993AH) — who dedicated his time to research and studies in Najaf and refused on multiple occasions to accept the invitation of the shah to visit Isfahan; and the well-known philosopher Sadral Din Shirazi known as Mulla Sadr (d.1640).⁽⁷¹⁾

VII. From Guardianship of the Jurist to the Guardianship of the Nation: The Evolution of Political Legitimacy During the Qajari Reign

In 1779, Mohammad Shah Qajar proclaimed himself as the shah of Iran, declaring Tehran as the capital and the seat of his rule. Since then, the rule of the dynasty which would go down in history as the Qajars began. Its rule continued until the first quarter of the 20th century (1925).

The Qajari era witnessed a host of landmark transformations in the relationship between the jurists and the state on the one hand and some aspects of Shiite political thought on the other hand. A host of historical factors came together and led to these transformations. Perhaps on top of them was the independence that Shiite religious centers, especially in Qom and Najaf, gained from Qajari rule. This move led these centers to occupy a luminous standing within the Shiite community, as they were the major reference points for the Shiite doctrine. Indeed, the attempts made by the Qajar dynasty to contain the scholars of these centers and turn them into followers failed. Rather, the fundamentalist movement — which had a relationship with the Qajar shahs based on equivalence, not based on subordination and submission — prevailed.⁽⁷²⁾

As for Shiite political thought, two main perspectives took shape during this reign. One of them was a continuation of the traditions of the Safavid era while the other seemed to be related to *ijtihad* and a renewal of Shiite political theory which it had never experienced before.

As for the first perspective, which was a continuation of the traditions of the Safavid dynasty, we mean *Velayat-e Faqih* which was during this dynasty something closer to a political theory rather than a jurisprudential theory. This perspective was spearheaded by two of the most outstanding Twelver Shiite jurists at the time: 1. Ahmad ibn Muhammad Mahdi Nirāqi (d. 1828), in his book “*Awaid al-Ayam*,” discusses “the mission of the righteous clerics and good jurists in relation to the affairs of people and the guardianship they held in general terms.” He stated that a jurist shall hold guardianship over what a prophet or an imam holds guardianship over, except those issues excluded by evidence, whether by the consensus of scholars, religious texts, or other proofs. Any issue that is related to the worldly or religious affairs of the people — which could not be regulated without guardianship — is within the mission of the jurist. He has the authority to have a say over the issue and take action.⁽⁷³⁾

2. Muhammad Hasan al-Najafi (d. 1850) reiterated that it is lawful for jurists who have knowledge of Islamic canons and its detailed proofs as well as for fair jurists to establish God-prescribed penalties when the imam is absent. They also have the right to judge between the people while remaining safe from any punishment that could be imposed by the temporal sultan. The people should assist them in doing this. Without the general guardianship, many of the affairs in relation to public life would remain suspended.⁽⁷⁴⁾

But, in all cases, this perspective was on the margins of the Twelver Shiite doctrine, not at its core. Furthermore, it did not call for the absolute version of Velayat-e Faqih, but it was partial and confined to one of its aspects.

As for the second perspective, which was characterized by ijtihad and renewal, was spearheaded by Muhammad Hossein Naini (d. 1936). He worked diligently to find the Sharia-derived proofs supportive of the constitutional approach, which emerged in Iran during the 20th century. The reformists in Iran, back then, believed that the constitutional approach was necessary to replace the authoritarian rule of the Qajars. It is worth noting that senior clerics within the seminary and their followers – not the official clerics – played a major role in the revolutionary movement opposed to the Qajar dynasty. The movement sparked in the last decade of the 19th century in what was known as the Tobacco Protest (1891) which ended with the clerics gaining a sweeping victory, paved the way for the Constitutional Revolution in Iran (1906-1909).⁽⁷⁵⁾

Whatever the matter, Muhammad Hossein Naini summed up his political opinions in his landmark book titled “Tanbih al-ummah wa tanzih al-milla” (The Awakening of the Community and the Refinement of Nations), which represented a major qualitative transformation in the course of Shiite political thought. Naini authored this book in 1909, seeking to tailor the constitutional system so that it fitted Islamic criteria. He was influenced by Western political concepts on the one hand and the opinions of contemporary Islamist reformers such as Jamal al-Din al-Afghani, Muhammad Abdo and Abdul Rahman al-Kawakibi on the other hand.⁽⁷⁶⁾

Due to this treatise introduced by Naini, Shiite political thought for the first time included terms like majority, freedom, equality, separation between the branches of power, the people’s control over the government and other concepts which provided a civilian outlook to the system of government.

Naini reiterates that a constitutional government, (*mashrūdeh*: literally, conditional), is the only way for Muslims to overcome their crisis, and it is an urgent necessity. Injustices under a constitutional government are much less than under an absolute government such as the rule of the shah — because the constitutional government reflects the sovereignty of the ummah (nation), which has the right to guardianship during the period of the occultation.⁽⁷⁷⁾

VIII. The Absolute Guardianship: Khomeini and the State of the Guardian Jurist

Despite the attempts by several Twelver Shiite jurists to render lawful the treatise of Velayat-e Faqih and confirm its legitimacy during the time of occultation as we earlier indicated, this treatise did not gain consensus among clerics but remained in need of more theoretical jurisprudential revisions for it to gain acceptance within Shiite communities. This happened with none but Ayatollah Khomeini in the last third of the 20th century.⁽⁷⁸⁾

We should note the subtle difference between the arguments of the jurists who voiced opinions supportive of it before Khomeini and the opinion of Khomeini himself who made it an absolute guardianship without any limitations.

In addition, the guardianship was limited to the Iranian guardian jurist only, not a Shoura-based guardianship involving all jurists possessing the skill of performing ijtiḥād.

With the Islamic revolution in 1979, Velayat-e Faqih became a political reality imposed by Khomeini and a governing constitutional provision to which Iran submitted to.⁽⁷⁹⁾

Ayatollah Khomeini – like his predecessors – stumbled into the biggest dilemma which appeared throughout the course of Shiite political thought during the time of occultation in the past and present: to whom shall the guardianship be assigned during the occultation of the Infallible Imam; the jurist meeting the requirements or the nation in its entirety?

Khomeini opted to throw his weight behind the Velayat-e Faqih theory. He achieved successes that none among his predecessors could achieve. Mohammed Selim al-Awa attributes his successes to the fact that Khomeini was trying to base his political ijtiḥād on the foundations of Shiite jurisprudence. Khomeini managed to achieve this end via the theory of Velayat-e Faqih. He gave it a new political dimension and created out of it a political theory which ended the stalemate gripping the Shiite doctrine under the guise of waiting for the reappearance of the 12th imam. According to this theory, the jurists should wait until the imam reappears to establish the government of Islam. Hence, Khomeini managed to develop Velayat-e Faqih from a political perspective enabling Shiites to establish an Islamic state despite the occultation of the Infallible Imam.⁽⁸⁰⁾

In his book, “Islamic Government,” Khomeini provided an extensive explanation of Velayat-e Faqih theory. He also undertook a profound ijtiḥād to clarify its legitimacy and cited proofs of the necessity of implementing it during the time of occultation, though from his point of view, it may not need proof. “The nature and character of Islamic law and the divine ordinances of the Sharia furnish additional proof of the necessity for establishing government,” Khomeini, argued.⁽⁸¹⁾ Laying the groundwork for citing proofs of the legitimacy of Velayat-e Faqih, Khomeini reaffirmed the necessity of establishing a government which implements the

canons of Islam and manages all worldly affairs. He said,

“Both reason and divine law, then demonstrate the necessity in our time for what was necessary during the lifetime of the Prophet and the age of the Commander of the Faithful ‘Ali in Abi Talib — namely the formation of a government and the establishment of executive and administrative organs.”⁽⁸²⁾

Then Khomeini moved on to clarifying the dilemma created by the Major Occultation doctrine. He said,

More than 1,000 years have passed since the Greater [major] Occultation of our of our Imam Mahdi, and thousands of more years may pass before the arrival of the Awaited Imam becomes necessary. Should the laws of Islam remain suspended during this long period? Should people be free during this period to do whatever they wish; the laws that the

Prophet of Islam announced and endeavored to disseminate, explain and enforce for 23 years – were they limited to a certain period? Did Allah limit the life of the Shariah for 200 years, for instance? Should Islam lose everything after the Lesser [minor] Occultation? To uphold this view, in my opinion, is worse than believing that Islam has been abrogated.⁽⁸³⁾

Based on the foregoing, Khomeini concluded “If a worthy individual possessing these two qualities [sound knowledge of the law and justice] arises and establishes a government, he will possess the same authority as the Most Noble Messenger... in the administration of society, it will be the duty of all people to obey him.”⁽⁸⁴⁾ Thus, Khomeini transferred the legitimacy of the Absent Imam’s government to the government of the guardian jurist in clear statements which have no other meanings or interpretations. None of the Twelver Shiite jurists before Khomeini could articulate the theory in such a clear and candid manner.

However, the theory of Velayat-e Faqih, as outlined by Khomeini, could not avert criticism and opposition from a host of contemporary Shiite clerics. And the traditionalist Shiite incubators are still clinging to the jurisprudence of waiting.

Among the critics of this theory was cleric Muḥammad Jawād Maghniyah who argued that the theory of Velayat-e Faqih was more limited and narrower than the guardianship of the Prophet or that of the infallible imams. He decided that the rule of the Infallible Imam was devoid of doubtful or suspicious matters. But the rule of the jurist could involve forgetfulness and he may be overpowered by his own vanity, ego, personal inclinations, the impact of the surrounding atmosphere/ environment, economic circumstances and social standing. He also reiterated that former scholars did not provide evidence proving that obedience to the jurist is as obligatory as obedience to the imam.

Conclusion

In the end, it is worth noting that there are some reformist currents that seek to make some adjustments to the theory of Velayat-e Faqih or to change it, assigning the guardianship to the ummah, so she will be able to grant political legitimacy to whomever she wishes to. There is also another reformist current calling for Islamic democracy and curbing the power of clerics. Among the spearheads of this current are Ayatollah Hussein Montazeri, Mohammad Khatami, Mir Mousavi, and others. Iran will probably face a challenge of legitimacy in the post-Khamenei era. The power vacuum will not be easily filled by anyone, given the fact that the legitimacy of the Velayat-e Faqih ruling system has been subject to harsh criticism raising questions over the fundamental pillars of the Velayat-e Faqih theory — after 40 years of its implementation in Iran. All suggestions and thoughts are possible to be taken into consideration —in order to overcome Velayat-e Faqih as an experience in general and a theory in particular.

Endnotes

(1) One of the classical quotes indicative of the Muslim clerics' awareness of the fact that the government is one of the divisive issues in Islamic consensus is the one made by Abi al-Hassan al-Ashari, "The first difference to surface among Muslims after the death of the Prophet Muhammad is their differences over the imamate." See Abu al-Hasan `Ali ibn Isma`il Ash`ari, *maqalat al-Islamiyin wa-ikhtilaf al-musallin*, ed. Hellmut Ritter, 2nd ed. (Cairo: Ibn Timema Library, 2009), 2.

Al-Shahrestani also said, "The imamate is the biggest difference amongst the *Ummah* (nation). No sword was drawn in Islam for the sake of nothing but the rule throughout the time." See Mohammed Fadlallah Barden, *The Book of Sects and Creeds* (Cairo: General Authority for Cultural Palaces, al-Zachary Series, 2014), 20, [Arabic].

(2) Ali Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought* (Center of Civilization for Islamic Thought Development, 2008), 86, [Arabic].

(3) Rainer Brunner, Islamic Ecumenism In The 20th Century: The Azhar And Shiism Between Rapprochement And Restraint [ala'zhr walshia'ah altkrib alislami fi alkrn ala'shrin], trans. Mohammed Safari (Cairo, Tanweer Publishing Mass Media, 2018), 19, [Arabic].

(4) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 89.

(5) Ahmed Mahmoud Ibrahim, "The Concept of Legitimacy in the Islamic History From the Caliphate to the Sultanate," *Nouhoud Center for Studies and Publications*, 2019, accessed September 30, 2020, <https://bit.ly/2Sf6UTq>, [Arabic].

(6) Sayf al-Din `Abd al-Fattāh Ismā`il, "The Concept of Legitimacy," in *The Building of Concepts: A Cognitive Study and Applied Examples* (Cairo, Dar Al-Salam for Publishing, 2008), 2/294-395, [Arabic]. See Abdelwahab al-Kayyali, *Political Encyclopedia* (Beirut, Arab Institute for Research & Publishing), 451, [Arabic].

(7) Ibrahim, "The Concept of Legitimacy in the Islamic History."

(8) Andrew Heywood, *The Political Theory*, trans. Lubna al-Ridi (Cairo, National Center for Translation, 2016), 226-244, [Arabic].

(9) Some jurists disputed the Sunnis about the condition that a caliph must be from the Quraysh. Motamad al-Jwaini said that it is not a must that a caliph comes from the Quraysh. Ibn Khaldoun also quoted al-Baqelani as having the same opinion and Ibn Hajar denied that there is a consensus on this question. See Ibn Hajar al-Asqalani, "Rulers Coming From the Quraysh," in *Fath al-Bari* (Beirut, Dar al-Fikr, 2019), 15/11. And Abu al-Maali al-Jwaini al-Ghayathi, *Saving the Nations in the Dark Passages*, ed. Abdel-Azim al-Deeb (Jeddah, Dar al-Menhaj 2011), 257, [Arabic].

(10) Al-Shahrestani, *Book of Creeds and Sects*, 216.

(11) *Ibid.*, 200.

(12) Mohammed Diaeddin al-Rayes, *Islamic Political Theories*, 7th edition (Cairo, Dar al-Trath, history not mentioned), 66-67.

(13) Ali Fahd al-Zumei, *fi alnthriah alsyasiah alislamiyah - drasah thliliah nkdiah lmsarat ttour tariikh alfkr alsyasi alsni walshia'i* (Kuwait, Nouhudh Center for Studies and Publications, 2018), 314, [Arabic].

(14) Abdel-Jawad Yassin, *The Government in Islam, Criticism of the Political Theory* (Beirut, the Arab Cultural Center, 2019), 214, [Arabic].

(15) *Ibid.*, 216.

See some examples in : Al-Sheikh Al-Mufid, *Guidance* (Najaf, Publications of the Haydari Library, 1962), 203, [Arabic].

(16) Yassin, *The Government in Islam*, 218.

(17) *Ibid.*, 192.

(18) Al-Shahrestani, *Book of Creeds and Sects*, 218. See also Ibn Khaldun's *Prolegomena*, part 2/571-572.

(19) Al-Hilli, *Al-Alfain on the Imamate of the Leader of the Faithful Ali ibn Abi Talib* (Kuwait, al-Fain Bookshop, 1985), 28, [Arabic].

- (20) Al-Shahrestani, *Book of Creeds and Sects*, 324-325. Ibn Babawayh al-Qummi, *Imamate and Enlightenment*, (Qom, Imam Mahdi School at the Religious Seminary 1404 AH), 23 [Arabic].
- (21) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 112-113.
- (22) Yassin, *The Government in Islam*, 238, et seq.
- (23) *Ibid.*, 255, 256, 271.
- (24) Wajih Kawtharānī, *Fakih ve sultan: Osmanlı ve Safevîlerde din-devlet ilişkisi* (Doha: Arab Center for Research and Policy Studies, 2015), 40 [Arabic].
- (25) *Ibid.*, 41-42.
- (26) *Ibid.*, 43, 44, 45, 48, 49.
- (27) Abul-Hassan al-Ashari said, "The Twelver Shiites agreed unanimously that rebellion shall be suspended and the use of force shall be denounced even if they shall be killed until the imam reappears and orders them to do so." Ash`ari, *maqalat al-Islamiyin wa-ikhtilaf al-musallin* 58.
- (28) Al-Zumei, *fi alnthriah alsyasiah alislamiyah*, 321.
- (29) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, *ibid.*, 124-125.
- (30) Yassin, *The Government in Islam*, 291.
- (31) Dorotia Krafolsky, *The Arabs and Iran, Studies in History and Literature from an Ideological Perspective* (Beirut Dar Al-Montakhab Al-Arabi, 1993), 207, 208.
- (32) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 124-125.
- (33) On the detailed explanation of the contemporary currents, see Mohammed al-Sayed al-Sayyad: *Shia Jurisprudence of Mahdism: Iranian Religious Currents Against the Supreme Leader's Thought* (Riyadh, International Institute for Iranian Studies (Rasanah), 2018.)
- (34) Ibn Aybak Al-Dawadari, Kanz al-Durar and Gemea al-Ghorar, part 9, *The Precious Pearl on the Biography of Sultan al-Nasser*, ed. Hans Robert Roemer (Cairo: German Archaeological Institute, 1960), 206 [Arabic]. Al-Berzali, *Deaths*, ed. Abu Yahya Abdullah al-Kandari (Kuwait, Gheras Publishing Company, 2005) 4 [Arabic]. Ibn Kathir, *The Beginning and the End*, ed. Mostafa al-Adawi (Cairo, Dar Ibn Rajab 2005), 14-31 [Arabic].
- (35) Rasooli Jamarion, *The Shiites in Iran, A Historical Study*, trans. Ali Hashem al-Saadi, (Qom, 2nd ed., 1430 AH), 481, [Arabic].
- (36) Ibn Kathir, *Al Bidayah Wannihayah: From The Beginning to The End* (Cairo: Dar Ibn Rajab, 2005), Vol. 14 / 153.
- (37) Al-Berzali, *Deaths*, 390.
- (38) Collin Turner, *Shiism and Transformation in the Safavid Era*, trans. Hossein Ali Abdel-Setter. (Cologne, Dar al-Jamal, 2008), 1 [Arabic]. The religious transformation in the Mughal dynasty in Iran was accomplished by renouncing Sunni Islam and embracing Shiite Islam. In the context of explaining this transformation, Dorotia Krafolski believes that the Ilkhanate conversion from Sunni Islam to Shiite Islam aimed to resolve an ideological problem they faced in relation to their identity and their role in the nation of Islam. Now, it has become within their capacity – when they embraced Shiism – to claim that they are enforcing God's will and plan suspended over the course of history due to the political control of the Sunnis. Thus, all the Islamic governments to the days of their rule are illegitimate ones as they devoured the rights of the imams and remained silent in the face of encroaching on this right. According to this vision, all the former caliphs and kings are usurpers of power and rule. See Dorotia Krafolski, "Power and Legitimacy: A Study on the Mughal Dilemma," *Ijtihad Journal*, no. 3 (Spring 1989): 206-207, <https://bit.ly/33uf5BG>, [Arabic].
- (39) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, *ibid.*, 101.
- (40) Kawtharānī, *Fakih ve sultan*, 62
- (41) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 128.
- (42) *Ibid.*
- (43) Turner, *Shiism and Transformation in the Safavid Era*, 103.
- (44) *Ibid.*, 104. For more details on the religious identity of the Sarbadars, see: Mamdouh Ramadan

Ahmed, *The Sunni Iran, the Religious Life in Iran Before the Safavids* (Beirut: Namaa Center for Research and Studies, 2018), 182 et seq.

(45) Claude Cahen, *L'Islam, des origines au début de l'Empire ottoman (L'Islam) [al-Islam mnth nshoua'h hta thhour alstnāh ala'thmaniah]* trans. Hossein Javad Qabisi (Beirut: Arab Organization for Translation, 2010), 458, [Arabic]. See also Ferhad Daftary, *The Ismaili's: Their History and Beliefs* (Cairo: Dar al Saqi, 2017), 712, [Arabic].

(46) Ahmed al-Saeed Suleiman, *History of Islamic Countries and the Lexicon of Ruling Dynasties*, (Cairo: Dar Al Maaref, without date), vol. 2 / 544, et seq, [Arabic].

(47) Kamal Mustafa al-Sahib, *The Link between Sufism and Shiism* (Baghdad: Mansur at Al-Jamal, 2011), Part 2 / 351.

(48) Refer to the above: Collin Turner, *Shiism and Transformation in the Safavid Era*, 116-118; Edward G. Browne, *A Literary History of Persia - Volume 4*, trans. Muhammad Ala al-Din Mansur, (Cairo: the National Center for Translation, 2002), 48-50 [Arabic]; al-Sahib, *The Link between Sufism and Shiism*, 2 / 347-350; Carl Brockelman, *History of the Islamic Peoples*, trans. Nabih Amin Fares and Miner al-Baalbek (Beirut: Dar El Ilam Lilmalayin, 2005), 493 [Arabic].

(49) Kawtharānī, *Fakih ve sultan*, 155; Browne, *A Literary History of Persia - Volume 4*, 52.

(50) Turner, *Shiism and Transformation in the Safavid Era*, 119, 120, 121, 122, 123; see also al-Shaibi, *The Link Between Sufism and Shiism*, Part 2 / 358.

(51) Turner, *Shiism and Transformation in the Safavid Era*, 124, 127, Brockelman, *History of the Islamic Peoples*, *History of Islamic Peoples*, 495.

(52) *Ibid.*, 99.

(53) Mamdouh Ramadan Ahmed, *The Political and Sectarian Life of the Safavid Dynasty During the Reign of Shah Ismail the Safavid (906-930 AH)* (Cairo: Master Thesis, Faculty of Dar Al Uloom, Cairo University, 2009), 243 [Arabic].

(54) *Ibid.*, 243, 244. See also Abbas Iqbal, *History of Iran after Islam*, trans. Ala al-Din Mansur, (Cairo, Dar al-Thaqafa for Publishing and Distribution, 1989), 646, 647 [Arabic].

(55) Browne, *A Literary History of Persia - Volume 4*, 30.

(56) Ira M. Lapidis, *A History of Islamic Societies*, trans. Fadel Jitiker (Beirut: Dar AlKitab Al Arabi, 2011), vol. 1 / 420, [Arabic].

(57) *Ibid.*, vol. 1 / p. 421, 422.

(58) *Ibid.*, vol. 1, 422.

(59) Mamdouh Ramadan Ahmad, *The Political and Sectarian Life of the Safavid Dynasty*, 250.

(60) Kawtharānī, *Fakih ve sultan*, 159.

(61) Ira M. Lapidis, *A History of Islamic Societies*, 1/420; Ahmed, *The Political and Sectarian Life of the Safavid Dynasty*, 251.

(62) ⁶² Kawtharānī, *Fakih ve sultan*, 182,

(63) *Ibid.*, 157, 158,

(64) Turner, *Shiism and Transformation in the Safavid Era*, 157.

(65) Ali Ibrahim Darwish, *Politics and Religion in the Stage of Establishing the Safavid State*, (Beirut: Arab Center for Research and Policy Studies, 2013 AD), 270, 271 [Arabic].

(66) *Ibid.*, 271-274.

(67) Ali bin Al-Hussein, *The Letters of al-Muhaqiq Karaki*, ed. Mohammed al-Hassoun (Qom: Library of Grand Ayatollah Al-Marashi al-Najafi, 1409 AH), vol. 1 / 142.

(68) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 132, 133.

(69) *Ibid.*, 136, and Kawtharānī, *Fakih ve sultan*, 164.

(70) Kawtharānī, *Fakih ve sultan*, 179.

(71) *Ibid.*, 168-174.

(72) Kawtharānī, *Fakih ve sultan*, 184, 185, 187.

- (73) Aḥmad ibn Muḥammad Maḥdī Nirāqī, *ʿAwāʿid al-ayyām fī bayān qawāʿid istinbāṭ al-aḥkām* (Beirut: Dar al-Hadi, 2000 AD), vol. 2 / 93, [Arabic].
- (74) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 138, 139.
- (75) Wajih Kawtharani, *The Jurist and the Ruler*, *ibid.*, 186, et seq.
- (76) Fayyad, *Theories of Governance in the Contemporary Shiite Political Thought*, 144, 146.
- (77) Al-Zumei, *fī alnthriah alsyasiaḥ alislamiyah*, 337, 338, 339, 340, 341.
- (78) Yassin, *Government in Islam*, 293.
- (79) Article V of the Iranian Constitution stipulates, "During the absence (*ghayba*) of his holiness, the Lord of the Age, May God all mighty hasten his appearance, the sovereignty of the command [of God] and religious leadership of the community [of believers] in the Islamic Republic of Iran is the responsibility of the faqīh who is just, pious, knowledgeable about his era, courageous, and a capable and efficient administrator, as indicated in Article 107.
- See Mohammed Selim al-Awa, *In the Political System of the Islamic State*, 2nd ed. (Cairo: Dar al-Shorouk, 2006), 262, [Arabic].
- (80) *Ibid.*, 269, 270.
- (81) Khomeini, *Islamic Government*, 3rd ed. (Tehran: Shabakat al-Feker, 1389 AH), 7, [Arabic].
- (82) *Ibid.*, 26.
- (83) *Ibid.*, 26.
- (84) *Ibid.*, 49.