

STUDY

Shiite Political Theology and the Crisis of Legitimacy in Iran

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Introduction

The relationship between religion and the state, which is subject to intersecting spiritual, material, theological and political influences, remains one of the most important and problematic issues when studying clerical political systems and the influence wielded by their religious institutions over the public sphere. The active role of Iran's clerics in the public sphere – and the transformations within the Twelver Shiite political theory following the 1979 revolution – are no secret.

This study reviews the critical junctures in the history of political Shiism and its theories to shed light on the jurisprudential and philosophical foundations and interpretations that Shiite political jurisprudence has been based on. In other words, this study analyzes the ground realities, and the political and social constraints resulting from secularization, modernization and Western colonization that have led to the Twelver Shiite community undergoing intellectual transformations that contributed to almost redefining the core essence of Twelver Shiism's political jurisprudential theory. These transformations impacted the entire sect, not only the Velayat-e Faqih theory, but also every Shiite current participating in the public sphere, even the ones believing in the doctrine of waiting.

The study sheds light on the relationship between the political jurisprudential theory of Velayat-e Faqih after the 1979 Iranian revolution and Twelver Shiite political legacy. Finally, this study assesses the extent to which the Khomeini-engineered political theory has contributed to the transformations within Shiite political jurisprudence — which have been ongoing post revolution.

The study aims to answer the following questions: Do the transformations relate to traditional Shiite principles? Have other Shiite sub-sects such as the Zaydis and Ismailis contributed to these transformations? Or do they relate to intertwined and overlapping factors? No definitive answers can be reached to the aforementioned questions without thoroughly reviewing and investigating the triggers behind the transformations, which have beset Shiite political thought.

1. Imams and Shunning the Public Sphere

Throughout its long history, Twelver Shiism had not been a revolutionary or violent sect. During the times of the infallible imams, the Shiite community shunned politics upon approval from the imams themselves. The martyrdom of Husayn ibn Ali (Imam Husayn 680 AD/61 AH), along with a number of his family members and supporters, led *Ahl al-Bayt* (the extended family of prophet Muhammad) to shun politics. Imam Husayn's son Ali bin Husayn — known as Ali ibn Husayn Zayn al-Abidin (died in 713 AD/95AH) — shunned the public sphere although several uprisings against Umayyad rule broke out during his lifetime. He also did not participate in his father's uprising against Yazid. The memory of Ali ibn Husayn and his uncle Hassan bin Ali's avoidance of politics were the first signs of *Ahl al-Bayt* members shunning the public sphere and devoting themselves to religious scholarship.

Ali ibn Husayn's son Muhammad al-Baqir (died 732 AD/114AH) followed in his footsteps and refused to rebel against the Umayyads. He participated in a debate with his brother Zayd which focused on the question of rebelling against rulers. Zayd bin Ali believed that rebellion and taking up arms against oppressive rulers was permissible. Baqir rejected his brother's position, further enhancing his inclination to shun involvement in politics. He held this view despite the fact that the celebrated Islamic historian al-Dhahabi stated that Mohammad al-Baqir was fit for the caliphate's office but he did not seize power or consider taking over the caliphate. ⁽¹⁾

After the death of Mohammad al-Baqir, his son Ja'far al-Sadiq (died 765 AD/148 AH) also held the same view as did all the imams who followed him who are considered by Twelver Shiites to be infallible imams. It is important to review the political approach of Ja'far because he is a key pillar of Shiism.

1.1 Ja'far al-Sadiq and Shunning Rebellion

The life of Ja'far al-Sadiq (died 765 AD/148 AH) seems to be crucial in the course of political Shiism. In his book "The Book of Sects and Creeds," al-Shahrastani (died 1153 AD/548 AH) states that when Ja'far realized that some people were enthusiastic about rebelling against Umayyad rule, he said to them, "The Umayyads are wronging the people, and even if a mountain stands up against them, they will crush it. It is inadmissible for any member of the household of the Prophet to rebel against them until God ordains their rule to end."⁽²⁾ Therefore, Ja'far refused to participate in the rebellion spearheaded by his uncle Zayd bin Ali (died 740 AD/122 AH) against Hisham ibn Abd al-Malik (743 AD/125 AH). He even warned against the rebellion, advising Zayd against it.

Ja'far advised his followers to wait until the Umayyads were toppled. He also refused to rebel against the Abbasids following the collapse of the Umayyads during his lifetime. He advised his cousins not to rebel against the Abbasids. Ja'far refused to pledge allegiance to his cousin Muhammad al-Nafs al-Zakiyya (died 762 AD/145 AH) who rebelled against the rule of Abu Ja'far al-Mansur. The people of Medina pledged allegiance to him and then he was killed. Regarding Ja'far's position on the rebellion spearheaded by Muhammad al-Nafs al-Zakiyya, al-Dhahabi says, "Ja'far al-Sadiq disappeared, traveling to al-Furu (a town that was part of Medina) to avert sedition."⁽³⁾

Some scholars participated in the rebellion spearheaded by Muhammad al-Nafs al-Zakiyya. Al-Tabari mentions that a huge number of scholars and jurists partook in the rebellion,⁽⁴⁾ however, the notable jurists of Medina did not participate in it. Ja'far belonged to the jurisprudential school of Medina at that time.⁽⁵⁾

Similar to his opinion about his father, al-Dhahabi says about Ja'far about seeking office of the caliphate, "Ja'far had many good traits. He was fit for the caliph role due to his notability, contribution, jurisprudential knowledge, and honorable ancestry (may God be pleased with him)."⁽⁶⁾ However, Ja'far did not attempt to become the caliph. As al-Shahrastani puts it, "He — referring to Ja'far — stayed in Medina, teaching his Shiite followers, * showering his loyalists with the inner secrets of knowledge.

Then he entered Iraq — staying there for a while. He never sought the office of the caliphate, nor did he dispute with anyone who took it.”⁽⁷⁾

1.2 The Development Phase of Seminaries

Ja’far followed in the footsteps of his father Mohammad al-Baqir — focusing on the acquisition of jurisprudential knowledge, and shunning politics and the public sphere. This approach was adopted by the Twelver Shiite community when it took shape, distinguishing itself from the Zaydi and Ismaili schools of thought afterwards. It promoted the doctrine of waiting — shunning political sedition and rebellion. This helped it to remain influential within the seminaries while other Shiite schools of thought disappeared in the aftermath of political failure as was the case with the Ismaili Shiite school of thought when its rule in Egypt ended. But its vitality in the seminaries — which flourished in light of it shunning politics— ended when the Safavids employed Twelver Shiism and its notable clerics to boost their legitimacy at home and counter their foes abroad.

This inclination towards waiting for the Infallible Imam during the life of Ja’far cannot be construed as *taqiya* (a Shiite practice of hiding the truth for self-protection and preserving one’s faith) as some contemporary Shiites argue. Many revolts had raged and there were spaces to exercise freedom and express opinions. People interacting in the public sphere to some extent — such as political engagement and so on — was possible. This is supported by Ja’far’s refusal to merely “promote virtue and prevent vice” if practicing it would lead to a minimum level of harm. He also refused to promote virtue unless it was approved by the government. ⁽⁸⁾

After the disappearance of the twelfth imam and the start of the minor and then the major occultation,⁽⁹⁾ Twelver Shiites promoted the doctrine of waiting. Twelver Shiism emerged as a school of thought based on the doctrine of waiting. One of the reasons behind Twelver Shiism flourishing in the Islamic Middle Ages was its heavy focus on religious/seminary education and shunning the public sphere. Twelver Shiism retained its full jurisprudential and geographic influence even after the collapse of the Fatimid dynasty in Cairo. This is because Twelver Shiism was not dependent on the state and its support at that time. This branch of Shiism was never political in nature at that time.

1.3 The Shura Government Versus the Velayat-e Faqih Government

During his life, Ja'far did not adopt opinions that were different from the Muslim community and the school of Medina. He endorsed the pledging of allegiance, the appointment of rulers and Shura (among Muslims). He did not comment on the common Shiite saying that Prophet Muhammad identified 'Ali ibn Abi Tālib and his sons and grandsons as his successors.

Hence, some Shiite thinkers, such as Hojatoleslam Mohsen Kadivar and others, have argued that the authority of imams is religious and spiritual in nature — not political. Ja'far al-Sadiq distinguished between the religious imamate (authority) and its political counterpart. On the one hand, he noted that political rule lacks the morals based on religious values and traits which are manifested in the imamate. On the other side, he looked down on political rule — and anyone aspiring to it.— He argued that political rule was preordained and the rise and fall of dynasties rested only with God.⁽¹⁰⁾

Ja'far followed in the footsteps of his grandfather 'Ali ibn Abi Tālib. When Uthman ibn Affan died and the people rushed to pledge allegiance to him, he said, "Pledging allegiance to me should not happen in the dark, nor will it happen against the will of Muslims."⁽¹¹⁾ There are proofs to support 'Ali ibn Abi Tālib's position as mentioned in "Nahj al-Balagha" and other Shiite books. This position is consistent with what his son Hassan did when he brought together Muslims, ceding his rule, and shunning the public sphere.

In addition, Ja'far never claimed that there was a religious text, or that a successor had been chosen. A Banu Hashim meeting held during the period of the Umayyds — after their rule had weakened — to choose a new leader from among them, Abu Ja'far al-Mansur (775 AD/158 AH), who opposed the Umayyds and had not yet ascended to power, floated the name of Muhammad al-Nafs al-Zakiyya. However, the pledge of allegiance was not done as Ja'far al-Sadiq was not present. When Abdullah ibn Hasan — the father of Mohammad al-Nafs al-Zakiyya — went to him and asked him to pledge allegiance to his son, he said, "You are an elder. And if you want me to pledge allegiance to you, I will. But as to your son, I swear by God I will not pledge allegiance to him and overlook you."⁽¹²⁾

The principle of pledging allegiance to choose a ruler was in place. However, differences arose over who was fit to be ruler according to Ja'far's viewpoint. If Ja'far believed that there was some religious text designating who should rule, he would not have adopted the position of pledging allegiance to select a ruler.

2. The Question of Legitimacy During the Rule of the Safavids

In Shiite political thought the concept of “political legitimacy” differs from how it is understood and applied in Western political culture. First, Western political legitimacy is based on government directives and the people’s response to them. Meanwhile, in Shiite political thought the concept of legitimacy evolves around the government embracing certain values and norms.

Second, Western political legitimacy is derived from different sources, such as traditional, social and legal sources, while religious texts are the sole source of legitimacy in Shiite political thought (in its Velayat-e Faqih version). The interpretation of religious texts is left to clerics and jurists who specialize in this field. The interpretation of religious texts (monopolizing their interpretation) is exclusively the right of the guardian jurist as he has the divine right to do so.⁽¹³⁾ Third, in Western political culture, obtaining public consent is critical for public legitimacy, whether in the phase of establishing or upholding a government. However, legitimacy in Velayat-e Faqih “primarily rests on a priori basis.”⁽¹⁴⁾

The major reformist ideas adopted by Twelver Shiites in the era prior to the Safavids appeared in the works of al-Junayd al-Iskafi and the jurists of the Hilli school of thought.⁽¹⁵⁾ Reformists were close to achieving their objectives at the level of *uṣūl al-fiqh* and at the social and political levels.

But a genuine setback to reformist efforts occurred as a result of the politicization of Shiism under the Safavids. Safavid rule halted efforts to reform both Shiite *uṣūl* and *kulliyāt al-fiqh*, promoting an extremist version of Shiism which Farhad Daftary classes as “puritan Shiism.”⁽¹⁶⁾ This politicization of Shiism had a major impact on the entire Shiite community in the region.

2.1 Al-Karki and Political Legitimacy

The Safavids turned to Sheikh al-Karki (died in 1534 AD/940 AH) to build the government’s religious apparatus. Al-Karki was a radical Shiite. He widened the differences between Shiites and Sunnis through his fatwas that rendered it lawful to curse the Prophet’s companions, repress Sunnis and propagate a violent form of Shiism, breaking away from Shiite traditions. Some intellectuals named this new politicized form “Safavid Shiism” while others named it “Kizlibashi Shiism”⁽¹⁷⁾ since it was violent and extreme.

Al-Karki was close to Tahmasp I.⁽¹⁸⁾ His principal task was to provide the ruling system with some form of religious legitimacy. Hence, it is noticeable

that his jurisprudential works focused on what benefited the ruling system and served its interests. However, the works of al-Junayd al-Iskafi and Hilli jurists focused on reforming the norms of Shiite jurisprudential teachings. Undoubtedly, this happened because of the different political realities during the two periods; the period of al-Karki and the period of al-Junayd al-Iskafi.

The landmark transformations adopted by al-Karki evolved around two issues. The first issue was related to the legitimacy of Friday prayers. The predominant opinion among Shiite jurists was that it was unlawful to hold Friday prayers before the reappearance of the Infallible Imam.⁽¹⁹⁾ However, Sheikh al-Karki rendered the holding of Friday prayers to be lawful under the Safavids. This position contributed towards legitimizing the rule of the Safavids in absence of the Infallible Imam. The Safavids began to have a say over all matters that were in the remit of the Infallible Imam.⁽²⁰⁾ This fatwa was issued because Friday preachers were urgently needed in Persia's provincial regions, cities, and villages to propagate the religious and political opinions approved by the Safavids.⁽²¹⁾

The second issue was related to the legitimacy of taking rewards. Al-Karki rendered it lawful for jurists to take gifts and rewards from the government. The Safavids considered that this fatwa boosted their religious legitimacy. Al-Karki and other jurists benefited from securing positions and appropriating wealth. They even managed to create a religious establishment that spread across the Persian territories and wielded authority over them.⁽²²⁾ This shift made the Shiite religious establishment vulnerable to "domestication" and losing independence. The Safavids created an official Shiite religious establishment parallel to popular religious incubators perhaps for the first time in Shiite history. Shiite jurists and clerics had always expressed their pride in independence from ruling governments — given their doctrine of waiting and shunning politics. This independence was reflected in issuing fatwas and permeated across all jurisprudential matters.

When the Safavids assumed power and aimed to set up an official Shiite religious establishment like the Ottoman Empire's Sunni religious establishment, a huge number of clerics rushed to join this religious establishment.

Shah Ismail showered Sheikh al-Karki with large sums of money to establish a network of students. Shah Ismail wanted to shift from the phase of promoting Twelver Shiism to the phase of establishing a state.⁽²³⁾ In light of the Safavids offering gifts and money, jurisprudential differences arose

among Shiite clerics. Two groups emerged, one rendering the offerings to be lawful, while the other group rejected the close proximity between the jurists and the state.

Among the opponents were some heavyweight jurists – including al-Karki's companions and contemporaries in the Shiite community — such as Ibrahim al-Qatifi (died 1543 AD/950 AH) who rejected al-Karki's close links with the Safavids. In addition, he opposed the politicization of Shiism and the ideology-centered fatwas that ran counter to the general thought of Shiism such as rendering it lawful to hold Friday prayers in the absence of the Infallible Imam and rendering it lawful to take gifts and money from the Safavid rulers.⁽²⁴⁾

According to some Shiite jurists, al-Qatifi refrained — until the last moment of his life — from taking any gifts or money. Al-Karki's justifications for jurists taking the aforementioned remained prevalent and common in Shiite jurisprudential circles such as his justification for taking *kharaj* (the payment of taxes on agricultural land). The jurists who succeeded him in the Safavid court continued with his position of taking *kharaj* and deemed this to be “lawful money,” bringing forth proof after proof to demonstrate the validity of al-Karki's opinion — in response to their critics. Ahmad ibn Muhammad Ardabili (died in 1584 AD) held a significant standing and respect among Shiite clerics. When he entered the Safavid court, he rendered unlawful the gifts and money given to Shiite jurists, strongly denouncing the flawed opinion of jurists who had even gone beyond the jurisprudential framework set by al-Karki.⁽²⁵⁾ Ahmad ibn Muhammad Ardabili (died in 1854 AD/993 AH) was one of the most prominent jurists in Najaf who at that time opposed the Safavids. He refused to visit Persia and described the practices of the Safavids as “unjust and illegitimate.” Among his students who opposed the Safavids were Hasan Sahib Almoalem (died 1602 AD/1011 AH) and his nephew Muhammad bin Ali Nur al-Din al-Amili al-Jubai (died 1600 AD/1009AH).⁽²⁶⁾

Before this, Zayn al-Din al-Juba'i al Amili (al-Shahid al-Thani) (died 1557 AD/965 AH) rejected Safavid rule and worked for Shiite independence from the Safavid project in Persia.⁽²⁷⁾ It is worth noting that al-Shahid al-Thani was one of the major jurists in the Levant at that time and al-Qatifi was the most outstanding jurist in Najaf. Both of them refused to travel to Persia to settle there or to take up positions in the ruling system.

The Shiite seminaries outside Persia had come to grips with the danger facing the Shiite religious establishment due to the Safavids' strategy of

exploiting Shiism for political ends. Shiite jurists attempted to keep a distance between themselves and any government in light of the occultation of the Infallible Imam — even if the ruling government was Shiite in nature.

We could say that the Safavid -Karki line and the second line — spearheaded by al-Shahid al-Thani and al-Qatifi — still governs the trajectories of Shiism. Today, Shiite jurists are influenced according to the wishes of governments, while Shiite jurists in Lebanon and Iraq have to a great extent resisted political integration and exploitation for political agendas. The Iranian government has continuously attempted to use various means to influence Shiite jurists and end their independence.

For the majority of Shiite jurists, the forced integration into political structures or subjugation to governing authorities remains an anathema. They are deeply concerned about Iran's ambitions. Iranian Shiite thinker Hani Fahs (died 2014 AD/1435 AH) said, "The Iranians are seizure-oriented. They do not like to play a role — but wield influence. A role means partnership — and requires that there should be another party. But influence means making the others subordinates and followers. It depends on clients and a rent-seeking method to control those in power and in decision-making positions. It is only concerned about achieving its interests, it is very pragmatic and obsessed with its imperial ambition, seeking to restore Persian power."⁽²⁸⁾

2.2 Ruling on Behalf of the Infallible Imam

Al-Karki became a representative of the Infallible Imam in light of an edict from the shah in 1533 AD, which granted him sweeping powers, including the authority to appoint and dismiss governors and officials.⁽²⁹⁾ However, al-Karki's remained under the shah's authority, not vice versa.

The two men had an interdependent relationship. The shah needed al-Karki for the sake of religious and sectarian legitimacy, spreading Shiism across the Persian territories and dispatching Shiite missionaries. Al-Karki, on the other hand, needed the shah for his religious and personal ambitions. Al-Karki saw his appointment as the representative of the Infallible Imam as an opportunity to grant himself part of the general guardianship. Thus, he exercised his role based on having some form of general guardianship. Shiite jurisprudence moved in this direction for the first time. Traditional Shiite jurisprudence embraced the doctrine of waiting.⁽³⁰⁾ According to the traditionalists, there should be no political participation in the absence of the Infallible Imam since governance is exclusively for him. Yes, there had been some historical attempts to rule in the name of the Infallible Imam.

But these attempts did emerge from the Shiite clerical community. These attempts were purely political and military in nature including what Abu Ali Ahmed ibn al-Afdal, also known as al-Afdal Kutayfât, (died 1131 AD/525 AH) did. He was a Twelver Shiite. He deposed al-Hafez al-Isma'ili (died 1149 AD/544 AH), locked him up and ruled in his place.⁽³¹⁾ It was a small-scale experience. It was not fully supported by Shiite jurists. Historical sources did not bring forth its details thoroughly for us to be able to evaluate this event properly.

However, al-Karki provided sectarian legitimacy for what he did. He claimed what he did was essential, paying no heed to the opinion of the majority of Shiite jurists during and before his time. "Our fellow jurists (may God be pleased with them) agreed that the fair, imamate-abiding jurist who meets the jurisprudential requirements for issuing fatwas, who is known as a *mujtahid* in deducting Sharia rulings, is a representative of the infallible imams (may God's peace and blessings be upon them) during the time of occultation in all the aspects where representation (being a representative of the Infallible Imam) shall be deemed necessary," he said.⁽³²⁾

Thus, the jurists during his time denounced him due to his alliance with the Safavids and alleging that he was the representative of the Infallible Imam, as well as for deviating from the fundamentals of the Jafari school of thought and breaking away from the mainstream jurists.⁽³³⁾ Attempting to adjust the sect's fundamentals was part of his pursuit for legitimacy without ending up with an odd/individual jurisprudential interpretation. Likewise, Khomeini (1902 - 1989 AD / 1319 - 1409 AH) followed the same path. He argued for the absolute implementation of Velayat-e Faqih, claiming that it was an original foundation of Shiism. His school of thought deviated from all the opinions of mainstream Shiite jurists in order to legitimize his rule.

The relationship between al-Karki and the shah was limited to the jurist-sultan equation and was binary in nature. This binary relationship forced al-Karki to submit to many of the shah's dictates and many of his personal projects failed as he was not independent. Meanwhile, Khomeini afterwards changed the nature of the relationship with him exclusively possessing and exercising power.

To conclude, the transformation led by al-Karki was not only jurisprudential but was also political — motivated by his ambition to gain influence and climb the political ladder. In addition, he wanted to provide legitimacy to the newly emerged state at home and counter the Kizlibashis and the non-Shiite majority in Persia as well as the Ottomans overseas who

followed Sunni Islam. But at the same time, his transformation resulted in distorting the fundamentals of Shiism for the sake of political gains. Shiite jurists made a lot of concessions, and they were manipulated to serve the interests of the ruling system. According to Mulla Sadra (died 1640 AD/1050 AH), the goals of the jurists were purely political. They wanted the people to submit to their dictatorial fatwas and directives.⁽³⁴⁾

Hence, Mulla Sadra criticized some of the jurists during his time for showing up frequently at the royal court. He mentioned this in his book “Waridat al-Qalbiyyah” — in protest against the subjugation of jurists and their politicization.⁽³⁵⁾

3. Pro-Velayat-e Faqih Loyalists and the Crisis of Legitimacy

There is no doubt that the political developments and jurisprudential interactions which the Shiite community experienced – during the rule of the Safavids, the Qajars and the Pahlavis — significantly impacted its collective mindset. Khomeini was well aware of this Shiite political history. Hence, such a political and jurisprudential legacy was invoked during the Constitutional Movement in 1905 and the 1979 revolution. Over the course of history, Shiites have responded to political developments with different approximations. The concept of waiting for the reappearance of the Infallible Imam was adopted by Shiites during the rule of the Qajars and Pahlavis. However, in the context of Iran’s contemporary history, the Shiite revolutionary approximation was based on forming an Islamic government to prepare the ground for the reappearance of the Infallible Imam.⁽³⁶⁾

Khomeini went through three main stages in his intellectual life. The transformations in Khomeini’s thought are the basis upon which we understand the political jurisprudential theories adopted by contemporary Iranian elites.

In the first stage, Khomeini started as a traditionalist Shiite jurist who believed in the doctrine of waiting which he embraced from within the traditional seminary — like all traditionalist jurists. Some proofs indicate that this stage continued until the 1960s.

According to Ayatollah Hossein Montazeri, he proposed to Khomeini in the 1960s to adopt the idea of the “Third Line” — a midway between the Shiite theory of “religious texts specifying the ruler” and the Sunni theory of shura. Montazeri argued that both theories could be combined: to observing religious texts during the life of the infallible imams (in case they exist) and pursuing the theory of shura when they are not present. This

midway theory is close to what Naini floated in his book “Tanbih al-Omma” — a line that the Najaf seminary adopts today.⁽³⁷⁾

However, back then, Khomeini rejected this theory and insisted on the necessity of waiting and argued that it was unlawful to establish a government during the time of occultation or establishing it via shura. He said to Montazeri, “The Shiite sect believes in the necessity that the ruler be infallible and appointed by God. The onus is on the people during the time of occultation. And we should create the proper conditions for the reappearance of the Absent Imam.”

Montazeri wondered, “Does this mean that the people during the time of occultation live in chaos?” Khomeini responded, “God has bestowed His favor in full, and it rests with the people now to create the proper conditions for the reappearance of the Infallible Imam. The imam, according to the opinion of Shiites should be infallible and appointed by God.”⁽³⁸⁾

The second stage was marked by Khomeini drawing closer to the idea of a constitutional government like Mirza Naini and the Constitutional Movement. Montazeri tried to convince Khomeini of this idea during the first stage of his intellectual life. Justifying his views Khomeini said, “We do not say that authority and power should be taken by jurists. But the government should be run according to God’s sharia — which can reform the people and the country. That can only be done through clerics as was the case with the constitutional government* when it approved this matter.”⁽³⁹⁾ Here, Khomeini mentions the constitutional government, which he rejected and criticized during the last stage of his intellectual life. There is an overlap between the first and second stages and the time between these two stages cannot be precisely specified — as well as the reasons for the shift between the stages.

The third stage included the publication of his book “The Islamic Government” which outlined his theory regarding the guardianship of the jurist. However, his theory was a continuation of what Mulla Muhammad Mahdi Naraqı came up with, and was close to al-Karkı’s position — although with some modifications. In other words, in this stage, he defended guardianship over public affairs, and broadened the theory but he did not float the idea of the “absolute guardianship” of the jurist until a few months before his death.

Despite the rejection that Khomeini’s theory has faced across Shiite religious circles, pro-Velayat-e Faqih followers have insisted on justifying it, defending it and pushing for its implementation. Iranian cleric Ahmad

Vaezi attempted to justify the theory in his book “Shia Political Thought.” He mentioned — without quoting a source — that Khomeini expressed this point of view during his lectures in Iraq (at the Najaf seminary) years before the Iranian revolution broke out.⁽⁴⁰⁾

However, historical events prove that Khomeini — all of a sudden and years after the success of the Iranian revolution — surprised everybody by endorsing the absolute version of Velayat-e Faqih.⁽⁴¹⁾ This is the final state which is usually associated with the third phase. However, his argument regarding the absolute Velayat-e Faqih version is quite significant. It is worth noting that when Khomeini embarked on his ideological campaign to establish the Islamic government, the Shiite juristic community in Iran was already established. This made it easy for Khomeini to cultivate his idealistic views, acting later as the basis for his absolute version of Velayat-e Faqih theory.⁽⁴²⁾

Unlike Western political culture, the absolute version of Velayat-e Faqih outlined by Khomeini is not interested in public opinion, nor does it depend on it. It also does not depend on democratic values or election-oriented politics. Rather, it focuses on the heavenly mandate of the jurist — directly derived from God.⁽⁴³⁾

In the last stage, Khomeini not only outlined his new approximation regarding the theory of Velayat-e Faqih, but he also launched attacks against the idea of constitutional government— which he had praised in the second stage. This shift indicated a move towards a more radical and extremist position.

In the years preceding the 1979 revolution, Shah Mohammad Reza Pahlavi had sent Karim Sanjabi to negotiate with Khomeini in Paris, but Khomeini refused to recognize the 1906 Constitution and rejected a charter that would have led to an alliance between the secular and religious forces.⁽⁴⁴⁾

“Is there any link between all the provisions of that constitution and Islam? There is a substantial difference between the Islamic government on the one hand, and the constitutional monarchy or republic on the other. The representatives of the people or the monarch in these government systems possess full legislative authority, the legislative authority in Islam rests with God — the Creator and Omnipotent — exclusively. None has the right to legislate, and no law shall be issued from anybody other than God’s heavenly legislative authority.”⁽⁴⁵⁾

All in all, the Khomeini-engineered approximations were a result of his experiences and the political realities that arose. If Khomeini had

lived longer, perhaps he would have adopted another theory. Hence, it is reasonable that his theories are not treated as an immutable doctrine as considered by pro-Velayat-e Faqih loyalists today, who cite intellectual and philosophical proofs due to the lack of Shiite support for Velayat-e Faqih.

There was a period separating the stage of theorizing about Velayat-e Faqih and the stage of actual implementation; this was the phase of taking power. The clerics who traditionally warned against allying with the ruler themselves became the rulers. The junior jurists were the officials within the state.

The binary relationship — developed during the Safavid era — between the jurist and the ruler (al-Karki and the shah) was bypassed during Khomeini's rule, becoming a one-sided relationship with the jurist taking the mantle of the sultan as well. Hence, the narrative warning against cooperation with the government turned into a narrative calling for obedience to the ruler, in light of the ruler being legitimate and the representative of the Infallible Imam.

Therefore, Velayat-e Faqih, the foundational basis of the Iranian political system, has been facing a legitimacy crisis. The guardian jurist derives his legality and legitimacy from God — with the people having no role in pledging allegiance or electing the ruler. Even the selection of the Guardian Council members is indirect and is determined by appointed officials (the chief justice) — not through a direct election.

Hence, there is no scale which can be used to measure the people's approval and the extent of their satisfaction with the guardian jurist and his policies. The political system is dependent on internal regulatory criteria such as piousness of the guardian jurists, and the level of their jurisprudential knowledge without the need for democratic protocols and regulatory institutions.

This is the government's real dilemma today. It is not only a political dilemma or a religious-sectarian one, but also a moral one as well. This is because if we accept that legitimacy is derived from heaven, another dilemma arises when trying to identify the ruling jurist, who has been designated by heaven as a ruler, and the scope of his authority and guardianship among his peers.

4. The Dispute Over Shiite Political Theology

There are disputes concerning political theology among Shiites — between the Zaydis, Ismailis and Twelvers. Some Shiites argue that those who adopt

the guardianship of the jurist as a theory of governance are influenced by the Zaydi school of thought, while others suggest that they are influenced by the Ismaili school of thought. ⁽⁴⁶⁾When looking into the matter, we find a glaring difference between Zayd ibn Ali and the Zaydi school of thought that is attributed to him — a discrepancy noted in the past by al-Shahrastani and presently by Ja'far Sobhani. Zayd, despite believing in revolution and arguing for it, wanted to establish a shura-based system of government, not one established on bequest or guardianship — like the contemporary version of the guardianship jurist system.

Yes, it is true that Zayd broke away from the approach endorsed and approved by ahl al-bayt, favoring revolution and rebellion. However, the difference was that he sought to establish a shura-based government with the people giving a pledge of allegiance to the ruler. The other camp of ahl al-bayt — led by Mohammad al-Baqir and then his son Ja'far — did not believe in revolution and shunned politics. Nonetheless, Zayd believed that the Imamate was confirmed by religious texts and the *ummah* (nation) has no role in determining it. His position represented the genesis of the “heavenly government” theory.⁽⁴⁷⁾

There was some exceptional wording in the pledge of allegiance that Zayd took from the people. Al-Tabari (died 922 AD/310AH) explained in his book titled “History of the Prophets and Kings,” it called for turning to God's Quran and the Prophet's Sunnah, fighting against the oppressors, defending the oppressed, giving rights to the disenfranchised, equally dividing *al-fai* (property and wealth gained via confiscation without resorting to strife) among his household, pushing back against oppressors, and defending ahl al-bayt against those who conspire against them and transgress against their rights.⁽⁴⁸⁾ It seems that he was influenced by his friend Wasil ibn Ata (died 748 AD/131 AH), who was the founder of the Mu'tazila school of thought. Hence, this school recognized Zayd as a ruler.⁽⁴⁹⁾

After Zayd ibn Ali was killed, his son Yahya ibn Zayd also led an uprising that was crushed. When he was killed, Muhammad al-Nafs al-Zakiyya revolted against the Abbasids, with the Mu'tazila supporting him and pledging allegiance to him. The followers of Zayd also supported him — along with a group of jurists.⁽⁵⁰⁾

Abu al-Hasan al-Ash`ari (died 936 AD/324AH) — described the massive scale of Zayd's movement. He said, “People as many as the long horizon pledged allegiance to him. And men from his household were killed because of him.”⁽⁵¹⁾ The continued failure of revolts — supposedly waged

by ahl al-bayt — strengthened the position to shun politics — which was spearheaded by Ja'far al-Sadiq at the time.

It is worth mentioning that the aforementioned discussion is about the period of the infallible imams and their vision and not about other periods that followed them. This discussion reveals that the viewpoint of the Twelver Shiite clerics who inherited the line of the infallible imams was stronger and closer to the essence of the Shiite sect. The clerics supportive of the doctrine of waiting called for the people to wait for the reappearance of the Absent Imam as he would be the rightful “political leader and imam.” Ironically, the infallible imams themselves had opposed involvement in politics as indicated by historical narratives. Thus, these clerics are waiting for an imam who opposes political life to be their leader.

It is remarkable that the pledging of allegiance dedicated to Muhammad al-Nafs al-Zakiyya was carried out on the basis of shura. He never alleged that there were religious texts designating him as a ruler or that he was infallible. Moreover, the one who designated him as a ruler was the head of the Mu'tazila school of thought – Amr ibn Ubayd (died 761AD/143AH) — who said in the speech he delivered designating al-Nafs al-Zakiyya as the caliph, “O people, we have looked on, and found a man with true faith, rationality, chivalry and capability for the caliphate's office. He is Muhammad al-Nafs al-Zakiyya. So, we wanted to rally around him, pledge allegiance to him, avowedly display our support for him and call on people to support him. We will support whoever pledges allegiance to him and will ward off our hands from those who refuse to do so.”⁽⁵²⁾

If Zayd ibn Ali and then Muhammad al-Nafs al-Zakiyya (Muhammad ibn Abdullah ibn al-Hasan) were among the founders of the Zaydi school of thought — according to the Zaydi interpretation — have the contemporary loyalists of Velayat-e Faqih been influenced by the opinions of the Zaydis? Or has the contemporary Zaydi school been influenced by the pro-Velayat-e Faqih loyalists when it comes to politics or other jurisprudential positions of Twelver Shiism?

Like al-Shahrastani in the past, Sobhani draws a separating line between Zayd ibn Ali and the Zaydis — or between the earlier generation of Zaydis and the later ones. The later generations of Zaydis were influenced by Twelver Shiism and not the other way round. The contemporary Zaydis — or the majority of them — have derived their positions from pro-Velayat-e Faqih followers.⁽⁵³⁾

We mentioned earlier that there was no conclusive evidence that pro-Velayat-e Faqih thinkers had been influenced by the opinions of the Zaydi school of thought. Yet, when researching and analyzing, we find that the contemporary pro-Velayat-e Faqih followers did not derive their critical opinions from the Ismailis. However, this does not mean that there are no intersections and convergences on some issues between the two. Furthermore, because there are intersections and convergences does not mean one party influences the other or vice versa. The intellectual and philosophical transformation and development within the sect was not generated by one single intervention but from accumulative interventions and impacts and as a result of revisions and theories backing each other up. Yes, there could be some passing influences, similarities or commonalities, but this does not mean that there was some large-scale influence.

In the Ismaili dynasty, guardianship was designated to the imam — not the jurist. The imam was not absent or in hiding, and the jurist was obedient to him, and a protector of his ruling system. The sixth Fatimid ruler, Al-Hakim bi-Amr Allah (disappeared in 1019 AD/410AH) wrote to the judge Hossein bin Noman, “O Hossein, May God bestow his favors on you. You are our judge, propagator and dependable official. We have assigned none but you to look into the cases and rule on issues as well as any other issue, which we have assigned you to accept. And whoever is appointed to the judiciary other than you is only metaphorical not true.”⁽⁵⁴⁾ He issued a directive banning people from opposing him (the imam) and preventing them from having a say over matters related to politics and public affairs.

The Ismailis also observe religious texts and the idea of a ruler being designated. An outgoing imam recommend who should be the next imam from among his children. The religious texts designating a ruler determines the validity and legitimacy of his rule. Meanwhile, they deem the selection of a ruler to be invalid.⁽⁵⁵⁾ Here, they edge closer towards the opinion of Twelver Shiites. However, the latter — when they said that the texts designate Ali, Hassan and then Hussayn — decided that the eldest son of the ruler becomes his successor (starting from the son that was supposed to succeed Hussayn). This is one of the major reasons why the Shiite community thereafter splintered into different sects such as the Zaydis, Ismailis, Twelvers and so on.

Among the proofs indicating complete political divergence between the Ismailis and the Twelvers was the coup staged against an Ismaili ruler and a Twelver Shiite’s attempt to topple the ruling apparatus and transform the

state into a Twelver Shiite state — which rules on behalf of the Infallible Imam. Abu Ali Ahmed ibn al-Afdal, al-Afdal Kutayfāt, (died 1131 AD/525 AH) was a Twelver Shiite. He sacked al-Hafez al-Isma'ili (died 1149/544AH), locked him up and ruled in his place. He was about to topple the Isma'ili state, nullify its edicts, and delivered sermons on behalf of the Infallible Imam for nearly a year until he was killed.⁽⁵⁶⁾

These events have not drawn the attention of historians although he was a radical Twelver Shiite. About him, Al-Maqrizi said that he was a radical Twelver Shiite, and the Shiite Twelvers surrounded him and controlled him until he made the Twelver Shiite sect apparent. They also encouraged him to adopt the call for the Infallible Imam.⁽⁵⁷⁾

When looking into historical and biographical accounts, we find that there is confirmation regarding the tense relationship between Twelver Shiites and Ismailis. Al-Dhahabi, in the biography of Thabit Ibn Aslam (Abul-Hassan al-Halabi),* informs us of the tense relationship between the Isma'ili-Fatimid dynasty in Egypt — which ended up with al-Halabi being killed.

Al-Dhahabi said that he authored a book exposing the superstitions of the Ismailis, the way their proselytism started and that it was propagated by fools. Al-Halabi was sent to Egypt, where al-Mustansir crucified him and his library in Aleppo⁽⁵⁸⁾ was set ablaze. At this point, we become aware of the nature of the Isma'ili-Twelver dispute and its divergence from Sunni priorities. However, the Twelver-Isma'ili disagreement was not confined to a specific time or place. Some Twelvers in Baghdad at that time were supportive of the Fatimid dynasty and sympathetic to it. Twelver Shiism, back then, was still without a state, so given the political and cultural context, it is normal to see some Shiites showing sympathy with other Shiite sects.

The Ismailis rejected both selection and election, arguing that the Islamic nation's choosing of an imam (ruler) is unlawful since upholding the God-prescribed punishments and laws rests with the Imam not the people.⁽⁵⁹⁾ Every individual who seeks to seize rule without having a religious text appointing him is a despotic tyrant according to the Ismailis.⁽⁶⁰⁾

Hence, the legitimacy of the Isma'ili state was created on the basis of the chain of imams continuing without interruption or absence. This did not lead to divisions between the Isma'ili school of thought and the Musta'li branch nor between the Ismailis and the Nizar branch of Ismailis. Before and after the divisions, huge differences frequently occurred between the

imams and their children and the imams and their brothers — especially if the imams had no children in some cases. Moreover, the imam's bequest was often forged. Hence, the imam's legitimacy was nominal and sect centered. It was not established on approval — since the approval of the people was neither an objective, goal nor aim for the Ismailis. The well-established principles of this school of thought indicate that legitimacy is achieved when its conditions are met — even if the ruler is unjust and despotic.

On balance, the intellectual dispute among Shiites over legal political theory did not necessarily lead to a direct outcome. But it led to variant outcomes that outlined the general characteristics of Shiite political jurisprudence for many of the Twelvers, Ismailis and Zaydis. Historical proofs show that the later Zaydi generations were influenced by Twelver Shiite opinion, while the contemporary Zaydi currents have been overwhelmingly influenced by the absolute version of Velayat-e Faqih. On the other hand, pro-Velayat-e Faqih loyalists are influenced by Zaydi opinions on matters not supported by conclusive proofs. The Velayat-e Faqih school did not derive its political theories from the Ismaili school of thought — especially as the relationship between the two groups was tense during most historical periods and the divergences between them are quite glaring whether related to the role of imams and jurists or whether a ruler is appointed or designated based on religious texts.

Conclusion

Based on the foregoing, we can draw a number of conclusions and deductions. The study has discussed the problem of Shiite political legitimacy amplified by intellectual transformations impacting the core essence of Shiite jurisprudential theory — starting from shunning politics during the time of Ja'far al-Sadiq and his differentiation between political systems and the religious imamate. He focused on teaching and rejected the idea of rebellion. The crucial transformations in Shiite political jurisprudence happened under the Safavids – due to their politicization of Shiism and employment of jurist al-Karki — to provide a legitimate cover for their ruling system. This ended the independence of the Shiite religious establishment and led to jurisprudential splits among Shiite clerics. This Safavid phase reflected a reversal of the foundations laid by Ja'far al-Sadiq.

The intellectual evolution of Shiite political jurisprudence ended up with Khomeini's interpretative readings. The study thoroughly examined the three intellectual stages in the development of Khomeini's thought, starting from him being a Shiite jurist who only believed in the doctrine of waiting, to edging closer towards the thought of Mirza Naini (constitutional government), to writing his book "The Islamic Government" and setting the framework for his absolute version of Velayat-e Faqih. The binary nature of the jurist-sultan relationship (the shah and al-Karki) was changed and became one-sided; the jurist was the sultan and the sultan was the jurist. The rhetoric of political jurisprudence shifted from warning of collaborating with rulers to obedience and subservience to the guardian jurist as he is the legitimate ruler and the representative of the Infallible Imam.

Finally, the study attempted to provide answers to questions regarding the intellectual dispute among Shiites and the extent to which pro-Velayat-e Faqih Twelver Shiites were influenced by the jurisprudential-political opinions of the Zaydis and Ismailis. It concluded that there is no conclusive evidence that those adopting Velayat-e Faqih were influenced by the Zaydis, while proving the opposite — the later Zaydi generations were influenced by the Twelvers and the contemporary Zaydis have moved towards the Khomeini-engineered version of Velayat-e Faqih. As for the Ismailis, they have had a historically tense relationship with the Twelver Shiites. Moreover, they have differed over issues such as the imamate and conflicted over various jurisprudential positions. However, the commonalities and convergences between the two sides played a role in the transformation

of Shiite political thought and both sides depended on sharia principles to support their specific interpretations.

When it comes to the conclusions, it can be said that there have existed tense sectarian and historical differences between the Twelvers and the Zaydis on the one hand and between the Twelvers and the Ismailis on the other. However, the Twelvers in Iran spared no effort in containing those adopting different jurisprudential schools of thought. They supported variant Shiite sub-sects to serve their political and sectarian objectives in other countries.

The shift that happened during the Safavids via the alliance with al-Karki which led to blunting the clerics' ability to resist and criticize. Clerics had become part of the state institutions. This policy paid off when the approach spearheaded by al-Qatifi was defeated in the face of the pragmatic and interest-centered approach engineered by al-Karki. Al-Karki's approach succeeded as it shifted from the margins to the mainstream. The opposition of a few independent jurists in Najaf and other cities hosting seminaries was not effective. Shiite jurists had been independent from the government and affiliated to the people only, as stated by Mortaza Motahari. Later, they became affiliated with both the people and the government due to the transformations and shifts that occurred under the Safavids and which are continuing to this day.

In the end, the position of the Velayat-e Faqih followers on constitutional matters and public affairs is purely theological, i.e., they adopted heavenly designation over elections. This created a foothold for reformist Shiites to oppose and present an alternative, based on shura, constitution and democracy. This alternative was not very authoritative but it led to the rise of incubators within the seminaries embracing religious traditionalism, rejecting political radicalism, promoting a government that protects the dignity of man, safeguards freedoms and treats the Shiite sect and political heritage as one devised by fallible scholars — without conferring sacredness or infallibility on them.

Endnotes

- (1) Shams al-Din al-Dhahabi, *Tarikh al-Islam* [History of Islam], trans. Bashir Awad (Beirut: Dar al-Gharib, 2003), 3/308. [Arabic].
 - (2) Tāj al-Dīn Abū al-Fath Muhammad ibn `Abd al-Karīm ash-Shahrastānī, *Sects and Creeds*, trans. Abdel-Aziz al-Wakil (Cairo: Al Halabi For Printing, Publishing and Distribution Company), 1/156.
 - (3) Al-Dhahabi, *History of Islam*, 3/781.
 - (4) Muhammad ibn Jarir al-Tabarī, *Tarikh al-Tabarī* [The History of the Prophets and Kings], 7/634. [Arabic].
 - (5) About Muhammad al-Nafs al-Zakiyya and his revolts in detail, see Radwan al-Sayed (who gathered, studied and translated) “Muhammad al-Nafs al-Zakiyya... *The Book of Biographies and the Remaining Letters from Proselytism and Revolution* (Beirut: al-Madar al-Islami, 2021) [Arabic].
 - (6) Al-Dhahabi, *Tarikh al-Islam*, 3/828.
- *The word *Shiite* here refers to the linguistic meaning, not the contemporarily used concept. Ja'far had a school, students and disciples like all the jurists in Medina at that time. But he did not engage in politics or the public sphere as al-Dhahabi will recount.
- (7) Ash-Shahrastānī, *Sects and Creeds*, 1/166.
 - (8) Kulayni, *Kūtab al-Kāfi*, 5/90,91 chapter of “Rejecting Evil by Heart”. For more details on the issue of enjoining good and forbidding evil from the Shiite perspective, see Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (New York: Cambridge University Press).
 - (9) For the Twelver Shiites, minor occultation begins when Imam Hasan al-Askari died in 873 AD/260 AH and the disappearance of his son Mohammad from public sight and view. It had been said that there were four ambassadors/agents who met with him and conveyed his messages. The minor occultation ended when the fourth ambassador died in 940 AD/329AH. At this point, the *major occultation* began—the phase where there is no communication with the Absent Imam via ambassadors. The major occultation began in 940 AD/329 AH, since the death of the fourth ambassador, and it is still continuing to this day. For more details on the minor and major occultations, see: Baqir Sharif al-Qurashi, “The Life of the Messiah: the Greatest Reformer, al-Najaf,” Imam Hassan Public Library, 2012, 123-170.
 - (10) Tawfiq M. Alsaif, “Religion and Legitimation of The State: The Development of Political Thought in Contemporary Shi'ism (Case Study: Iran 1979-2004),” *University of Westminster*, 2005, accessed August 9, 2021, <https://bit.ly/3fI9DRt>
 - (11) Al-Tabarī, *Tarikh al-Tabarī*, 4/427.
 - (12) Abu al-Faraj al-Isfahani, *Maqātil al-Tālibīyīn*, 225, also see Grand Ayatollah Jafar Sobhani, *Bohooth fel-Melal-e wan-Nehal* [Searches on Sects and Creeds] (Qom: Imam Alsadiq Center, 1428 AH), 7/211. [Arabic]
 - (13) Marvin Zonis, “The Rule of the Clerics in the Islamic Republic of Iran,” *The Annals of the American Academy of Political and Social Science* 482 (1985): 85–108 accessed August 9, 2021, <https://bit.ly/3sIgv0C>
 - (14) Azam Boroughani, “The Concept of “Political Legitimacy in Shia Political Thought (With Focus on Imam Khomeini’s Political Thought),” *International Journal of Political Science* 5, no. 9, (Spring 2015): 56, accessed August 9, 2021, <https://bit.ly/3yuvB1Q>
 - (15) Represented by ibn Idris Hilli (died 1201 AD/598 AH), then al-Hilli (died 1277 AD/676 AH), then Allamah al-Hilli (died 1326 AD /726 AH), Muhammad b. al-Hasan al-Hilli, Fakhr al-Muḥaqqiqīn (1368 AD/770AH), and Ibn Fahd al-Hilli (1437AD/841AH), see also al-Akwash, *Asr al-Faqih* (The Age of the Jurist), 94. [Arabic].
 - (16) Farhad Daftary, *A History of Shi'i Islam*, trans. Saif Aldin Nassr (Beirut: Dar al-Saqi, 2017), 112. [Arabic].
- *As Ali Shariati did in “Red Shiism vs. Black Shiism.”
- (17) Mohammed Jamal Barout, *Ottoman-Safavid Conflict and Its Impact on Shiites in the Levant* (Beirut: Arab Center for Research and Policy Studies, 2018), 183-183. [Arabic]
 - (18) Shah Tahmasp was born in 1514 AD, died in 1576. He assumed the rule of Iran in 1524 AD. He was the eldest son of Shah Ismail, the founder of the Safavid dynasty. He entered into continuous wars with the Ottoman Empire, and subsequently lost some territories and cities, such as Tabriz and Baghdad.
See Dr. Basiam Hamza Abbas, “Iran under the Safavid Shah Tahmasp first 1524-1576 m” *The Arab Gulf* 40, no. 1-2 (2012): 35-84, [Iraqi Academic Scientific Journals - IASJ](https://doi.org/10.1080/00222966.2012.681111).
 - (19) See al-Akwash, *The Age of the Jurist*, 174, *Throne of the Jurist*, 211.
 - (20) Devin Stewart, “Polemics and Patronage in Safavid Iran: The Debate on Friday Prayer During the Reign of Shah Tahmasp” *Bulletin of the School of Oriental and African Studies* 72, no. 3 (2009): 425–57, accessed August 9, 2021, <https://bit.ly/3Cy2g96>.

- (21) See Moatasem Sediq Abdullah and Mohammed Alsayed Alsayyad, "Friday Prayers in Iran Religionizing Politics and Politicizing Religion," *The International Institute for Iranian Studies* (Rasaneh), March 11, 2020, accessed August 9, 2021, <https://bit.ly/3br7AyO>.
- (22) For more details see Jawdat al-Qazwini, *Supreme Religious Reference for Twelver Shiites... Studying the Political and Jurisprudential Evolution* (Beirut: Dar Al-Rafidain Printing, Publishing & Distribution, 2005), 143. [Arabic].
- (23) Mohammed Jamal al-Barout, "Safavid-Ottoman Dispute," 181, *ibid*.
- (24) Jawdat Qazwini, "Supreme Religious Reference," 150.
- (25) Sheikh Mithaq al-Ur, "Shiite Jurists and Bounties of Sultans," *Ajabat Center for Research and Religious Studies*, January 3, 2017, accessed August 6, 2021, <https://bit.ly/3xn8hSo>.
- (26) Qazwini, *Supreme Religious Reference*, 155.
- (27) Barout, *Ottoman-Safavid Conflict and Its Impact on Shiites in the Levant*, 188.
- (28) An interview with Hani Fahs, quoting from Alsulami and Sayyad, *Iran Supreme Leadership Usurped Power: Shiite Political Controversy Between Arab and Iranian Religious Authorities* (Riyadh: the International Institute for Iranian Studies (Rasaneh) 2018, 163-164. And see: Hasan Saeed, "Al-Faqih, Al-Karki, Sheikh Al-Qutaifi and the Dispute Over the Safavid Dynasty," *Al-Wasat News*, June 8, 2014, accessed August 6, 2021, <https://bit.ly/2VzaT2r>. [Arabic].
- (29) See: Ahmed Kazem al-Akwash, *Throne of the Jurist...Historical Signs and Jurisprudential Structures of the Guardianship of the Jurist* (Beirut: Dar Al-Rafidain Printing, Publishing & Distribution, 2018), 206. [Arabic].
- (30) For the details on the theory of waiting, see Mohammed al-Sayed al-Sayyad, *Shia Jurisprudence of Mahdism: Iranian Religious Currents Against Supreme Leadership Thought*, (Riyadh: the International Institute for Iranian Studies, 2018).
- (31) Al-Maqrizi, *Itti'az al-Hunafā' bi-Akhhār al-A'immah al-Fātimīyīn al-Khulafā'*, 2/140.
- (32) Al-Karki, *Letters of al-Karki*, quoted from al-Akwash, *Throne of the Jurist*, 206.
- (33) See Ahmed Kazem al-Akwash, *The Age of the Jurist: The End of Sharia and Start of Legislation: A Historical Critical Study on the Fundamentals of Shiite Legislation* (Beirut: Dar al-Rafidain Printing, Publishing & Distribution, 2018), 175.
- (34) See Şadr ad-Dīn Muḥammad Shīrāz, *Hikmat Al Muta'alyahfi-l-asfar al-'aqliyya al-arba'a* [The Transcendent Theosophy in the Four Journeys of the Intellect] (Beirut: House of Arab Heritage Revival, 1981), 5/201, see: Akwash, *The Age of the Jurist*, 188.
- (35) Mulla Sadra, *Waridat al-Qalbiyyah*, 258, quoting from Mohammed Abdul-Fadil al-Qoussi, *The Orientalist Philosophy from the Viewpoint of Şadr ad-Dīn Muḥammad Shīrāz* (UAE-Cairo: Mashiakhet Al Azhar, Council of Muslim Elders, 2020), 35.
- (36) Alireza Biabannavard, et al, "The Interaction of Political Theory and Practice in Shia Political Thought and Its Role in the Qajar Developments," *Scientific Journal of History Research* 16, no. 61 (Summer 2021) accessed August 9, 2021, <https://bit.ly/3CyQSK4>.
- (37) See: Muhammad Jamil Al-Mayahi, *Iraq and Sistani* (Baghdad: Inky Leaves Publishing, 2019), 287, 322, 339, 368. [Arabic].
- (38) See Ahmed al-Katib, *Interviews with Clerics, Scholars and Thinkers* (Beirut: Alintishar Alarabi Foundation, 2011), 280. See also Alsulami and Sayyad, *Iran Supreme Leadership Usurped Power*, 84-85. The appointment is the divine designation of the ruler means that the ruler is divinely appointed by God, not by selection or election, hence the nation and public approval has no position in the system of governance.
- *The constitutional government is the government that emerged from the Constitutional Movement in Iran in 1905. The jurists — regarding the constitutional movement and its constitutional and parliamentary demands — were divided into two camps: the first supported constitutional demands, parliamentary rule and institutionalizing the position of the people within the political system and letting it engage in the public sphere. The second camp rejected the Constitutional Movement on principle, and rejected what it called for and what it demanded — labeling its demands as foreign and westernizing that contravene Islam and run counter to it.
- (39) Khomeini, *Uncovering of Secrets*, 222, quoting from Alsulami and Sayyad, *Iran Supreme Leadership Usurped Power*, 84-85.
- (40) Ahmad Vaezi, *Shia Political Thought* (London: Islamic Centre of England, 2004), 92-99, accessed August 9, 2021, <https://bit.ly/3ivGniF>
- (41) Olivier Roy, "The Crisis of Religious Legitimacy in Iran," *Middle East Journal* Spring 1999, *JSTOR*, accessed August 9, 2021, <https://bit.ly/37z8CGU>
- (42) Raziq Hussain, "The Centrality of 'Wilayah' in Shia Political Thought," *Islamic Research Index*, accessed August 9, 2021, <https://bit.ly/3vzmk8R>
- (43) Alireza Nader, David E. Thaler, S. R. Bohandy, "Factor 1: The Factional Balance of Power, The Next

- Supreme Leader,” *RAND*, 2011, accessed August 9, 2021, <https://bit.ly/3jADP2l>
- (44) Ehsan Naraghi, *From Palace to prison: Inside the Iranian Revolution* (Beirut: Dar Al Saqi, 2015), 62.
- (45) *United Visions, Prophet's Burda (Hymn)...Religion and Politics in Iran*, trans. Radwan al-Sayyed (Beirut, Al Madar Al Islami, 2019), 452. [Arabic].
- (46) See: Mahmoud Barjo, “Propensity to the Zaydi School in Shiite Political Theology,” *The New Arab*, March 8, 2021, accessed August 1, 2021, <https://bit.ly/3fOTTvx> [Arabic].
- (47) See Abū al-Fath ash-Shahrastānī: *Sects and Creeds*, 1/156. [Arabic].
- (48) Al-Tabari, *History of the Prophets and Kings*, and Tabari, *Continuatus* (Beirut: Dar al-Turath, 1387 AH), 127/7.
- (49) See Muhammad Imara, *Islam and the Revolution* (Cairo: Dar Al-Shorouk, 1988), 238. Al-Shahristani asserts that Zayd ibn Ali was a student who studied under Wasil bin Ata, the head of the Mu'tazila and their leader, and that “he derived from him the Motazila thought, and all of his companions became affiliated with Mu'tazilites.” Al-Shahristani, Al-Milal and an-Nahl (*Sects and Creeds*), 1/155. However, Sheikh Muhammad Abu Zahra rules out Zayd studied under Wasil, and proved that the relationship was not that between a teacher and a student. It was a relationship between two friends discussing a jurisprudential question. “Therefore we see that Zayd’s meeting with Wasil bin Ata’ was a meeting of jurisprudential scholarship, not a meeting between a student who receives scholarship from his sheikh.” Muhammad Abu Zahra, *Imam Zayd: His Life and Time...His Opinions and Jurisprudence* (Cairo: Arab Thought House, 2005), 42-43. [Arabic].
- (50) Al-Shahristani, *Sects and Creeds*.
- (51) Abul Hassan al-Ashari, Maqālāt al-Islāmīyīn, *Theological Opinions of the Muslims*, ed. Hellmut Ritter (Cairo: General Organization of Cultural Palaces, 2000), 97. [Arabic].
- (52) Mohammed Imara, *Revolutionary Muslims* (Cairo: Dar Al Shorouk, 2006), 185. [Arabic].
- (53) Al-Shahristani catches this shift in the Zaydi mindset, saying: “Most of the Zaydis after that ceased to hold the belief in the right of the one favored by God to become an imam and defamed the companions of the Prophet in the same way as the Twelvers,” *Sects and Creeds*, 1/ 157.
- (54) Taqi al-Din al-Maqrizi, *Itti'az al-hunafa' bi-akhbar al-a'immah al-Fatimiyyin al-khulafa'* [Lessons for the Seekers of Truth on the History of the Fatimid Imams and Caliphs] trans. Mohammed Helmi Ahmed (Cairo: General Organization for Cultural Palaces, 1948), 2/40.[Arabic]
- (55) *Ibid.*, 86/2. [Arabic].
- (56) Jamal al-Din al-Shayal (collected and translated), *Fatimid Documents Collection* (Cairo: the General Organization of Cultural Palaces, 2011), 1/48, 51. [Arabic].
- (57) *Ibid.* 76-77.
- (58) Taqi al-Din al-Maqrizi, *Itti'az al-hunafa'*, 2/140.
- *Here, al-Dhahabi says that “Abul Hassan Al-Hilli, the Shiite jurist and linguist of Aleppo, is one of the prominent students of Abu Salah Halabi.”
- (59) *Ibid* 8/221.
- (60) *Ibid* 8/222.



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