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Introduction

I repeatedly heard my mentor Ayatollah *Hussain Ali Montazeri* (1922-2009), during his teachings narrating from his mentor Ayatollah Sayyid Hossein Borujerdi (1875-1961) - the most distinguished Shi'ite authority in the 20th century: "The Shi'i fiqh (doctrine) and hadith¹ is like a footnote (*hāshiya*) on Sunni fiqh and fatwas²."³ The statement was used to emphasize the necessity for Shi'ite fuqaha⁴ to have knowledge on Sunni hadiths, fatwas, and context in order to gain a better and correct understanding of Shi'ite Imams' hadiths and early Shi'ite jurists' fatwas.

This is an important point to understand the texts of the minorities that have lived for a thousand years under the rule of the Sunni majority administration. The product of this overview resulted in comparative *fiqh* which could be found in *Al-Mabsut* or *Al-Khilaf* by Shaykh al-Ta'ifah al-Tusi (995-1067), also *Tadhkirat ul-Fuqaha* by al-Allama al-Hilli

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1. Hadith: the record of the words, actions, and silent approval of the prophet Muhammad as transmitted through a group of narrators.
 2. Fatwa: the rulings by recognized religious authority on a point of Islamic law.
 3. Ayatollah Montazeri Najafabadi, Hussain Ali, *Mabani wa sabk-e Ayatollah Bourjerdi* (the principles and style of Ayatollah Bourjerdi) interview, *Hawzeh* bi-monthly, Qom, Vol. 8, no. 43-44, April -May 1991, p. 942.
 4. Fuqaha: the plural of Faqih and means the jurists.

(1250-1325), also it was mentioned recently in the works of Borujerdi himself and his students such as Montazeri.

The relationship between Shi'ite political thought and Sunni political thought was explained by Ayatollah Borujerdi above through the *footnote strategy and based on it* the Shi'ite ulama⁵ highlighted and expanded their doctrinal points in their comments on Sunni political thought. These doctrinal points are two: Imamate⁶ and Justice, which have shaped the Shi'ite denomination's doctrine and its political philosophy.

Imamate, the first doctrinal element of Shi'ite political thought

There are three branches of Shi'ite Islam (Ja'faris, Zaydis, and Isma'ilis), but the focus of the paper is on Ja'faris, which constitutes the strong majority of Shi'ite Muslims. The other names of Ja'faris are *Imāmīyyah* and *Ithna 'Asharis (Twelvers)* – those who believe in the Twelve Imams as *usul al-madhab* (principles of Shi'ite theological school). It means that Imamate is one of the vital elements or the first and the most important factor in Shi'ite Islam. We know that the first crisis after the death of the Prophet in 632 and the division of Islam into two branches -Sunni and Shi'ite- was the discussion about who will hold the position of the Prophet Muhammad's successor.

5. Ulama: the plural of 'ālim' Religious scholars.

6. Imamate: leadership of the Muslim Community.

The issue has at least three dimensions: historical, theological, and political. Abu Bakr b. Abi Quhafa (573-634) the father-in-law of the Prophet and his cave companion⁷ (Q. 9:40) came to power as the first caliph (*Khalifat Rasul Allah*) or the successor of God's messenger, and this is the historical dimension of the issue.⁸

From the Sunni theological perspective, there is no difference between Sunni theology and the historical event. From the Shi'ite theological perspective, Ali ibn Abi Talib (600-661) the prophet's cousin, his son-in-law, and his companion in *Laylat al-Mabit* (the night he slept in the Prophet's bed risked his life for Muhammad's safe escape from Mecca) (Q. 2:207)⁹ was the first Imam and the real successor of the Prophet. The Shi'ite refers here to a few Qur'anic verses and some Prophetic hadith¹⁰ to appoint Ali

7. When Muslims migrated from Mecca to Medina, Abu Bakr accompanied the prophet, and they took refuge in a cave.

8. Look at Ayoub, Mahmoud. *The Crisis of Muslim History: Religion and Politics in Early Islam* (Oxford: Oneworld, 2003); and Madelung, Wilferd. *The Succession to Muhammad: A Study of the Early Caliphate*. Cambridge: Cambridge University Press, 1996.

9. Al-Hakim al-Niyshaburi, Muhammad b. 'AbdAllah. *Al-Mustadrak 'ala l-Sahihayn*. (ed. by Mustafa 'Abd al-Qadir 'Aṭa. Beirut: Dar al-Kutub al-'Ilmiyya, n.t.). 3:5.

10. Look at al-Tusi, Nasir al-Din Muhammad b. Muhammad. *Tajrid al-'Itiqad*. (ed. Muhammad Jawad al-Husseini al-Jalali. Qom: Maktab al-'A'lam al-Islami, 1987), Section 5: *al-Imama*, pp. 223-241. For Sunni commentary look at Al-Isfahani, Shams al-Din Mahmoud b. Abd al-Rahman. *Tasdid al-Qawa'id fi sharh Tajrid al-'Aqayid*. (ed. Khalid b. Hammad al-'Adnani. Kuwait: Dar al-Diya', 2012). 1065-1164; For Shi'ite commentary look at: al-'Allamah al-Hilli, al-Hassan b. Yusuf. *Kashf al-Murad fi sharh Tajrid al-'Itiqad*. (ed. Hassan Hassanzadeh Amoli. Qom: Mu'assisisa al-Nashr al-Islami, 2011). 495-538.

as his successor. The Sunnis accept the occasion of revelation of some of those verses on Ali's right to be the successor, also they accept the *Ghadir Khumm* hadith¹¹ as *mutawatir*¹² hadith¹³ in which the Prophet has said exactly: "Anyone whose *mawla* is me, then 'Ali is his *mawla*". Here everyone including the greatest companions pledged their allegiance to Ali, and Abu Bakr and 'Umar ibn al-Khattab were among the first companions who congratulated him.¹⁴

What does *Mawla* mean in this *mutawatir* hadith? Sunnis said it means friendship or companionship, and Shi'ites said it means the guardianship or leadership or authority. Both of them are correct literally. The Prophet did not appoint anyone as his successor and did not issue any kind of will in this regard, according to Sunni theology. The Shi'ites

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11. *Ghadir Khumm* hadith has been narrated in four of six major authentic hadith compilations *al-Sihah al-Sitta: Sahih Muslim* (four hadiths), *Sunan Ibn Majah* (two hadiths), *Sunan Tirmadi* (one hadith), *al-Sunan al-Kubra* by al-Nisa'i (more than five hadiths) as well as *Musnad Ahmad ibn Hanbal* (at least seventeen hadiths), and *Ansab al-Ashraf by Baladari* (six hadiths).
 12. A hadith is said to be *mutawatir* if it was reported by a significant, though unspecified, number of narrators at each level in the chain of narration, thus reaching the succeeding generation through multiple chains of narration leading back to its source. In other words, a *mutawatir* hadith is reported by such a large number of narrators that cannot be perceived to have jointly forged and narrated a tradition about an issue without a compelling force.
 13. Al-Dhahabi, Shams al-Din Muhammad b. Ahmad. *Siyar A'lam al-Nubala*, 8:334-335 (chief editor: Sha'ib al-Arnout, Beirut:al-Risalah, 1982); and al-Suyuti, Jalal al-Din. *Al-Azhar al-Mutanathirah fi Ahadith al-Mutawatirah*. No. 100, pp. 37-38 ([Cayro]: Dar al-Ta'lif).
 14. Look at Amini, Abd al-Hussein. *Masu'a al-Ghadir fi al-Kitab wa al-Sunna wa al-adab*. (ed. Al-Sayyid Mahmoud al-Shahroudi. Qom: Mu'assisa Da'irat al-Ma'arif al-fiqh al-Islami tibqan li madhab ahl al-Bayt, 2009, in 14 volumes.

criticized their counterpart that announcing “friendship” and taking a pledge of allegiance on it was meaningless. In contrast, they believe God has appointed Ali as the successor of the Prophet, and the Prophet has announced this fact to the people, in addition to appointing Ali as his trustee (*wasiyy*).¹⁵ The theological conflict is beyond the scope of this paper.¹⁶

Before starting the political discussion, there is a big question here: Do the Sunni caliphate and the Shi’ite Imamate have the same understanding regarding the political successorship to the prophet, or does this understanding take on a different meaning in these two denominations? The answer is affirmative from the Sunni perspective, while it is negative from the Shi’ite perspective. Muhammad ibn Abdullah had at least three dimensions or aspects. First, he was the Prophet and Messenger of God (PBUH). Second, he was the political ruler of Arabia in his time. Third, he possessed a formative mandate (*al-wilayat al-takwini*). According to Sunni theology, the first dimension had ended with the Prophet’s death. Therefore, any successorship after the Prophet should be confined to political rulership only and nothing else.

15. Al-Muddafar, Muhammad Rida. *Aqayid al-Imamiyya*. (Qom: Ansariyan, 2008). 66-67.

16. For more information look at Sobhani, Ja’far. *Doctrines of Shi’i Islam: A Compendium of Imami Beliefs and Practices*. Translated and edited by Reza Shah-Kazemi. London: I.B. Tauris Publishers, 2001, pp. 96-120.

From the Islamic mystical perspective (Sufism), although the prophetic revelation was ended by the death of the Prophet, the other types of revelation and inspiration (*ilham*), as well as the third dimension of the Prophet (formative mandate), have been continued through the Sufi masters. They called themselves the successors of the esoteric prophetic knowledge and of his spiritual guardianship. All the mystical Sufi circles (Sufi *tariqa*) including all Sunni Sufis except one¹⁷ are linked to the Prophet through Ali ibn Abi Talib. This means that for almost all Sunni Sufis, Ali is the second Saint of Islam. Sufism transcends the Sunni-Shi'ite conflict.¹⁸

From the Shi'ite perspective, the Imam is the successor of the Prophet in all of his dimensions except the Prophetic revelation (*al-wahy al-risali*). Therefore, the Imam is the successor of the Prophet in these aspects: First, he is the successor of the Prophet in the authentic interpretation of the Qur'an and Prophetic Tradition. According to this dimension, the Imams are the third source of Islam (after the Qur'an and the Prophetic Tradition). Second, the Imams - same as the Prophet - could be the political rulers of their times. Third, the Imams were the Islamic Saints and they have also obtained a formative mandate.

17. Naqshbandiyya in one of its later chain of permissions.

18. For more information look at Chittick, William C. *Sufism, A Beginner's Guide*, (Oneworld, 2008).

Similar to the scholars and the Sufis, the first and third dimensions of Imamate are positions being awarded on the basis of talent and they are not being bestowed upon elections. Discussing them is beyond the scope of this paper. But for the political rulership of the Imamate, was it appointive or elective? It was the successorship of the Prophet, and the answer here depends on our approach to the prophecy and on the Prophet's leadership. Most of the Messengers of God were not political rulers of their times. The Prophethood of Muhammad b. Abdullah (prophet Muhammad) was appointive, but his rulership in Madinah was elective. He was invited by the *Ansar* (Helpers)¹⁹ and there he was elected by all Muslims. Imams as political rulers should be elected by the people too, because this role of being a political ruler was different from being an authentic source of Islamic knowledge and Islamic Sainthood.

Practically, Ali ibn Abi Talib was not the political ruler in the time of the three of Righteous (Rashidun) Caliphs (632-656), although he was the Shi'ite Imam (third source of Islamic knowledge and Islamic Saint). He was the political ruler (Caliph for all Muslims) for about five years (656-661). Ali was elected directly by the public of Muslims in his time. There are several pieces of evidence that Ali himself believed in the consent of people (*ridā al-nās*) as the necessary condition of legitimate rulership which means 'elective political imamate'.

19. The local inhabitants of Medina who helped the prophet and his followers when they immigrated from Mecca.

When he was asked to be the Caliph, he responded: “My pledge of allegiance) Bay’ah(should not be hidden and is only made with the consent of the Muslims.”²⁰ So, he took the satisfaction of Muslims into consideration and made the political Imamate emerge from it. In one of his letters in *Nahj al-Balagha* he clearly expressed: “Shura²¹ is only for the Emigrants (*Muhajirun*)²² and the Helpers (*Ansar*), so if they gather around a man and name him an Imam, that is God’s pleasure.”²³ This means that rulership is an elective position. It is consistent with the other parts of *Nahj al-Balagha*²⁴, and Shi’ite theology that Ali considered himself the religious and political successor of the Prophet, whose right has been usurped.

Before his martyrdom, Ali was asked: “(If we lost you,) shall we pledge allegiance to al-Hassan?” He answered: “I neither command nor forbid, you know better.”²⁵ This is another confirmation of elective political imamate. In his will to his sons, there is nothing but moral advice.²⁶ Also,

20. Al-Tabari. *Tarikh al-Rusul wa al-Muluk*. 4:427 (edited by Muhammad Abu al-Fadl Ibrahim, Cairo: Dar-al-Ma’arif).

21. Shura means a consultative council or assembly or the process of decision-making by consultation and deliberation.

22. *Muhajirun* the early Muslim who immigrated from Mecca to Yathrib (later Madinah) in July 622.

23. Al-Sharif al-Radi. *Nahj al-Balagha*. letter 6, 357 (edited by Subhi Salih, Beirut: Dar al-Kitab al-Lubnani, 2004)

24. Al-Radi. *Nahj al-Balagha*. sermon 97, p. 143; sermon 154, p. 215-216; sermon 173, p. 247-248; sermon 192, p 300-301, and sermon 3, p. 48-50.

25. Al-Tabari. *Tarikh al-Rusul wa al-Muluk*. 5:146-147.

26. Al-Radi. *Nahj al-Balagha*. Letter 31: his will to al-Hassan, 391-406; Letter 47: his will to al-Hassanain. 421-422.

Imam Ali did not mention the appointment of a successor after him in his public will.²⁷

Imam al-Hassan ibn Ali (625-670) known as *al-Mujtaba* the second Shi'ite Imam (661-670) was the political ruler for about six months in 661. He was elected by the people too. In his letter to Mu'awiya b. Abi Sufyan (605-680), Imam al-Hasan clearly expressed that "the Muslims chose him after the death of his father."²⁸ All of the other Shi'ite Imams were never political rulers. Practically the Shi'ite Imams were political rulers only for five years (656-661), while they held the other dimensions of Imamate (the third source of authentic Islamic knowledge and Islamic Sainthood) for about two centuries and a half (632-874: by the beginning of the minor occultation). This means that political rulership was not the main element of the Shi'ite Imamate, although- from the Shi'ite perspective- the Shi'ite Imams were the most eligible candidates for rulership in their times and its actuality occurred by the people's consent.

The separation of the political rulership as an elective human position of Muhammad from his Prophethood as an appointive divine position was not acknowledged by Muslim scholars until the early 20th century. The book "*Islam and the*

27. "Al-Hassan Ibn Ali was his father's guardian in family affairs, endowments, and alms". Al-Mufid, Muhammad b. Muhammad b. Nu'man. *al-Irshad fi ma'rifa hujj Allah 'ala al-'ibad*. (Qom: Dar al-Mufid, 2010). 2:7.

28. Abu l-Faraj al-Isfahani Ali b. al-Hussein. *Maqatil al-Talibiyyin*. (ed. al-Sayyid Ahmad Saqar. Beirut: al-A'lami, 2006). 66.

*Foundations of Governance*²⁹ (1925) by Ali Abdel-Raziq (1888-1966) was a turning point in this subject. In Shi'ite Islam, there were the same viewpoints.³⁰ The mainstream by the late 20th century did not separate political rulership from spiritual leadership (the third source of Islamic knowledge as well as Islamic Sainthood) in Shi'ite Imams. The first Shi'ite perspective of the separation of political rulership as a human matter from the other two aspects of Shi'ite Imams was my discursive paper on 'Shi'ism and democracy' which was published in November 2003.³¹

From the Shi'ite perspective, Political Imamate is crystallized in the rulership of *Amir al-Mu'minin*³² Ali ibn Abi Talib. His administration methods in detail were reported in historical books. Also, his sermons, letters, and short statements were compiled separately. The most famous compilation of his works is *Nahj al-Balagha*³³ by al-

29. Abd al-Raziq, Ali. *Al-Islam wa Usul al-Hukm*. (Intro: Ammar Ali Hassan. Cairo: Dar al-Kitab al-Misri, Beirut: Dar al-Kitab al-Lubnani, 2012). English translation: Abdel Razek, Ali. *Islam and the Foundations of Political Power*. tr. Loutfi, Maryam. ed. Abdu Filali-Ansary. Scotland: Edinburg University, 2013.

30. Mehdi Bazargan (1907-1995) in his last book "*The Hereafter and God, the Purpose of Prophets' Missions*" (*Ākherat wa Khoda Hadaf-e Fe'that-e Anbiyā*) (1992) reached this conclusion that politics and management of this temporal world were not the purpose of prophetic mission.

31. "Shi'ism and democracy", debate between Hatam Qaderi and Mohsen Kadivar, *Yass-e Now* daily, Tehran, Nov 2003, later in Kadivar, Mohsen, *Shari'at and Siyasat* (Shari'at and Politics: Religion in Public domain), Webbook, 2009, 397-419.

32. *Amir al-Mu'minin* literally means the leader of believers or the commander of faithful.

33. *Nahj al-Balagha* literally means "Peak of Eloquence".

Sharif al-Radi, Muḥammad bin al-Ḥusayn (970-1016)³⁴ it is the best-known collection of sermons, letters, and sayings of Imam Ali based on the criterion of the art of eloquence (*al-balagha*). Also, the book *Musnad Amir al-Mu'minin al-Imam Abi al-Hassan Ali ibn Abi Talib* which comprises 27 volumes is a collection of his work.³⁵ A major part of these two books is what we call Shi'ite political thought or Shi'ite political ethics. The most detailed document is the letter 53 in *Nahj al-Balagha*, Imam Ali's command to Malik b. Hārith al-Ashtar al-Nakha'i (d. 659) at the time of sending him as the governor of Egypt.

By Shi'ite political thought, I mean the principle of justice and fairness, (including judicial justice, and financial justice), the mutual rights of the ruler and the ruled, the right not to pledge allegiance, the policy regarding the unarmed opposition, and the policy regarding the armed opposition (*bughat*).

These are the essentials of the political Imamate in Shi'ite Islam. Ali's teachings are at the heart of Shi'ism, they are inseparable from Shi'ite Islam. Any theory or practice in jurisprudence, theology, ethics, commentary of the Qur'an, hadith compilations and its commentaries, mysticism, philosophy, and politics under the label of Shi'ism, which is

34. The best editions of *Nahj al-Balagha* were published by Sunni scholars: Muhammad Abduh (1849-1905) and Subhi Salih (1926-1986).

35. 'Utarudi, Quchani Aziz Allah. *Musnad al-A'imah Ahl al-bayt* in 70 volumes. *Musnad Amir al-Mu'minin al-Imam Abi al-Hasan Ali b. Abi Talib*. 27 volumes. (Tehran: 'Utarud, 2007).

inconsistent with the teachings of Imam Ali, is unacceptable. Also, Ali's political teaching is the standard for Shi'ite political thought. Ali's authority in Shi'ite Islam is closely linked to the authority of the Qur'an and prophetic Tradition in Islam for all Muslims, including Shi'ites. This is the real meaning of the third source of Islamic knowledge.

The Political Thought of Imam Ali ibn Abi Talib

Here I will give seven examples of Ali's key political thought, and most of them are from *Nahj al-Balagha*.

A. Mutual rights of the ruler and ruled: "A right is very vast in the description but very narrow in equitability of action. It does not accrue to any person unless it accrues against him also, and right does not accrue against a person unless it also accrues in his favor. *If there is any right that is =only in favor of a person with no (corresponding) right accruing against him it is solely for Allah, the Glorified, and not for His creatures.... The greatest of these rights that Allah, the Glorified, has made obligatory is the right of the ruler over the ruled and the right of the ruled over the ruler. This is an obligation which Allah, the Glorified, has placed on each other.*"³⁶ Ali mentioned the particulars of these mutual rights in his time in another sermon.³⁷ His political philosophy started with teaching these rights to the people. Shi'ite political thought is right-oriented.

36. Al-Radi. *Nahj al-Balagha*. sermon 216, p. 332-333. I used the English translation from online Al-Islam.org with a minor edition.

37. Al-Radi. *Nahj al-Balagha*. sermon 34, p. 79.

B. The fallibility of the ruler and his need for public monitoring and guidance: in one of his sermons, Ali said: *“Do not praise me for the duties I have performed towards Allah and towards you, because I am afraid there could be obligations which I have not fulfilled, or maybe I have issued rulings which could not be avoided, and do not address me in the manner despots are being addressed. Do not evade me as the people of passion are to be evaded, do not deal with me with flattery, and do not think that I shall take it in ill if a true thing is said to me because the person who feels disgusted when the truth is said to him or a just matter is placed before he would find it more difficult to act upon them. Therefore, do not abstain from saying the truth or pointing out a matter of justice because I do not consider myself above erring. I do not scape erring in my actions, except if Allah helps me (in avoiding errors) in matters in which He is more powerful than I am”*³⁸. Here Ali explains clearly that temporal rulership and political governance are fallible positions, regardless of whether the ruler is the Prophet, the Imam, or anyone else. This is the standard for political ethics in Shi’ite Islam.

After condemning the seclusion of the political authority from the ruled, Imam Ali justified it as another evidence of the fallibility of the governor: *“Do not keep yourself secluded from the people for a long time, because*

38. Al-Radi. *Nahj al-Balagha*. sermon 216, p. 335.

the seclusion of those in authority from the subjects is a kind of narrow-sightedness and causes ignorance about their affairs. ... After all, a governor is a human being and cannot have knowledge of things that people keep hidden from him. There are no marks on the face of truth to differentiate its various expressions from falsehood.”³⁹

C. Ruling that is based on mercy and forgiveness for all people without any religious discrimination: “Habituate your heart to mercy for the subjects and to affection and kindness for them. Do not stand over them like greedy beasts who feel it is enough to devour them, since they are of two kinds, either your brother in religion or one like you in creation. They will commit slips and encounter mistakes. They may act wrongly, willfully, or by neglect. So, extend to them your forgiveness and pardon.”⁴⁰ This is the foundation of egalitarian international human rights not only for Shi’ites or Muslims or people of the Books, or monotheists but for all mankind, human as a human: “one like you in creation”.

D. The rights, justice, the public opinion, the satisfaction of the middle class and caring for lower class: Ali once said “*The way most coveted by you should be that which is the most equitable for the right, the most universal by way of justice, and the most comprehensive*

39. Al-Radi. *Nahj al-Balagh.*, letter 53, p. 441.

40. Al-Radi. *Nahj al-Balagha.* letter 53, p. 427-428.

with regard to the agreement among those under you It is the common people of the community who are the pillars of the religion, the power of the Muslims, and the defense against the enemies. Your leanings should therefore be towards them, and your inclination should be directed towards them."⁴¹ The four pillars of a Shi'ite political policy are as follows: rights, justice, public opinion, and middle class. The fifth pillar is a special concern and included an extra plan for the lower class.⁴² He reported that he heard repeatedly the prophet Mohammed saying: "The people among whom the right of the weak is not secured from the strong without fear will never achieve purity."⁴³ This is the permanent principle of any politics in the name of Shi'ism or Islam.

E. The sanctity of contracts especially with the enemy: After encouraging peace,⁴⁴ Imam Ali outlines another permanent principle of Islamic political thought, that any agreement with the enemy must be fulfilled with honesty and trust because nothing is more important than fulfilling pledges: "If you conclude an agreement between yourself and your enemy or enter into a pledge with him then fulfill your agreement and discharge your pledge faithfully. Place yourself as a shield against whatever you have pledged because among the obligations of Allah there is nothing on which

41. Al-Radi. *Nahj al-Balagha*. letter 53, p. 429.

42. Al-Radi. *Nahj al-Balagha*. letter 53, p. 438-439.

43. Al-Radi. *Nahj al-Balagh*. letter 53, p. 440.

44. Al-Radi. *Nahj al-Balagha*. letter 53, p. 442.

people are more strongly united despite the difference in their ideas and variation of their views than respect for fulfilling pledges.”⁴⁵ The contract of the state with the people is another particular element of this valuable principle. The social contract is the foundation of the modern nation-state.

F. The sanctity of life and the high protection of innocent people’s life: Ali once said, that rulers must avoid shedding blood and using violence and they should not strengthen their authority by that: “You should avoid shedding blood without justification because nothing is more inviting of Divine retribution, greater in (evil) consequence, and more effective in the decline of prosperity and cutting short of life than the shedding of blood without justification. On the Day of Judgement Allah, the Glorified would commence giving His judgment among the people with the cases of bloodshed committed by them. Therefore, do not strengthen your authority by shedding prohibited blood.”⁴⁶ This is the foundation of security and safety in any society and one of the principles of Shi’ite political thought.

G. Freedom of speech as the cornerstone of Shite political philosophy: Ali always encouraged the freedom of speech even if it was against the ruler. **After hearing Ali’s advice to his companions, one of the Kharijites said:** “May Allah kill this *heretic*! How

45. Al-Radi. *Nahj al-Balagh.*, letter 53, p. 442-443.

46. Al-Radi. *Nahj al-Balagha.* letter 53, p. 443.

logical he is!” **People then leaped toward Kharijite to kill him, but Ali said:** “Wait a bit. There should either be abuse [for an abuse] or else pardoning from the offense.”⁴⁷ A *Kharijite* called the ruler a ‘heretic’, here Ali rejected any punishment for this insult. This was an unarmed offense. The proper reaction of the ruler should be forgiveness or a verbal answer, this is the best defense of freedom of speech.

The historians mentioned that those who did not pledge allegiance to Imam Ali⁴⁸ did not face any sort of difficulty under his leadership. Their salaries from the public funds were not cut, exactly like everyone else. All of them died of natural causes. This is another aspect of political freedom. If we compare it with the policy of caliphates before and after him, we can understand the importance of this political principle.

Justice, the second doctrinal element of Shi’ite political thought

The second doctrinal point was the common ground between Shi’ite and Sunni *Mu’tazila*, who were called the people of justice (*al-’Adliyyah*). Although justice is the notion of the divine attribute, simultaneously, it is the cornerstone of ethical objectivism.⁴⁹ Its correlation with political thought

47. Al-Radi. *Nahj al-Balagha*. saying 420, p. 550.

48. al-Mufid, Muhammad b. Muhammad b. Nu’mān. *al-Nusra li Sayyid al-’Itra fi Harb al al-Basra*. Mawsou’a al-Sheikh al-Mufid. (Qom: Dar al-Mufid, 2010), 1:94–100.

49. Look at Hourani, George E. *Reason and Tradition in Islamic Ethics*. Cambridge: Cambridge University Press, 2007; and Sobhani, Ja’far. *Buhuth fi*

was the necessity of a just ruler and a just state. If God's justice is an *a priori* concept, governments' justice can also be understood through the prism of human reason and common sense.

The major result of this Shi'ite political doctrinal point is the right to protest and rise or armed rebellion against an unjust/corrupt ruler. This right is one of the essentials of political philosophy prior to the conditions of the ruler. The Sunni hadiths⁵⁰ and fatwas⁵¹ here could be summarized in this way: There is an obligation of obedience and submission to the ruler, even if he is unjust and immoral, and it is not permissible to rebel against him. The ruler is not to be removed by immorality (*fisq*), injustice, and obstruction of rights, nor is he to be dismissed, and it is not permissible to revolt against him for that.

al-Millal wa al-Nihal. Vol 3. Part 7: al-Mutazilite. (Qom: Mussisa al-Imam al-Sadiq, 2006), P. 219-646.

50. Look at Muslim b. al-Hajjaj. *Sahih al-Muslim*, (Riyadh: Dar al-Tayyiba, 2006), vol. 3, *Kitab al-Imara*, section 13: #1847, 12:1846, 8:1840, 17:1855, 16:1854, 13:1848, 13:1851; Abu-Yusif, Ya'qoub b. Ibrahim. *Kitab al-Khiraj*. (Beirut: Dar al-Ma'rifa, 1979), p. 10; Abu Dawud, Sulayman b. al-Ash'ath. *Sunan Abi-Dawud, kitab al-Jihad*, Bab *al-ghazw ma'a a'ima al-jawr*. (Damascus: Dar al-Risala al-'Alamiyya, 2009).
51. Look at al-Baqilani, *Tamhid al-awa'il wa jalkhis al-dala'il*, (ed.: Ahmad Haidar, Beirut: Mu'assisa al-Kutub al-Thiqafiyya, 1987), 478; Abu Ya'la al-Farra' al-Hanbali, *al-Ahkam al-Sultaniyya*, (Beirut: Dar al-Kutub al-'Ilmiyya, 2000), 20; al-Qudamah al-Maqdisi, 'Abduallah b. Ahmad, *al-Mughni*, (ed. 'Abdullah b. 'Abdul Muhsin al-Turki and 'Abdul Fattah Muhammad al-Hulw. Riyadh: Dar 'Alam al-Kutub, 1997). *Kitab al-jihad, mas'ala* 1622, 13:14; Ibn 'Abd Rabbih, Ahmad b. Muhammad, *al-'Iqd al-Farid*. (ed. M. M. Qumayha. Beirut: Dar al-Kutub al-'Ilmiyya, 1983). 2:203. For different view look at: al-Jassas, Ahmad b. Ali. *Ahkam al-Qur'an*. (ed. Muhammad al-Sadiq Qamhawi. Beirut: Dar Ihya' al-Turath al-'Arabi, 1992). 1:87; and al-Mawardi, Ali ibn Muhammad, *al-Ahkam al-Sultaniyya w'al-Wilayat al-Diniyy*. (ed. Ahmad Jad. Cairo: Dar al-Hadith, 2006), 42.

The Shi'ite doctrine relies on the Prophetic hadith that was narrated by both Sunni and Shi'ite: "No obedience to any creature in disobedience to the Creator."⁵² The Shi'ite policy says that an unjust ruler should be faced with *commanding what is right and forbidding what is wrong* (*al-amr bil-ma'ruf wa al-nahy 'an al-munkar*) and this should be according to particular steps as much as possible; first, it should be with denouncing with the heart and then with the tongue, and in the third step with the hand (physically), until the shift reaches at the end to go out and rise with a weapon. The unjust ruler is dismissed, his governance is illegitimate, obedience to his commands is prohibited (*haram*) and his support in any way is forbidden (*haram*), except if it is to remove harm from oppressed mankind.⁵³

The major exemplar of this teaching is Imam al-Hussein b. Ali (626-680) has two famous sayings which are well-known for each Shi'ite Muslim. These are the vital elements of his teachings, and we can define them as one of the

52. Al-Radi, al-Sayyid Muhammad ibn al-Hassan al-Musawi al-Sharif, *Nahj al-Balagha*, ed. Subhi Salih (Cairo and Beirut: Dar al-Kutub al-Misriyya and Dar al-Kitab al-Lubnani, 2004), hikmat 165, 500; al-Hurr al-'Amili, Muhammad ibn al-Hassan, *Tafsil Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a*. (Qom: Mu'assasa Al al-Bayt li Ihya' al-Turath, 1994), kitab al-amr bil-ma'ruf wa al-nahy 'an al-munkar, bab 11, hadith 7, 16:154; and close to it in *Sahih al-Bukhari*, *al-maghazi*, 4340; *Sahih al-Muslim*, *al-Imara*, 18:1839 and 18:1840.

53. Montazeri, Hossein-Ali Najaf-Abadi, *Dirasat fi Wilayat al-Faqih wa Fiqh al-Dawlat al-Islamiya* (Qom: Maktab al-I'lam al-Islami, 1988), 1:594-595.

essentials of political philosophy in Shi'ite Islam. but first it is important to mention here that Imam al-Hussein is the grandson of the prophet and the third Shi'ite Imam who is called *Sayyid al-Shuhada* (the master of martyrs). He was martyred in the massacre of Karbala in 'Ashura (10th of Muharram, 61 AH) with 72 members of his family and companions. Mourning ceremonies for Imam al-Hussein and his companions in Muharram each year constitute the most popular Shi'ite public rituals. The martyrdom of Imam al-Hussein has had a deep impact on the Shi'ite community in general and on Shi'ite politics in particular. It has been a source of inspiration for various resistance movements and revolutions throughout Shi'ite history.⁵⁴

The first saying is his reply to his brother Muhammad ibn Hanafiyya⁵⁵ (637-701): *“Oh brother, I swear by God that even if I find in this world no refuge or shelter, I will not pledge allegiance to Yazid [ibn Mu'awiya] ... I have not risen up in revolt out of evil intent or greed, neither to perpetuate corruption nor wrongdoing. Rather I did so in a quest to reform the community of my grandfather (the prophet). I want to reform the Ummah⁵⁶ in service of my grandfather. I want to command the good and forbid the wrong, and [I want to] follow the example of my grandfather and my*

54. Look at Ayoub, Mahmoud. *Redemptive suffering in Islam: a study of the devotional aspects of Ashura in Twelver Shi'ism*. (New York: Mouton Publishers, 1978).

55. The son of Ali b. Abi Talib and Khawla al- Hanafiyya (the daughter of Ja'far b. Qays). He is also regarded as Muhammad al-Akbar or Muhammad b. Ali.

56. Ummah: the whole Muslim world or the community.

father Ali ibn Abi Talib".⁵⁷ Here he confirms the point that there is a right not to pledge allegiance to a state, especially to an unjust ruler, the aim of his reformist movement was commanding the good and forbidding the wrong, and following the Tradition of the Prophet.

Imam al-Hussein clarified his purpose by narrating what he heard directly from his grandfather: "*O people, the Messenger of God said: Whoever sees an aggressive tyrant who legalizes the forbidden of God's sanctity, violating God's covenant, opposing the Traditions of the Messenger of God, acts towards the servants of God with sin and transgression, and did not change the tyrant by doing or saying [did not protest by expressing his objection or practical objection], it is God's right to make him enter the tyrant's entrance [hill]. Indeed, these people [supporters of the tyrant] have committed themselves to obey Satan and have abandoned obedience to God - the Most Merciful -, have expanded corruption publicly, have suspended the penal codes of shari'a, have taken possession of the public property, and made permissible what is forbidden by God and forbidden what is lawful.*"⁵⁸

57. Ibn A'tham al-Kufi, Abu Muhammad Ahmad, *Kitab al-Futuh*. (ed. Ali Shiri. Beirut: Dar al-Adwa', 1991). 5:21.

58. al-Tabari, Abu Ja'far Muhammad b. Jarir, *Tarikh al-Rusul wa al-Muluk, Tarikh al-Tabari*. 7:300; Ibn al-Athir, Ali b. Muhammad. *al-Kamil fi al-Tarikh*. (ed. Abi al-Fida' Abdullah b. al-Qadi. Beirut: Dar al-Kutub al-'Ilmiyya, 1987). 3:408.

According to Imam al-Hussein, each Muslim should follow the Prophet Muhammad. This golden rule is an essential teaching of Shi'ite Islam. This religious duty is conditional on the possibility and impact probability, as described in Shi'ite *fiqh*.⁵⁹ The reaction of the Sunni community and scholars was something else. Abu Hamid Muhammad al-Ghazali (1058-1111), the most distinguished Sunni theologian and jurist, did not consider it permissible to curse Yazid b. Mu'awiyya (646-683) the second Umayyad Caliph, because of killing al-Hussain, and it is not permissible to attribute a major sin to a Muslim without investigation!⁶⁰ These are two different political philosophies. Understanding Shi'ite political thought is impossible without considering the doctrine of justice and its consequences such as the right to an uprising against unjust rulers, which is crystallized in al-Hussein b. Ali's maxims and teachings. There is no disagreement between the Shi'ite community and scholars on this vital point. I can say clearly that Shi'ite political thought without the centrality of justice and al-Hussain b. Ali's maxims and teachings are meaningless and foundationless.

59. Sections of enjoining the good and forbidding the wrong (*Kitab al-amr bi al-ma'rūf wa al-nahy 'an al-munkar*).

60. Al-Gazali, *Ihya al-'Ulum*, the quarter on *muhlakat*, *kitab aflat al-lisan*, *al-aflat al-thaminah: al-la'n*, (edited by Abd al-Rahim b. Hussain al-Hafiz al-'Iraqi, NP: Dar al-Kitab al-Arabi, N.T.), 9:19. For other Sunni idea on this point look at Ibn al-Jawzi, *Al-radd 'ala al-mut'assib al'anid al-mani' min dhmm yazid*. (ed. Haytham Abd al-Salam Muhammad. Beirut: Dar al-Kutub al-'Ilmiyya, 2005); and al-Taftazani, Sa'd al-Din. *Sharh al-Maqasid*. (ed. Abd al-Rahman 'Umayrah. Qom: al-Sharif al-Radi, 1988). 5:311.

Shi'ite Political Thought in the Time of Imams' Absence⁶¹

This period is called major occultation and started in 941, continued eleven centuries to the present time and has been full of diversity in political theory. The approaches of Shi'ite scholars to politics could be classified into five stages.

First Stage: The *Non-political* theory of the 'guardianship of the jurists'

Before Safavid (941-1501) the main concern for Shi'ites was the protection of their identity and waiting for the release of Imam al-Mahdi from occultation to spread justice throughout the world. As a minority that is different culturally and socioeconomically, they were under significant pressure from zero-tolerance Sunni rulers' administrations. The Shi'ites' first *social theory* in these six centuries for the preservation of their identity was made by Shi'ite *jurists* under the name of *wilayat al-fuqaha* (guardianship of the jurists). The theory was clearly restricted to two domains of Shari'a affairs: adjudication in the Shi'ite community and its relations, in addition to socially necessary *hisbiyya* affairs (the socially necessary affairs).⁶² In other words, *wilayat al-fuqaha* in *al-hisbiyya* affairs did not have any political meaning and it was not a theory of the state in this period.

61. The expanded information of this section could be found in this article: Kadivar, Mohsen. "Islam and the State from a Shi'ite Perspective" in *Secularism in Comparative Perspective — Religion across Political Contexts*, Jonathan Laurence (ed.), Switzerland: Springer, 2023. pp. 57-80.

62. Look at al-Shaykh al-Ta'fi'a al-Tusi, Muhammad b. al-Hassan. *Al-Nahaya fi Mujarrad al-Fiqhwa al-Fatawa* (Beirut: Dar al-Kutub al-'Arabi, 1980). 299-300.

Second Stage: The guardianship of the jurists in religious affairs and the kingship of a powerful Shi'ite in profane affairs

The Safavid era (1501–1736) in Iran marked a turning point in Shi'ite political thought. Many elements have changed here, and the ruling dynasty was Shi'ite. the majority of Iranians converted from Sunni to Shi'i Islam in the 16th century, and Shi'ite Islam became the state religion in Iran since the Safavid kingdom. This dynasty came to power with armed forces and appointed and designated the Shi'ite jurists for different religious jobs.

Because of the Safavid kings' impressive religious services, the Shi'ite jurists were doubtful about categorizing them as *unjust rulers*. A paradigm shift from an *abstract utopian idealism* to a type of *political pragmatism* occurred. The dominant political theory of this period was the guardianship of the jurists in religious affairs (*shar' iyyat*) and the kingship of a powerful (*dhī shawkat*) Shi'ite Muslim in profane affairs (*'urfiyyat*). Although this theory was practiced absolutely and was not rejected by any jurists, it was not mentioned in the books of *fiqh* either. The distinguished scholar of hadith in this era, Muhammad Baqir Majlisi (1627-1699), was the first Shite clergyman who wrote on this theory in his books.⁶³ This was a dual theory based on the hypothesis of

63. Majlesi, Mohammad Baqer, '*Ain al-Hayāt*, (ed. Sayyid Mahdi Raja'i. Qom, Anwar al-Huda, 2003), 2:282 and 290-291; and *Bihār al-anwār*, (Beirut: Dar Ihya' al-Turath al-Islamiyya, 1983) , 52:237-238, & 243.

separation of religion and politics, as well as coexistence and mutual respect. The authority of sultans was much more respected than the authority of the jurists in this era.

Third Stage: The general guardianship of the jurists and the permitted kingship of the Shi'ite sultan

The third period is from the fall of the Safavids in 1736 to the Constitutional movement in Iran in the early 20th century. The major point about this period is the rise of the 'practical' social authority of the jurists. Consequently, they increased their domain of authority 'theoretically', i.e., from the socially necessary affairs (*hisbiyyah*) or religious affairs (*shar'iyyat*) to the 'public domain'. At this stage, *theoretically*, the guardianship of the people in the public domain is the exclusive duty of jurists. Guardianship means the right to involve and interfere in the affairs of others and is a religious priority in that domain. The theory of general guardianship of the jurist council in the public domain was dominant in the Qajar era in the 18th century, when the number of Shi'ite jurists increased, and their authority grew larger than the authority of the sultans. It was the jurists who legitimized the kingship of the sultan and gave him permission for jihad.⁶⁴ In addition to managing religious

64. For example, Kāshif al-Ghīṭa, Ja'far b. Khiḍr (1743-1812) based in Najaf in his trip to Iran gave Fath 'Ali Shah, the Qajar king an official permission for Jihad with unbelievers, mobilization of soldiers, and receiving taxes and zakat from people in order to organize his army. He issued a fatwa for Jihad in the first war between Iran and Russia (1803-1813). Kāshif al-Ghīṭa, Ja'far b. Khiḍr. *Kashf al-Ghīṭa 'an mubhamāt al-shari'at al-gharrā'*. (Qom, Bustan-i Kitāb, 2001), 4:333.

affairs, the administration of profane affairs should be done with the *permission* of the jurists and under their *supervision*.

Amad Naraqī (1771-1829) in his book *'Awa'id al-ayyam*⁶⁵ and Muhammad Hassan Al-Najafi (1785-1849) in his book *Jawahir al-Kalam fi Sharh Shara'i' al-Islam*⁶⁶ strongly defended this theory. Thus, we can say here the dominant political theory considered in this period practically was 'the general guardianship is for the jurists, and the permitted kingship of the Shi'ite sultan'. This permission is decorative and means toleration, nothing more.

However, al-Shaykh al-A'zam Murtaḍā al-Anṣārī (1800-1864), the most distinguished student of Naraqī, whose books in Islamic jurisprudence and its principles (*fiqh* and *usul*) are used as textbooks in the Shi'ite seminaries, rejected his teacher's interpretation on general guardianship of the jurists in public affairs. He explicitly wrote that the evidences didn't support the idea that their role extended beyond issuing *fatwas* and jurisdiction i.e., religious affairs (*Shar'iyyat*).⁶⁷

65. Naraqī, Amad b. Mohammad Mahdi. *'Awa'id al-ayyam*. (Beirut, Dār al-Hādī, 2000), 2:93.

66. Al-Najafi, Muhammad Hassan, *Jawahir al-Kalam fi Sharh Shara'i' al-Islam*, (Qom, Mu'assisa al-Nashr al-Islāmi, 2012), 22:677.

67. Al-Ansari, Murtida, *Al-Makasib*, (Qom, Majma' al-Fikr al-Islami, 1999), 3:545-560.

Fourth Stage: The legitimacy of the Constitutional State without the permission of the jurists

The fourth period, Iranian Constitutionalism 1891-1911, divided the 'ulama into its supporters and opponents. The most well-known jurist who rejected Constitutionalism as modern-style and anti-Islamic governance was Sheikh Fadlullah Nouri (1843-1909). He believed in the guardianship of the jurists in Sharia affairs and the kingship of the powerful Shi'ite sultan in profane affairs. The spiritual leaders of the Constitutional movement were Iranian Shi'ite authorities in Najaf, the most notable figures being Muhammad Kazim Khorasani (1839-1911). He was the most influential and the most spiritual leader of the Constitutional movement. His book, *Kifāyat al-usūl*, has been the textbook of Shi'ite seminaries until the present. One of his innovative ideas was the *impossibility* of the 'Islamic state' in the time of occultation. Khorasani distinguished the legitimate state (*mashrū'*) such as the constitutional state from the religious/ Islamic state (*mashru'ah*). He explicitly condemned the absolute state of fallible rulers as both illegitimate and non-Islamic. According to him, the necessary condition for the legitimacy of governance is *justice*. Justice is the result of public awareness and monitoring and distributing political power.

The major innovative political thought of Khorasani was the absolute negation of the political guardianship of the jurists. He was one of the most active jurists among the opponents of *wilayat al-faqih* in straggling against injustice.

His struggle was based on the Islamic duty of commanding good and prohibiting evil, not based on the guardianship of the jurists. Khorasani did not believe in any 'extra right' for the jurists in the public domain. He did not accept the duty of jurists to be the temporal rulers of the country. He believed the legitimacy of any political duty included temporal rule by non-jurists and did not require the jurists' permission. There is no legal difference between a jurist and a layperson in the public domain (egalitarian approach). In other words, knowledge about *fiqh* is not required for the management and the ruling of a country, because *Fiqh* is different from political science and management affairs.⁶⁸

In his later and final works, Khorasani promoted and revised his idea about the priority of jurists' role in the socially necessary affairs (*hisbiyyah*) domain. In the famous fatwas that were issued by him and two other Shi'ite authorities in Najaf, they said: "Briefly, we express the actual duty of all Muslims that the secular subjects and *hisbiyyah* affairs are assigned to the wise Muslims and reliable believers in the time of occultation, that is crystallized in the parliament."⁶⁹ Khorasani recognized the representatives of citizens in parliament in place of the jurists in the expanded *hisbiyyah* domain.

68. Kadivar, Mohsen, "The Innovative Political Ideas and Influences of Mulla Muhammad Kazim Khorasani," *Annals of Japan Association for Middle East Studies (AJAMES)*, (Special Issue Changing Knowledge and Authority in Islam), 21/1 (September 2005), pp.59-73.

69. Kadivar, Mohsen, *Siasat-nameh Khorasani* (Khorasani's Political Philosophy: Political Statements in Works of Akhond Mulla Mohammad Kazim Khorasani), Tehran, Kavir Publication, 2008, 215.

Muhammad Hussein Na'ini (1860-1936), the other major scholar of this age, was one of Khorasani's most distinguished students and his assistant. He wrote the most important book advocating Constitutionalism from the Shi'ite perspective, named *Tanbih al-umma wa tanzih al-milla*⁷⁰. This is the manifestation of Shi'ism in political philosophy and constitutional law. These are the first Sharia-based arguments for the principles of modern political philosophy, which included ideas such as equality of all human beings before the law, political liberty, the validity of majority votes, human rights, the necessity of public monitoring of the state, rule of law, and the responsibility of the state vis-à-vis the citizens.⁷¹

Khorasani' theory impressed his students, and they continued his way. The most outstanding one was Abdolkarim Haeri Yazdi (1859-1937), the founder of the theological *Hawza* at Qom city, and the teacher of Khomeini and many Shi'ite authorities who had several innovative ideas. "It is impossible that the Imam (Sadiq or Mahdi) appointed the jurists to the guardianship of the people in the time of occultation, while they themselves were unable

70. Na'ini, Mirza Mohammad Hossein Gharavi. *Tanbih al-Ummah wa Tanzih al-Milla: Hokoumat az nazar-e Eslam* [The admonition of the community and the refinement of religion: Government from Islamic Perspective] (with an introduction and commentary by Seyyed Mahmoud Taleqani (Tehran: Ferdowsi, 1954).

71. Na'ini believed in the guardianship of the jurists *in hisbiyya* affairs and constitutional state by permission of the jurists. I explained the difference between Khorasani and Na'ini in my 2005 article.

to implement it in their presence.” Haeri Yazdi not only rejected the three types of guardianship of the jurists but also rejected the idea that the jurists were appointed for jurisdiction by the sixth Imam. According to him, the jurists do not have any duty except for issuing fatwas and teaching the Shari’a rulings in premised and prohibited affairs.⁷² The other Shite authorities in this category are al-Shayk Muhammad Hussein Gharavi Esfahani (1878-1943), and al-Sayyid Muhsin al-Hakim (1889-1970).

The Fifth Stage: The Islamic Republic of Iran and its Aftermath

The fifth period was the birth of political Shi’ism and the establishment of the Islamic Republic of Iran in 1979 and its aftermath. A dominant thought known as “political Islam”, or later, Islamism, was raised in almost all Muslim lands in the post-colonial era. The figures of this movement in Sunni Islam were ’Abul A’la Maududi (1903-1979), the founder of *Jamaat-e Islami* (Islamic Group) in Pakistan, and Hassan al-Banna (1906-1949), the founder of *Ikhwan al-Muslimin* (Muslim Brotherhood), and Sayyid Qutb (1906-1966), the leading theorist of the Muslim Brotherhood in Egypt.

72. Mohammad Ali Araki, *Risala Wilayat al-Faqih*, the lessons of Abdolkarim Haeri Yazdi, Mohsen Kadivar (ed.), editor’s website, February 2017.

After defeating Constitutionalism and the Pahlavi despotism in Iran, the Shi'ite authorities were united to object to Shah's modernization in removing Shari'a rule in November 1962. Three of the most distinguished students of Haeri Yazdi were among them. They were Sayyed Mohammad Kazem Shariatmadari (1906-1986), Sayyed Mohammad-Reza Golpayegani (1899-1993), and Sayyed Ruhollah Mousawi Khomeini (1902-1989). Khomeini promoted his public objection to the Pahlavi dictatorship and the US capitulation law. He was arrested and exiled first to Turkey in November 1964 and then to Iraq for fourteen years.

In the early 1970s, Shariatmadari and Golpayegani in Qom city and Khomeini in Najaf started teaching "guardianship of jurists". They did so separately but simultaneously. In contrast to their mentor, all of them supported the general guardianship of the jurists in the public domain. The most influential figures of political Shi'ism in the 1960s and 1970s were Ali Shariati (1933-1977), and Khomeini. Khomeini returned successfully to Iran in early 1979 and established the Islamic Republic of Iran. There were three innovative points to his political theory. **First**, he was the first jurist-ruler or jurist-king (compared to the Platonic philosopher-king) in the history of Shi'ism. The Prophet or Imam Ali were the rulers of their time. Therefore, the jurists should be the rulers in the time of occultation as deputies or successors of the hidden Imam.

Second, Khomeini expanded the general guardianship of the *jurists* from the public domain to absolute guardianship. In other words, the authority of the jurist-ruler was now exactly identical to the authority of not only the Prophet and the Twelve Imams in the public domain, but also to God's authority!⁷³ He clarified this absoluteness later, saying that it was beyond Shari'a rulings. According to Khomeini, governance required two conditions: knowledge of *fiqh* including awareness of the time and complexity of politics, and disposition of justice.

Third, he was the first Shi'ite authority that merged the expediency of Islam or the political regime in *fiqh*. Recognizing the expediency of the political regime was the first step in the secularization of the Shi'ite *fiqh* by the founder of a theocratic regime.

The final political theory of Khomeini could be called the Islamic Republic with absolute guardianship of the jurist-ruler. Although the jurist-ruler is obligated to observe the public interest (and the agent of discernment of expediency is himself), he is not bound by Islamic law (primary and secondary sharia rulings). The jurist-ruler can issue a governmental command that is also categorized as Islamic law (Sharia ruling). Khomeini's theory could be compared

73. Kadivar, Mohsen. *Wilayt al al-faqih: naqd nazaryya al-hukm fi alfiqr al-siyasi al-shi'I*. tr. Hassan al-Sarraf. Doha: Muntada al-'Alaqaq al-'arabiyya wa al-Dawliyya, 2021.

with the *Leviathan* (1651) of Thomas Hobbes. I described elsewhere the Transformation of the 'Islamic Republic' to the 'Islamic State of Iran'.⁷⁴

Ayatollah Khomeini's political theory is in the absolute minority not only in the history of Shi'ite *fiqh* but also in contemporary Shi'ite *fiqh*. I mention only the theories of two of his distinguished students. **First**, my mentor Montazeri⁷⁵, in his final political theory, accepted (1) the principle of separation of powers in place of concentration of powers in the hands of the jurist-ruler, (2) the elected ruler in place of an appointive ruler, and (3) the limited power of the state based on the constitution in place of absolute guardianship. (4) Emphasizing the need to supervise the most prominent jurist as part of the parliament's lawmaking means a rejection of the jurist's political guardianship. In his final theory, the Islamic state is acceptable only by the consent of the citizens, and the guardianship of the jurist is a model of governance among other models, not the only model.⁷⁶

Second, Mahdi Haeri Yazdi (1923-1999), the youngest son of the Qom seminary's founder discussed the issue in this

74. 2021 Annual Lecture of British Society for Middle Eastern Studies (BRISMES) December 7, 2021, London.

75. He was the spokesman of Assembly of Experts of Constitution in 1979 and elected as the second leader of Islamic Republic by the Assembly of Experts in July 1986. Khomeini fired him illegally three months before his death. Montazeri was placed under house arrest after criticizing the second leader in October 1997.

76. Montazeri Najafabadi, HusseinAli. *Hokumat-e dini wa Hoquq-e Enasn* (Religious state and the rights of mankind). Tehran: Sara'i, 2998.

way: The citizens are the joint owners of the public domain. The governments are the representatives of these joint owners and their authority is limited to a constitution and to the demands of their client (citizens). It is based on the principle of ownership as the foundation of legitimacy, the principle of representative democracy, and the recognition of administration and political management as secular knowledge.⁷⁷ You can read the other contemporary Shi'ite political theories in my first book.⁷⁸

Epilogue: Final remarks on Shite political thought

The diversity of political thought of Shi'ite jurists is undeniable. It is a wide spectrum between the absolute guardianship of the jurist ruler - unlimited power of the jurist-ruler above the shari'a rulings (primary and secondary) and above the constitution – and a constitutional state without the jurist's permission (and without the label of an Islamic state that is impossible in the time of occultation). The former is the theory of Ayatollah Khomeini - the founder of the Islamic Republic of Iran, and the latter is the theory of Akhund Khurasan - the spiritual leader of constitutionalism. Both of them were well-known Shite authorities. What is the reason for this wide diversity? Is the political theory

77. Haeri Yazdi, Mahdi. *Hekmat wa Hokumat* (Wisdom and Governance). [London], Shadi, 1995. Its English translation: Hairi Yazdi, Mehdi. *A Philosophical Treatise on Muslim Politics: Wisdom and Governance*. Daryoush Mohammad Poor (tr.). Switzerland: Springer, 2022.

78. See my book *Nazriyehayeh dowlat dar fiqh-e shi'eh* (*The Theories of State in Shi'ite Fiqh*), Tehran: Nashr-e Nay, 1998.

design a part of the derivation (*istinbat*) of shar'ia rulings from the Qur'an and the Prophetic Tradition the same as other shari'a rulings?

These are my final remarks on Islamic political thought in general and on Shite political thought in particular⁷⁹:

- A. Expecting *political ethics* from Islamic or Shi'ite teachings is a valid and justified expectation.
- B. In a comparative study, *Shi'ite Islamic political ethics* is the richest political ethics. However, the actualization of its capacities requires more scientific effort.
- C. Due to the inherent temporal and spatial constraints of legal rulings and systems; mechanisms, and political decisions; *religious constitutional law* or *religious political science* are hard to be implemented. The generalization of the policies of early Islam as permanent and fixed rules of Islamic constitutional law or Islamic political sciences is a completely wrong approach and against certain scientific standards.
- D. By denying Islamic constitutional law or Islamic political sciences, the following are also eliminated: Political Islam, Islamic politics, the Islamic political

79. This is the abstract of my Persian lecture on 'The relationship between religion and politics: What we should not expect from Islam in politics', (January 3, 2021).

regime, Islamic State, political jurisprudence, political guardianship of the jurist, supervision of the jurist, and the Islamic Republic. Of course, if one means by Islamic politics 'observing *Islamic political ethics*', then this is acceptable.

- E. Denying political Islam and its correlations is not equivalent to political quietism and passivity. Denying political Islam is freeing Islam from *political instrumentalization* or *political weaponizing*, not welcoming political apathy. Muslims or Shi'ite Muslims, like other people in "civil society", are politically active with their religious identity.
- F. Muslims committed to Islamic standards, especially Islamic political ethics, have a stronger tendency to face injustice and conformity to social obligations and contracts.

The Hawza and the State

The Shiite Islam, Question of Authority,
Women and Geopolitics



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The Hashemite Kingdom of Jordan

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