



JOURNAL FOR IRANIAN STUDIES

Specialized Studies

A Peer-Reviewed Biannual Periodical Journal

Year 6, Issue 16, October 2022

ISSUED BY



RASANAH
المعهد الدولي للدراسات الإيرانية
International Institute for Iranian Studies

THE QUESTION OF GOVERNMENT IN CONTEMPORARY SHIITE POLITICAL THOUGHT

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Introduction

The question of government and the nature of the state have long been among the thorny and contentious issues over the course of Shiite history, stirring debate between the Shiite community and other sects and movements. The Twelver Shiite community merged into the existing states before and after the age of occultation until the Safavids emerged as a political force acting along sectarian and ideological lines. According to the traditionalist vision of Shiite political jurisprudence, the Infallible Imam is the one tasked with establishing the government and any attempt to establish the state in his absence is a violation of his mission. What is said about the revolutionary nature of Shiism — that as soon as one uprising was put down, another broke out — does not generally apply to Twelver Shiism, but rather to the Ismaili or Zaydi Shiite sects.

This does not negate the fact that some Twelver Shiite affiliates served in both Sunni and non-Sunni governments, with some taking on ministerial portfolios and other executive positions during the rule of the Abbasid caliphate and beyond. However, they did not seek to usurp power or rule in the name of the sect. As a result, the Shiite community was fully integrated into the existing state at both the social and administrative levels.

Within the Shiite community in modern times, wrangling and disputes have occurred over the nature of the government and the concept of the state. Shiites sensed the crisis and embarrassment that befell them since the advent of the modern state; after the traditionalist Shiite community became active and effective and the political system transformed into an institutional and modern one. Reformist and revivalist voices began to advocate for a reconciliation of Shiite heritage with the modern state. The traditionalist movement, on the other hand, held fast to the old Shiite heritage. New movements emerged from within the old movements as well as divergent propositions and contradictory readings. They engaged in disputes until some ascended to power while others remained within the ranks of the opposition, complaining of expulsion and exclusion by their Shiite coreligionists.

In this study, we seek to highlight these divergent schools within contemporary Shiism, navigating their political theories and attempting to predict each school's potential future — both in reality and theory. Given the importance of such a study, we will pursue an approach based on analysis and extrapolation until the desired dimensions, contexts, and outcomes are understood.

The Imamate in Shiite Political History

Traditionalist Shiite political thought had always been established on two pillars: *infallibility* and *religious texts*. Hence, the conundrum it faced was deeper than that of Sunni political thought when the modern state emerged and the shifts that the global arena experienced in the early 19th century. To understand the enormity of the challenges and conundrums that befell traditionalist Shiite political thought under the modern state, we must first clarify some key points that served as the foundations of political theory for early thinkers within the traditionalist Shiite community. And if we want to understand the nature and mission of the state in contemporary Shiite political thought, we must first come to grips with the concept of the state in Shiite Kalām and the fierce Kalām debates that were ignited over it. Although these debates occurred in a specific context, the new contexts are not very different from the old ones. In addition, the religious elites derive their legality and legitimacy from the political heritage, which confers some sort of sanctity or even authority. Therefore, understanding and absorbing this political heritage is important.

Between the Theory of Waiting for the Reappearance of the Imam and the Position of the Imamate as a Pillar of the Shiite Doctrine

For the Sunnis, the imamate, in all its political aspects, is not doctrinal. As Ghazali puts it, “As an issue to be considered, the imamate is not a fundamental issue, nor is it an intellectual aspect. Rather, it is a jurisprudential matter. It

is a source of arousing communal tensions.”⁽¹⁾ It is a minor jurisprudential issue rather than a definitively established matter. Unlike the Sunnis, Twelver Shiites do not consider the imamate to be so. For Twelver Shiites, the imamate is a fundamental and “doctrinal” issue rather than a jurisprudential or “trivial” issue. Shahrastānī said that “the imamate is not a fundamental pillar of doctrine, as there is no definitive and certain ruling that an imam must be identified.”⁽²⁾

Shiite *Kalām* scholars, however, rendered the imamate to be obligatory, arguing that it is one of the pillars of the Shiite doctrine. It is one of the fundamentals of Shiism and this point has become a source of unanimity among Twelver Shiites. This conclusion resulted in dangerous rulings, such as rendering a person to be an unbeliever — as adopted by some Twelver Shiites— if he did not believe that the imamate was a fundamental pillar of the doctrine. In this respect, Al-Shaykh al-Saduq, a Persian Islamic scholar, stated that “it must be held as a belief that those who reject the imamate are just like those rejecting prophecy. And those who reject prophecy are like those who reject God’s oneness.”⁽³⁾ Theologian Al-Shaykh al-Mufid stated that “Twelver Shiism holds that whoever denies the imamate of one of the infallible imams or rejects the obedience that God has rendered obligatory, he is misguided, an unbeliever and worthy of dwelling in the Hellfire forever.” In clearer and bolder words, Ibn Naubakht said that “those who reject the religious texts (on the imamate) are pagans, according to the vast majority of our fellow scholars.”⁽⁴⁾ Shiite scholars differed about the sources that rendered the establishment of the imamate obligatory. Most of them said that the religious texts were the source, but they disputed over the chain of the imams. Imam Hassan’s household (descendants of Imam Hassan) believes that Imam Ali’s household and his grandchildren (from both Imam Hassan and Imam Hossein) are worthy of the imamate — without referring to religious texts. Accordingly, Zayd ibn Ali rebelled against Umayyad rule as did Muhammad ibn Abd Allah ibn Hasan who rebelled against Abbasid rule. Abu Ja’afar al-Mansur rejected both views. Twelver Shiites argue that imams should come from the sons and grandchildren of Imam Hossein — from the eldest son downwards. This led to disagreements among the grandchildren of Hossein. After the demise of Ja’far al-Sadiq, they disputed over who should be the next imam and divisions within each school of thought emerged. These differences contradicted the religious texts, leading in the end to *ijtihad* in appointing the imam. This led to further inquiries about the nature of the state among Twelver Shiites.

Political Decline in the Time of Occultation

Shiite jurists considered that the idea of establishing a state or government was not plausible for Shiites as long as the Infallible Imam was in occultation. Sharif al-Murtaza (died 435 AH) said, “We do not have to instate princes

[imams] in case of helplessness of the Imam or instate the imamate at all. Instating the imams and electing him is neither of our duties nor are we asked to establish laws because by doing so, we take the blame in case of disregarding them.”⁽⁵⁾

The absolute guardianship of the Shiite jurist and his authority over all political and jurisprudential affairs was never considered before Khomeini ascended to power in Iran. But when he took power, Wilayat al-Faqih theory was adopted, with the absolute version of Wilayat al-Faqih being adopted in 1988. Iranian religious elites started claiming that the theory was one of the indispensable necessities of the Shiite sect. Moreover, they claimed that previous Shiite jurists had adopted Wilayat al-Faqih.

Prior to Safavid rule, and throughout Shiite history in general, Twelver Shiite jurists never sought to establish a state or a political system, nor did they have a unanimous political position. They did not even attempt to assume power because it was not within the scope of their duties, but rather fell within the remit of the Infallible Imam’s mission.⁽⁶⁾

Some Shiite movements, such as the Zaydi Buyids and the Ismaili Fatimids, ascended to power and seized rule at various points in history. However, the political effectiveness of various Shiite movements and factions did not result in a change in the Twelver Shiite doctrine. Furthermore, the establishment of a government was one of the contentious issues between the Twelver and Zaydi Shiites, who consider rebellion against tyrannical rulers — and seizing power — obligatory. They rejected the taqiya principle, and made rebellion a necessity for being worthy of the imamate position.⁽⁷⁾

Imam Zayd, whom Zaydis ascribe to, was always critical of his brother Muhammad al-Bāqir, who avoided politics. The adherents of Twelver Shiism disagreed with the Zaydis on this critical point. Meanwhile, Khomeini and the Iranian elites rejected Twelver Shiite heritage and returned to the revolutionary Zaydism in regard to matters related to the state and governance. Governance was also one of the sticking points between Twelver Shiites and Ismailis, who favored political uprisings and established states.

In general, the Twelver Shiite community remained dedicated to the hawza, engaged in jurisprudential teachings, while occasionally supporting the Buyids and Fatimids due to close sectarian affiliations. Despite being a stone’s throw away from taking power on numerous occasions, they did not seek it.

At the time, Shiite clerics did not believe in Shiite political hibernation or working on a special political project separate from the ummah’s public affairs. Senior Twelver jurists served in government, including the Abbasid dynasty, and held some executive positions. Sharif al-Murtaza (436 AH) — one of the historical Twelver Shiite religious authorities — held political positions under Abbasid rule. He justified this by saying that “righteous people and scholars

can still take over positions in different times under unjust rulers.”⁽⁸⁾ He did not stipulate that a ruler must be just for clerics to cooperate with him and work under his rule, but they should cooperate with him in any way possible regardless of whether he is just or not. Sharif al-Murtaza did not believe the Shiite sect would establish a political system. “We should not establish rulers if the imam is powerless [they do not run/govern the state],” he believed. “We are not also required to identify an imam. Selecting an imam is not one of our obligatory duties, nor are we obligated to carry out God-ordained punishments, for which we will be held accountable if they go unimplemented.”⁽⁹⁾

Murtaza’s theory of allowing cooperation with all rulers, the illegitimacy of rebellion against them, and not considering the establishment of a state that represents the Shiite community in particular, appears to have been the defining feature of Shiite political thought for several centuries after his death. Sayyed Radhi ud-Deen Ali ibn Musa ibn Tawus took over the leadership of Alawites in Baghdad and other cities under the Mongol ruler Hulagu Khan in 1263 AD\661AH. After his death, his eldest son, al-Mustafa, took over the position. Cleric Yusuf al-Hilli, father of prominent Shiite jurist Hilli, agreed with him, justifying such acceptance by claiming that God chooses these positions for them and that they did not seek them.⁽¹⁰⁾ Ali bin al-Muahhar al-Hilli, also known as Allama Hilli, urged Ijaitü, a ruler of the Ilkhanid dynasty, to convert to Shiism. But, as he lay dying, he ordered the ruler to return to Sunni Islam as the state’s official doctrine.⁽¹¹⁾ ‘Ali Mu’ayyad, the ruler of Sarbadar, summoned Shiite cleric Sheikh Abu Abdullah Muhammad Jamal Ad-Deen al-Makki al-Amili al-Jizzeeni, better known as ash-Shahid al-Awwal, to serve as a religious authority and decipher the jurisprudential issues of the time. The ruler stated that there is no religious guide in Khorasan who can guide Shiites to the best religious injunctions, a justification Amili could not reject.⁽¹²⁾ “It is a duty for you to head to this land and teach its residents (the best religious injunctions) and guide them, lest I and all Shiites of Khorasan lodge our complaints to the Prophet and infallible imams against you,” said the ruler of Sarbadar in a letter to al-Amili.⁽¹³⁾ Despite the fact that the Sarbadar ruler was Shiite, Amili did not go to him and did not claim absolute guardianship at the time. This strengthened the line of thought inherited since the reign of Baqir, Murtaza, and other Shiite jurists, favoring awaiting the reappearance of the Infallible Imam while participating in any existing government, Sunni or otherwise, and not seeking to establish a state for the Shiite sect or seizing power from the government. The Sarbadar ruler was unconcerned about guardianship. His message was simple: encourage people to join the sect and direct them accordingly. Perhaps the ruler desired a jurist to legitimize his actions and assist him in consolidating his rule. Amili’s refusal indicates that Shiite jurists kept a distance between themselves and Shiite rulers, for the

most part, the same distance that they kept between themselves and Sunni rulers⁽¹⁴⁾ prior to the shift that occurred under the Safavids.

Even Shiite clerics who rendered working for rulers unlawful such as Muhammad ibn Idris Helli did not limit such a prohibition to Sunni, Shiite, or Mu'tazilite rulers. Working with any ruler became unlawful except the Infallible Imam. They thus believed in total passive awaiting (for the Infallible Imam's reappearance) and completely avoiding politics — whether under a Sunni, Shiite, or any other government — until the imam reappears.⁽¹⁵⁾

As a result, the main line of Shiite political jurisprudence was the line of awaiting the reappearance of the Infallible Imam, however, some Shiite clerics embraced total passive waiting while others did not object to working under an existing government, regardless of its credibility or justness — without any sort of guardianship. This line became fundamental to the Shiite sect. And it could be argued that the doctrine on the state was a strategic rather than tactical position.

This situation remained unchanged in theory and practice until the Safavid takeover of Persia in the 16th century. The Safavids politicized the Shiite sect. When they seized Persia, a watershed moment occurred in Shiite political jurisprudential theory, with a shift from the concept of awaiting the reappearance of the imam to shah-jurist joint rule and the jurist legitimizing the shah's rule. This shift, however, did not occur in the traditional base of Shiite jurisprudence, but rather among the clerical elite who benefited from Safavid rule. This new shift was strongly opposed by traditionalist clerics who had previously rejected any political involvement during the imam's occultation. Even those who saw no harm in working for the ruler during the occultation did not consider the establishment of a state in the name of the sect that rules on behalf of the Infallible Imam to be lawful. Every government, according to those clerics, shall be deemed illegitimate until the Infallible Imam reappears. As a result, the establishment of the Safavid state ruling in the name of the sect and attracting Shiite clerics — to confer sacredness and legitimacy — provoked the Shiite clerical community.

However, as time passed and the Safavid rule institutionalized Shiite religious institutions by establishing a scholastic hierarchy and financial structure, the door was opened for greater participation of clerics in government — with the goal of securing some financial resources.⁽¹⁶⁾ However, the participation was from the standpoint of working for the ruler rather than establishing the guardianship of the jurist. The shah remained at the apex of the hierarchy, with the authority to appoint and dismiss jurists from official positions in the state. It is said that engaging jurists was one of the factors that helped ease the extreme version of Shiism pursued by the Safavids at the start of their rule.⁽¹⁷⁾

Pro-Wilayat al-Faqih and the Question of Government

During the 1905 Constitutional Movement, clerics were divided into two camps: those who supported the Constitutional Movement, including Ayatollah al-Khorasani, Mirza Naini and others and those who supported dictatorial rule, including Fazlollah Nouri, who had insulted the Constitutionals as morally decadent secularists. When Khomeini came to power, he embraced Fazlollah Nouri's radical anti-constitutional and anti-modern-state stance. He ignored the efforts of the Constitutionals, who sought to secularize the state in a rational and even religious manner. Khomeini honored Fazlollah Nouri, the leader of the anti-Constitutionalist camp, naming one of the streets of Tehran after him and putting his picture on commemorative postage stamps.⁽¹⁸⁾

This was an official declaration by pro-Wilayat al-Faqih supporters that they owe their intellectual roots to Sheikh Fazlollah Nouri and his radical stance toward secularists, liberals and reformists, as well as against modernity and its outcomes in general. Khomeini and pro-Wilayat al-Faqih loyalists did not stop there, but used pro-Wilayat al-Faqih, militia, and hawza-linked proxies to crack down on reformist Shiites at home and abroad, making the reformists' position within the Shiite community critical and difficult due to political and religious defamation and distortion. The critical elements of pro-Wilayat al-Faqih political jurisprudence included the following:

Divine Government

Wilayat al-Faqih loyalists argued that the guardian jurist was appointed by God Almighty rather than chosen by the people. The Assembly of Experts' election of the guardian jurist is a revealing of his identity rather than a choice that is made. According to this theory, the imam\guardian jurist does not derive his legitimacy from the people, but instead from the one who appointed him: God. Therefore, the government is shrouded in sacredness in its actions and deeds. It is a theory close to the divine command theory devised by Saint Augustine (354-430 AD) who argued that man is inherently a sinner based on the original sin committed by our forefather Adam, resulting in his descent to Earth. There should be an authority to prevent sinners from indulging in their sins. He contended that the universe's law dictates that people should be divided into two segments: rulers and ruled. This is necessary for upholding justice on the one hand and to atone for the first sin on the other. As a result, coercive power is required. Furthermore, justice can be achieved only in a religious state established by the church/clergy or subject to the direction of the latter.⁽¹⁹⁾ The Jewish people established the City of God or Kingdom of Christ first, followed by the Church and Christian empire. Consequently, any conflict between the City of God and the Kingdom of Satan will end with the City of God victorious, as peace can only be established under its auspices.⁽²⁰⁾

There is no watchdog to oversee the supreme leader's earnings and actions. Pro-Wilayat al-Faqih supporters justified the absence of institutions by claiming that inner checks and balances exist in the persona of the supreme leader/guardian jurist such as piety, justice, jurisprudential knowledge, and so on. As a result, there is no need for external checks and balances. Otherwise, the supreme leader, the entire juristic community, and the representatives of the Infallible Imam will be accused of not being just or trustworthy —two basic conditions that any jurist in general, and the supreme leader/guardian jurist in particular, should meet. Hojatoleslam Mohsen Kadivar attributes the guardian jurist government's repression and dictatorship to its belief that it is a divine government. He attempts to deconstruct the reasons for repression in the Iranian state under Islamist rule. He contends that the interaction of four basic components have shaped the current Shiite government's philosophical foundation: the first is the earlier Shiite jurists' theory of the Infallible Imam; the second is Plato's theory of philosopher king; the third is the theory that links absolute authority with human perfection; and the fourth is the practical wisdom inherited from the ruling traditions of ancient Persia.⁽²¹⁾ Consequently, dictatorship based on the philosophy of divine rule, according to this opinion, is established on gnostic and evidence-based fundamentals rather than on political circumstances and a power struggle resulting in a disorganized dictatorship. Hence, such dictatorships will continue as long as the religious elites and incubators that shape their thinking in the hawza remain in place. Overall, Khomeini and pro-Wilayat al-Faqih supporters' divine right theory marked a turning point in Shiite political thought. Khomeini came out to stage a coup against modernity, its values and political constructs at a time when states — under pressure from people as well as from the process of modernization itself — were shifting toward institutions and the entrenchment of human rights and popular oversight over government performance.

Khomeini as part of his theory argued that the government is appointed by God rather than by man. According to him, the Islamic government is a government that enforces divine law over the people.⁽²²⁾ Elsewhere, he said, "All the affairs and necessary duties of the governments should be in accordance with the divine law — even obedience to rulers."⁽²³⁾ According to this philosophy, when it is said that a jurist obtains his guardianship if the people or the Assembly of Experts approve of him, this has nothing to do with legitimacy and legality according to Khomeini's theory. This is because neither the people nor the Assembly of Experts confer legitimacy on the guardian jurist. They only reveal his characteristics and guardianship or set them in motion.⁽²⁴⁾ So, rather than being dismissed by the people, the supreme leader is dismissed automatically if he loses the characteristics or requirements that

designate him as a supreme leader. This is merely a theoretical argument, and questions remain about how it can be implemented in practice, as well as how the guardian jurist dismisses himself if one of his characteristics or conditions are negated.⁽²⁵⁾

The divine mandate theory, according to Khomeini, extends beyond the historically and traditionally known boundaries. He gave himself vast powers, including the ability to suspend one of the most fundamental religious obligations if he believes it will cause Muslims harm, based on his own understanding and judgment. As Khomeini himself puts it, the government has the ability to ban — temporarily, in circumstances detrimental to the interests of the Islamic country and when appropriate — pilgrimage which is deemed one of the five divine pillars of Islam.⁽²⁶⁾

Marginalizing the Public

The belief of pro-Wilayat al-Faqih supporters in the divine nature of the position of the guardian jurist necessitates the exclusion of the people from any political role or guardianship over the appointment or dismissal of senior officials. According to Kadivar, in a pro-Wilayat al-Faqih (guardianship-inspired) government, the people do not participate in conferring legitimacy on the government. The public sphere is not under the people's authority, nor is it considered a matter over which they have a say. It is a completely divine matter. It is a realm that is overseen by the Divine Legislator, who delegates it to jurists. The leader is a guardian of the people, not just the person who is chosen to rule. As a result, no law is considered unless it is approved by the guardian jurist and those appointed by him. Furthermore, even if elected by all members of the public, no official can achieve legitimacy unless ratified and approved by the supreme leader. In the public sphere, the people are expected to adjust their views to align with the guardian jurist's views and will — rather than the other way around, where the leader is the one adjusting his views to align with popular and national will.⁽²⁷⁾

Defenders of the Wilayat al-Faqih theory warn against granting the people any political power. According to the late Ayatollah Misbah Yazdi, the legitimacy of the jurist's guardianship is derived from God's legislative authority. In general, no guardianship shall be legitimate unless it is founded on divine appointment and approval. Furthermore, he said, "If the government is not installed this way, giving it legitimacy, it should be considered a form of a blasphemy against God's legislative power."⁽²⁸⁾ He states unequivocally, "The people have no part in governance under the guardian jurist other than to support him. The people have no right to elect the supreme leader."⁽²⁹⁾

However, an important question about the relationship between republicanism and modern state theory/philosophy arises here. This problem or contradiction is addressed in a straightforward and frank manner by senior cleric

Mohsen Gharavian, "Ruhollah Khomeini was compelled to embrace republicanism, but he had never believed in the republic."⁽³⁰⁾

Sadiq Haqiqat said that the people have "no right to choose the ruler under the doctrine of divine legitimacy. Instead, if the question of not considering the people's opinion and abolishing the principle of election could be used as a means to attack and defame Islam, then the people could participate only ceremonially and honorably as a secondary measure and out of necessity."⁽³¹⁾

As a result, everything said about the Iranian state's republican and democratic principles by supporters of Wilayat al-Faqih's rule is just sect-dictated taqiya and political pragmatism for interacting with the international community and its institutions. On the ground, however, the principles and fundamentals which Wilayat al-Faqih adherents believe in, take precedence over all others. The argument of Sadiq Haqiqat supports Gharavian's assertion that the post-1979 political system in Iran was founded on disbelief in the republic and its requirements, but it was forced to embrace republicanism. As a result of this paradox, the political system recognized and granted the people merely honorary and ceremonial roles such as holding elections, electing Parliament, and delegating some powers to it.⁽³²⁾

Therefore, the guardian jurist has the authority to act on the reached *ijtihad*, and the *ummah* should obey him without any protest or hesitation. This gives him additional absolute powers and allows him and any other jurist to seize power by force or through a military coup and then monopolize it, repressing public freedoms and rights, abolishing parties, dissolving the consultative assembly, or enacting new laws that violate the Constitution and Sharia. Khomeini also issued a decree establishing the Special Court of the Clergy, which is still in place today, which is against Islamic equality and man-made laws, issuing whatever rulings it wants against whomever it wants in whatever manner it deems appropriate.⁽³³⁾

Reformists and the Theory of Ummah's Guardianship

Versus the theory of Wilayat al-Faqih which sparked discussions and debates within the *hawza*, Shiite clerics opposed to this theory emerged, outlining civilian and constitutional viewpoints side by side with jurisprudential and philosophical evidence. The religious hierarchy (*marjaya*) in Najaf has strongly opposed Wilayat al-Faqih theory. Ayatollah al-Khoei took a harsh line toward it. There were personal differences between Khomeini and Khoei. Despite being traditionalist and conservative, the *marjaya* does not believe but in Wilayat al-Faqih over *hisbiya* issues; social affairs of the people, or daily tasks that require an authorized guardian to supervise them as endowments, funerals, and inheritance.⁽³⁴⁾ It adheres to the line of waiting (the reappearance of the imam) which is based on the premise that the states established during the

occultation of the imam are all illegitimate. But it has followed the principle of choosing the lesser of two evils pursued by veteran marjayas earlier in the 20th century. The absence of the Infallible Imam and dictatorship are two evils. Removing one of them is surely better than enduring both of them combined, according to the viewpoint of Mirza Naini.⁽³⁵⁾ Hence, he legitimized shoura (counselling) elections, upholding plurality and so on. Then Sistani, who took over the Shiite religious hierarchy after Khomeini, followed suit and even approved “choice and shoura” and what he called the endorsement of the believers during occultation.⁽³⁶⁾

It seems Wilayat al-Faqih is among the major contentious issues between the Najaf and Qom seminaries. Najaf, as a traditionalist marjaya, wants to preserve Shiite traditions even on matters of political jurisprudence. It embraces the line of waiting and *hisbiya* guardianship. But at the same time, it fears the expansion of the clout of the guardian jurist and its dominance over Iraq and Najaf, which could cause harm to its religious reading and strategic interests. This is because the guardian jurist does not confine his dominance and jurisdiction to Iranian soil but expands it to include the entire Shiite community and even the entire Muslim world. In addition, Qom fears a major and historically influential religious establishment such as Najaf, which will threaten its clout throughout the Shiite community or stand in the way of expanding the absolute version of Wilayat al-Faqih.

This is the case for the supreme religious hierarchy and the traditionalist hawza. For the reformist jurists, Shiite jurist Mohammad Mahdi Shams al-Din argues for the ummah’s guardianship over itself, making the public, to whom Khomeini paid no heed, the core center of the state, at the heart of the ruling apparatus. He said, “We believe that the ummah is a guardian over itself. And we lay out this theory versus Wilayat al-Faqih theory. On this basis, we call for the establishment of Islamic governments in the Muslim communities where every Muslim community in the political geography of the Muslim world establishes its respective state and models its institutions on the basis of general jurisprudence.”⁽³⁷⁾

Shams al-Din believes that it is necessary for Islam to be functional within the ummah rather than the state. In other words, the ummah should stick to Islamic beliefs regardless of whether Islamists are in power or not. According to him, obtaining power is not necessary for establishing the rules of Islam, and the essence of Islam is far bigger than being confined to the levers of power and state. Islam flows through the veins of the entire Muslim nation, with ordinary Muslims standing up in defense of it.

Shams al-Din rejects exercising violence for the sake of establishing an “Islamic state,” an approach pursued by Sunni and Shiite Islamists, since the Islamic system and government and the entire question of governance is an

issue entirely related to the unseen and rituals. He believes that the project of the Muslim Ummah does not mean ruling out the political project, i.e., the project of establishing a state, but he argues that there is little evidence to support the notion that Islam is interested in establishing a state to the extent of provoking social strife to achieve it, consequently undermining the project of the Muslim Ummah.⁽³⁸⁾

Finally, Shams al-Din's recognition of the "ummah's guardianship over itself" theory made him cling to the principle of shoura, making it a central part of Shiite political thought. He said, "The principle of shoura in public matters is the most important constitutional political principle for all Muslims. The proofs of this principle, according to the Quran and Sunnah, suggest that neither any political rule held by any fallible ruler, nor any disposal of the general affairs of society will be legitimate without pursuing the principle of shoura. The ummah should run its public affairs via shoura and the ruler should rule via shoura, and he is obliged in Sharia to conform to whatever this shoura may determine."⁽³⁹⁾

Another Lebanese jurist, the late Mohammad Hossein Fadlallah, was a big fan of Wilayat al-Faqih theory after the revolution. In the late 1980s, he changed his mind and proposed that there could be multiple guardian jurists, with each Islamic region having a guardian who handles its affairs. After 2000, Fadlallah completely rejected Wilayat al-Faqih theory, claiming that it could only be maintained if the preservation of order hinged solely on it. Muslims, he claims, can unite around another formula whenever they want as long as it does not contradict Islamic principles. As a result, Fadlallah came much closer to Shams al-Din's theory, even if he did not explicitly say so or agree with every detail of it.⁽⁴⁰⁾

There is another enlightening movement which has evolved out of the hawza, but it is considered to be among the enlightened and secular movements, not related to the Islamist reformists. Among this movement is the Iranian intellectual Mohammad Mujtahid al-Shabestari who calls for establishing a Western-style democracy. He attacks the hawza and clerics because they pit democracy against religion. According to him, this has far-reaching political and cultural ramifications for Iran and this approach would exclude people from the arena of political engagement, instead opening the door for despotism and dictatorship. In reality, the advantages and benefits of a democratic government far outweigh the ramifications and losses resulting from abandoning the moral principles and religious instructions that could occur under a democratic government.⁽⁴¹⁾

Abdul-Karim Soroush embraces a similar view, rejecting the clerical government and divine right, opting instead for the civilian democratic alternative.⁽⁴²⁾ Yet, there is Mostafa Malekian who attempts to reconcile any

seeming contradiction between religion and democracy. He argues that there is a possibility to hold elections among those embracing different religions without monopolizing a certain reading or excluding or expelling those embracing opposing views and versions. At the same time, he contends that it is impossible for the government to be clerical and democratic at the same time. It is either clerical or democratic.⁽⁴³⁾

Therefore, it appears that it is Najaf versus Qom, and it appears that, despite their differences, the reformists and enlightened persons are all united in the face of Wilayat al- Faqih. They believe that democracy is the best approach to heal divisions and run the country in modern times, with societies including a diverse set of sects, religions, races and sexes. Najaf agrees with much of this vision, but it rejects the prevalence of democracy over the well-established foundations of religion (not to infringe on the well-established religious principles and keep them apparent within the levers of the state). This is the narrative of Khavand and Naini. Therefore, Najaf and part of the contemporary reformist Shiites are a natural extension of the old Shiite reformist school.

Conclusion

We conclude that there are divergent opinions in contemporary Shiite political thought about the role of government and the nature of the state. There is a heritage-centered, traditionalist vision conducive to the line of political waiting (for the imam's reappearance). This view is as old as Twelver Shiism to the extent that Shafei jurist Abu Hamid al-Ghazali called them "those waiting" (for the imam's reappearance). Zaydi and Ismaili Shiism were the political versions of Shiism at that time though some Twelver Shiites attempted to seize power at some points in history — but without legal or religious cover.

During the Safavid reign, the government attempted to politicize the Shiite sect and consolidate its legitimacy by elevating a cohort of clerics to its services who legitimized its acts in the face of the Ottomans outside and the Kizilbashis inside the state. In modern times, Shiite clerics have found themselves in a dilemma against the backdrop of political variables and regional and international shifts. When people staged protests and revolts, they always referred to the clerics in order to address the injustices inflicted on them by the government. But when the clerics themselves became government officials, this referral ended as the clerics themselves were the ones inflicting injustices on the people. In search of a solution to this problem, some marjas and jurists laid out Sharia-inspired meanings and interpretations of shoura and democracy. Meanwhile, there was another movement that wanted to keep the dictatorship unchanged to preserve the financial interests and the prevailing political structure. These two camps have been controlling the Shiite landscape to this day. The first camp supports Wilayat al-Faqih

and keeping the guardian jurist and his jurists in power and at the top of the Shiite hierarchy. The other camp believes that there is no solution but the democratic, civilian, and shoura-inspired state. Nonetheless, there are minor differences on certain details and variations within each camp. But on the other hand, each camp monopolizes a certain religious reading and rejects all the other sects and readings. The first camp claims that the Iranian jurist has an absolute guardianship over all Shiites, not only over Iranians. Moreover, its guardianship is effective over the entire clerical community, making all the other marjas subject to his guardianship and custodianship.

The fact that this camp is now in control of the Iranian state, with economic, military, and political clout as well as state resources, cannot be overlooked. As a result, the remaining theories are simply intellectual attempts in light of stagnation in philosophical, jurisprudential, political, and Kalām thought. There are no realistic prospects for gaining power and establishing the desired civilian state. Furthermore, pro-Wilayat al-Faqih supporters not only have caused a political gridlock in Tehran, but also in Iraq, Lebanon, Syria, and Yemen. They exercise political custodianship over all these countries, attempting to place all these countries, peoples, and resources under the guardian jurist's custodianship. As a result, Shiite reformists outside Iran face the same crises as reformists within Iran.

Endnotes

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- (3) See Haider Hoballah, *Trends of Rationalism in Islamic Theology* (Beirut : Al-Intishar al-Arabi Foundation, 2014), 433. [Arabic].
- (4) *Ibid*, 433.
- (5) Al-Sharif Al-Murtaza Ali bin Al-Hussein, *Al-Shāfi'ī al-Imāma*, 1/112. See: Mohammed Alsulami, and Mohammed Sayyad, *Iran's Supreme Leadership Usurped Power: Shiite Political Controversy Between Arab and Iranian Religious Authorities* (Riyadh: the Intyernational Institute for Iranian Studies (Rasanah), 2018), 14.
- (6) Muhammad Salim al-Awa: *Islamic Schools of Thought* (Beirut: The Arab Network for Research and Publishing, 2016), 139. See also: Muhammad al-Sayed al-Sayyad, *Shia Jurisprudence of Mahdism: Iranian Religious Currents Against Supreme Leadership Thought* (Riyadh: International Institute for Iranian Studies (Rasanah), 2018), 8. [Arabic].
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- (8) Ali Ibrahim Darwish, *Politics and Religion in the Establishment of the Safavid Empire*, (Beirut: Arab Center for Research and Policy Studies, 2013), 305. [Arabic].
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- (10) Ali Ibrahim Darwish, *Politics and Religion in the Establishment of the Safavid Empire*, 306.
- (11) Mamdouh Ramadan, *Sunni Iran. Religious Life in Iran Before the Safavids* (Beirut: Nama Center for Research and Studies 2018), 176 et seq. [Arabic].
- (12) *Ibid*, 201.
- (13) *Ibid*, 201.
- (14) Jawad Shubar, *The Theology of Political Shiism* (Beirut: Dar Al-Rafidain Printing, Publishing & Distribution, 2017), 250.
- (15) Ahmed Kazem al-Akush, *The Throne of the Jurist...Historical Premises and Jurisprudential Premises for Velayat-e Faqih*, (Beirut: Dar al-Rafidain 2018), 145. In his book, Akush elaborates on Ibn Idris al-Hilli's opinion on political engagement, or what is called in jurisprudential chapters as "working with the ruler." [Arabic].
- (16) *Unified Visions, Al-Burda of the Prophet (The Poem of the Mantle). Religion and Politics in Iran*, 255. [Arabic].
- (17) Farhad Daftary, *History of Shiite Islam*, (Beirut: Dar Al-Saqi, 2017), 112. [Arabic].
- (18) Roy Muttahida, *Burdah of the Prophet. Religion and Politics in Iran*, trans. Radwan al-Sayed (Beirut: Dar Al Madar Al Islami 2019), 454. On the relationship between Fazlollah Nouri and Wilayat al-Faqih loyalists, see Ahmed al-Kateb, *Constitutional Legitimacy in Contemporary Islamic Political Systems* (Beirut: Dar Al-Intisar Al-Arabi, 2013), 121, 167.
- (19) Tawfiq Al-Saif, *A Politician: A Guide to Good Governance* (Beirut: the Arab Network for Research and Publishing, 2011), 84. [Arabic].
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- (22) Khomeini, *The Islamic Government*, 79.
- (23) Khomeini, *Kitāb al-bay' [Book of Selling]*, 461. See also: Ali Fayyad, *Theories of Power*, 225. [Arabic].
- (24) Sadeq Haqiqat, *Distribution of Power in Shiite Political Thought*, 284.
- (25) Alsulami and Sayyad, 92.
- (26) "Khomeini's Letter to the President of the Republic, Ali Khamenei," *Persian Kayhan newspaper*, Tehran, No. 13223, January 1, 1989. We have included the full message in the book: *Iran's Supreme Leadership Usurped Power*, 87-88.

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- (28) Alsulami and Sayyad, 93.
- (29) Ibid.
- (30) Al-Seif, *Limits of Clerical Democracy*, 176.
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- (32) Ibid, 301.
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