

Faith or Reason?

The Shi'ite Tradition of Political Ideas in the Light of the Theological Debate

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Abstract

The 11th February, 2010 marked the commemoration of the thirty-first anniversary of the Islamic revolution in Iran. In 1979, the Shi'ite Islamists assumed power there. Since then, Shi'a politics has played a dominant role in the development of both Iran and several other countries in the Middle East. This has included the restructuring of the political map in Iraq since the fall of the dictator Saddam Hussein, which has meant that Shi'ite political parties and leading Shi'ite scribes play a decisive role in the politics of the country, as well as the dominant role of Hizbollah in the Lebanon. Shi'ite groups in a number of countries supporting a Sunni majority have also moved more to the fore. The development that has taken place in Shi'a dominated areas over the last three decades is seen to be based on a Shi'ite tradition of political ideas which has emerged during the 1400 year history of Shi'a Islam. One feature of this development has been the predominant role of the scribes in politics, and their regard for a tradition of political ideas which excludes any sharp distinction between the state/politics and religion. The question is whether this picture agrees with the view held by Shi'ite thinkers regarding the relationship between the state and religion. A backward glance at Shi'a history reveals that no shared view exists among Shi'ite scholars on the subject of politics and this particular relationship. Seen from a history of ideas perspective, it is not possible to speak about an unchanged metahistorical-political discourse which must have coloured all political thought throughout Shi'a history. We find, rather, a broad spectrum of different views among Shi'ite scholars. Another question is whether, aside from the influence of social, historical and political structures and relations, a closer look should also be taken at the importance of the tradition of theological interpretation. Did, for example, the view of the relationship between faith and reason play any part in this context?

Key Words

Muslim Politics, Shia, Iran, Islamists, Islamic Law, Jurists

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Introduction

The shaping of a Shi'a tradition of political ideas originates from two questions: that of succession in relation to the power struggle since the death of the Prophet Mohammed, and that of which cornerstones were to give those in secular power legitimacy (Kadivar, J., 2000:12). The quarrel over the succession led to the Shi'ites being outmanoeuvred from power and mercilessly persecuted by their rivals, the Sunnis. During the era of the Twelve Shi'ite Imams (633–880), this tyranny intensified. Eleven of the Imams were murdered, and the twelfth went underground.

Despite their opposition against the Sunnis, the Shi'ites have not been a homogeneous group. During the lifetimes of the Shi'ite Imams, a dozen factions in conflict with each other were formed, all of which laid claim to the correct interpretation (Aqajari, 2002: 60). The leading group, the Twelver Imamites, believes that the last Shi'ite Imam, al-Mahdi, who went into hiding after a period of underground activity in the 880s, is still living in hiding today and will one day return to free the world from all evil and create a world of justice (Sachedina, 1998: 170).

This view of al-Mahdi is seen to have shaped the political rhetoric of the Shi'ite scribes in the form of a metahistorical discourse. However, it has been applied in all manner of ways possible during different socio-political conditions and separate periods in time. At certain times it has taken on an ontological nature with no connection to everyday political life, the aim being to uphold political quietism, political inactivity, and the development of a utopian vision of an ideal society to be established on the return of the Hidden Imam. These scribes gave expression to a form of political quietism that advocated restraint bordering on rejection of involvement in secular politics. They based their argument on the idea that power *de jure*, in the eyes of the law, belonged to the Hidden Imam, while power *de facto* - in reality - had come into the hands of others. However, the scribes kept a safe distance from secular power.

For long periods of time, however, the same view of the Hidden Imam has been used to motivate a kind of political pragmatism and realism while prudently establishing various forms of collaboration between the Shi'ite scribes and those in secular power, and permitting a certain amount of such collaboration to take place. This type of approach came to dominate the Shi'a tradition of political ideas for a long time, and the motive behind it was to make the best of the situation while awaiting the Hidden Imam (Aqajari, 2002: 62).

Views about the Hidden Imam have also been used in a revolutionary spirit. During the 1400 year-long history of Shi'a Islam, this revolutionary strand has risen to the surface from time to time and has been superseded periodically by other interpretive traditions. The religious motive behind this radicalisation has been to prepare for and maybe even hasten the return of the Hidden Imam. A deradicalisation of Shi'ite political thinking during early Shi'a history is seen to have been due to the realisation on the part of the Shi'ite scholars that the return of the Last Imam was not imminent, therefore compelling them to adapt their political rhetoric to the new conditions that prevailed (Aqajari, 2002:64).

The Political Stance Taken by Shi'ite Scholars

A retrospective of Shi'ite sources shows that politics was afforded no independent status in these, and especially not in the area of Shi'ite jurisprudence. During the first six centuries of Shi'a history, from the 9th to the 16th century, only sporadic traces of debate on secular rule can be found. The fundamental view prevails which goes back to the question of succession after the Prophet Mohammed; that is to say, that secular power should belong to the Shi'ite Imams. Generally, discussion concerning secular power is not that well advanced. Discussion concerning juridical matters is centred for the most part on Shi'ite orthopraxis; that is to say, the way in which the private individual should perform his religious rituals or conduct himself in various situations. (Kadivar, M., 1999: 13)

At the time when the Safavid dynasty assumed power in Persia (1501-1736), an act which led to the creation of a Shi'ite state, conditions changed for the Shi'ite scholars. From having been a persecuted minority, they now received the backing of the ruling power, and Shi'a was made the state religion. However, neither during this period is it possible to discern any systematic discussion concerning the jurists' claim to political power or the way in which the political form of rule should be shaped. The scholars' jurisdiction was limited to judging in *shari'a* courts, preaching at Friday prayers, and, finally, being involved in a number of social welfare activities such as taking care of orphaned children and providing support for private individuals or families who were insolvent. During the first millennium of Shi'a history, the debate on political power was conspicuous by its absence. Any ideas of Shi'ite scholars being able to assume secular power in the absence of the Twelfth Imam did not come into discussion.

Although ideas can be found in a number of sources concerning jurist rule (*wilaya*), the notion of assuming secular power would appear to have been a non-issue. The Shi'ite jurists appear to have approved a procedure that involved the division of tasks into the religious and the secular. Religious issues were to be addressed by the religious leaders, while secular issues were to be addressed by the ruling power (Hairi, 1988: 374-383).

It was not until modern times that Shi'ite jurists began developing their political theories. This fact finds its basis in several models of explanation:

1. The jurists had fully developed political doctrines, but were unable to give expression to these because of the powerful oppression of the ruling power. Conscious of this, they followed the Shi'ite tradition of dissemblance (*taqiyya*), and kept their theories to themselves. The jurists' express desire to retain jurisdiction over judicial matters and the judicial apparatus was one stage in the preparatory work of formulating political doctrine. A well functioning judicial apparatus was an important prerequisite for political supremacy. By way of support for this view, it can be noted that shortly after the Safavid dynasty's assumption of power in Persia a number of jurists gave expression to their political doctrines (Al-e Seyyed Ghafur, 2007: 234).

2. The lack of political doctrine was an expression of the fact that early Shi'ite jurists

did not regard politics as part of their area of jurisdiction. They confined themselves to the area of legal and everyday issues. We find a similar view taken by a number of prominent jurists today as well (ibid.).

3. The majority of jurists based their view on the fact that the Hidden Imam, al-Mahdi, would very soon make himself known and would thereby personally take charge of all political matters. The jurists saw no reason to involve themselves in this matter (ibid., 235).

4. The position of the jurists in political matters and their theories dating back to the late 19th century are bound up with the social, structural and political upheavals experienced by the Shi'a dominated communities during the 19th century (ibid.).

The basis for the explanations given in models 2 and 4 is that, with the exception of a few individuals in their number, the early jurists never touched on politics in their texts. A good indication of this can be had by looking more closely at how great a number of the jurists' writings were devoted to this issue. By following a time axis from the early history of the Shi'a up to our own time, we can see that the scope of these questions increases the closer we get to the 19th and 20th centuries. At the start, the scope was very limited, if not non-existent. A prominent jurist, Seyyed Murtada (d. 1018), devoted only 5 pages, or 1.6 percent, of his book *Intisar* to politics. Another Shi'ite authority, Sheikh Tousi (d. 1042), devoted 74 pages, or 2.5 percent, of his book *al-Mabsout fi fiqh al-imamiyya* to this. Barely three centuries later, Allameh Helli (d. 1308) devoted 55 pages, or 4.5 percent, of his book *Tazkiratul fuqaha* to the same question. The jurist Sheikh Muhammed Hassan Najafi (d. 1848), who was active during the 19th century, devoted a whole volume, about 400 pages, of his work *Jawahir al-Kalam* to this question ('Amid Zanjani, 1989: vol. 2, 42-43).

The Shi'ite scholars' attitude to political issues changed in the 19th century when an increasing number of scribes were brought into the discussions taking place on the tradition of ideas regarding constitutionalism and on the incipient constitutional movement sweeping through several Muslim countries, especially Shi'ite dominated Persia. It was therefore a result of the Shi'ite scholars' ever closer contacts with European thought on constitutional form of rule that an increasing number of scribes became involved in the political debate, and that new political theories and doctrines were developed. Among the issues discussed were the passing of constitutional laws; the abolishing of despotism; the introducing of parliamentary government; the establishing of general elections; electing or acting on behalf of an electoral district/fraternity/social class; distinguishing between the executive, legislative and judicial bodies of power; passing laws to protect basic civil liberties and rights without regard to religious affiliation, lineage or social status; and determining the right of citizens to observe the exercise of political power, etc (Kadivar, M., 1999: 9-12, 19-21).

The Iraqi Grand Ayatollah, Muhammed Baqer al-Sadr (1935-1980), wrote that the practice of *ijtihad* among the *Shi'ite* ulama – scholars - had been restricted to the individual and private areas of people's lives for a long time. Social and political questions were

conspicuous by their absence in the pronouncements made by these jurists. This was, in his view, because jurists had long been excluded from everything to do with politics. Those in secular power held such a strong position that they did not permit jurists to involve themselves in these issues. This resulted in the *ijtihad* being limited - to the extent that such was permitted - to religious issues which were concerned primarily with people on an individual level (al-Sadr, 1980: 2-3).

Conditions took a new turn by way of the changes experienced by the Shi'ite communities during the 19th century. The imposition of war by foreign European states, colonialism, the weakening of central power, contact with the European tradition of political ideas, and a number of other circumstances now created a situation whereby the scribes were able to involve themselves in political issues. According to al-Sadr, what provoked this development was the fact that foreign domination, the imposition of war, and the ever increasing influence of European culture on social and cultural life came to be regarded as a serious threat which had to be resisted. At a time when those in secular power were now not able to withstand this external threat, the jurists considered it their task to wield influence themselves in order to mobilise public opposition against these external threats. Those in secular power welcomed at first the involvement of the jurists in social and political life. It is also during this period that we see an ever greater number of Shi'ite jurists putting forward their ideas about the need for jurist rule or jurist influence over political power (*ibid.*).

Despite their assuming a new role, the jurists were split as regards their views on political issues. They were also spread out over quite a large geographic area. The religious taxes collected by the supreme religious authorities were used for a variety of small-scale social and religious projects. The Shi'ite community was split to the same degree in their support of the various religious authorities, which held widely differing views on social and political issues. During the 19th century, a reform was passed which prompted the growing trend of establishing an order of precedence among jurists, and brought with it the idea that people should support the most senior one of these. In this way, a form of centralisation was brought about which meant a curb on the earlier split. This development had economic consequences, since most of the religious taxes in total were collected by the highest ranking jurist. This latter resulted in the Shi'ite jurists becoming increasingly independent of those in secular power (Al-e Seyyed Ghafur, 2007: 191-192).

Qom versus Baghdad

Another component of the discussion on the views of Shi'ite jurists regarding the relationship between religion and politics is the significance of the interpretive tradition. The two main schools of Twelve-Imamite Shi'a thought - the Akhbarites and Usulites - have differing views on this issue.

The debate that took place in Twelve-Imamite Shi'a theology underwent a development similar to that of the Sunni. Like the latter, which was divided into two camps,

Mu'tazilites and Ash'arites, of which the first was more rationalist while the latter was traditionalist, Twelve-Imamite theology was also divided into two camps: the rationalist Usulites and the traditionalist Akhbarites. In the same way, these came to be known by the places where they enjoyed a predominant position. The so-called Qom school, situated in present-day Iran, became a centre early on for the traditionalist Akhbarites, while the Baghdad school became a centre for the Usulites. As of the 4th century according to the Islamic calendar (the 10th century A.D.), the Qom school acquired a leading position. During this period, the city of Qom – an important centre for Shi'ite theology and a life of piety – was an assembly point for a large number of *muhaddethin*, or tradents. (al-Qai'ini al-Najafi, 1997: 84).

The biggest reason by far for Qom being made an Akhbarite stronghold was that the Shi'ite scribes found themselves placed under strong pressure from Sunni quarters during this period. The Shi'ite scribes regarded their most important task as being that of saving, preserving and upholding the Shi'ite religious and cultural heritage, whose survival was seen as being under threat. This fundamental attitude meant that most of the scholarly output in Qom during this period acquired the character of collected works, in the form of the compilation of the pronouncements (*riwayat*) attributed to the Twelve Shi'ite Imams and considered authentic. It is in the light of this that we shall look at a couple of important collected works of the Akhbarite scholars mentioned above, al-Kulaini and Sheikh Sadduq. Their collected works *al-Kafi* and *Man la Yahzarahu al-faqih* contain 15,339 and 5,998 pronouncements (*riwayat*) respectively, as well as reference sources to hundreds of tradents (Al-e Seyyed Ghafur, 2007: 36-37) .

The Qom school's star began to fade during the 5th century, according to the Muslim calendar (11th century A.D), in that the Baghdad school began manoeuvring to the fore. This coincided with the takeover of power in Baghdad on the part of the Shi'ite royal family, the Buyites, who originated from northern Persia. Their doing so meant that the position of power of the Abbasid Caliphate was weakened, and thereby the persecutions of the Shi'ite scholars lessened. The Buyites' possession of power meant that the scholars no longer needed to worry about the preservation of the Shi'ite source texts, and they were able to devote themselves to theological discussion on the basis of assumptions other than those that had applied to the advocates of the Qom school. A new school of theology was now set up in Baghdad, which differed from the Qom school on one crucial point: its members repudiated the tradent-centred theology represented by the Qom school.

The theology of the Baghdad school was formed in a context very much marked by the current of Mu'tazilite ideas. The influences of the Mu'tazilite tradition of ideas led to the Usulites in the Baghdad school developing a theology which gave precedence to reason and paved the way for interpretation (*ijtihad*) with the aid of such reason and also consensus (*ijma'*). One of the best known figures of the Baghdad school was Sheikh Mufid (d. 995), who strongly attacked the advocates of the tradent-centred Qom school, several of whom had been his former teachers. Another central figure who followed in Mufid's foot-

steps was Seyyed Murtada (d. 1018). A number of Usulites in the Baghdad school went so far as to believe that reason alone, and without help from the Revelation, could provide the foundation for understanding the basic issues of their religion and Shari'a laws (Firahi, 1999: 266-267).

Seyyed Murtada accused the Qom school scholars of being fatalists. Because of their literal interpretation of the faith and exclusion of reason, were they guilty of misinterpretation. One example was that of attributing God with human characteristics. Above all, he called into question the collected works compiled by the Akhbarites of the Qom school. Seyyed Murtada questioned the authenticity of these collected works, and he accused the Akhbarite authorities of having, in their zeal to preserve the pronouncements of the Shi'ite Imams and to safeguard the Shi'ite heritage, compiled works that could not be approved from any current Shi'ite source-critical perspective. This criticism was thus based on the view that the collected works contained a substantial amount of material not capable of being regarded as reliable (*ibid.*, 267).

Usulite criticism was not confined to source-critical questions; rather, it embraced in equal measure the Akhbarite view in relation to the Koran. Akhbarites based their view on man's reason being restricted and on his not being able to understand or interpret the complex content of the Koran. Seen from the perspective of the Akhbarites, man occupied a position of dependence on the Prophet and the Twelve Imams in his understanding of the Koran. Parallel with this view, the Akhbarites felt that the Prophet and the Twelve Imams had interpreted the content of the Koran in a way that rendered all other interpretation superfluous. In actual fact, they believed that no one else could tackle the task of interpreting the Koran. The Akhbarites thus distinguished between the reason of man and that of the Prophet and the Twelve "immaculate" Shi'ite Imams. Divine revelation was, according to the Akhbarites, adapted to the reason of the Prophet. When we mortals wished to understand any aspect of the Revelation, we were to turn to the Prophet and the interpretations of the "immaculate" Imams who have understood the Revelation of God and made it comprehensible/accessible to us mortals. Man with his restricted power of reasoning was not capable of comprehending and embracing God's endless wisdom. All that man could do was to turn to the Prophet and the Imams. Anyone at all with a fundamental knowledge of language and Islamic teaching could turn to these sources for guidance (Astarabadi, no dates given: 28, 47, 90 ff.).

Akhbarites did not therefore distinguish between those able to turn to these sources. Everyone could do this, and they need not go via the jurists; the sources and the guidance these offered were available to all. The Akhbarite jurists still fulfilled a function, since they had a command of the Arabic language and could search through the existing collected works as regards the traditions of the Prophet and Imams. In their capacity as linguists who had been schooled in religious knowledge, their role was primarily to navigate successfully through the vast number of traditions available. They were to convey traditions that could provide answers to those questions confronting man. However, they were to abstain from

interpretation (*ijtihad*), for each form of *ijtihad* was an innovation in conflict with the Koran and tradition, and was, ultimately, to meddle in God's work. The Akhbarites took pains to emphasise that the function of the Akhbarite jurists as intermediaries did not afford them any special status. They were on the same level as everyone else (Firahi, 1999: 277).

The Usulites, for their part, believed that man was able with the aid of reason, *ijtihad* and *ijma'* to interpret the Koran. Their only reservation was that, even though man had the basic knowledge to become alive to God's word, it was only those individuals who had educated themselves and attained the level of knowledge of the jurists who could attempt any interpretation. This was a view which in the end had far-reaching consequences for both the religious as well as the political debate. The Usulites divided people into two large categories. One group consisted of a small number of jurists with the office of *mujtahid* (a position permitting the jurist to make his own interpretations) and the other constituted the rest who were termed *muqalledin*, or followers. This meant that the right or the ability to pronounce on juridical, religious or political issues, and thereby the opportunity to employ reason and the precedent of interpretation, was limited to jurists at the highest level who held the office of *mujtahid*. In practice, this involved a division on the basis of the level of knowledge. The boundary lay between those possessing knowledge and those lacking it: the knowledgeable and the ignorant. Those not having the ability to make their own interpretation were to follow a religious authority of high standing. No one could be forced, however, to follow one particular *mujtahid*. The followers – the *muqalledin* – had the right to elect which person they wished to follow, but they could not choose not to elect a *mujtahid*.

The Usulites did not regard this as some form of elitism or hierarchical relationship between the jurists and the rest of the people. Seen from their perspective, it was those who were best suited or, more correctly, those people with the right knowledge, who had precedence in interpreting religious issues and who could take over at the helm of society in case they were to govern it. The Usulites spoke rather in terms of meritocracy, whereby level of knowledge was the most crucial merit aside from orthodoxy and constraint by religious decree (Firahi, 1999; 308).

The Iranian scribe and philosopher Muhammed Hussein Tababata'i (1892–1981), himself a member of the Usulite school, defended this model and felt that, while this could at first sight appear to be something alien, it was in fact in harmony with the conditions of modern society. Tababata'i held the view that people put their trust in experts and the pronouncements they made in many areas of life, such as law, medicine, finance. He could not see any problem with doing the same in the area of religious affairs (Tababata'i, 1962: 16-17, 20).

However, this division into experts, who have the preferential right of interpretation, and followers has come to suffer a number of negative consequences for both religious and political theory as well as in practice. Criticism in the area of politics is dealt with further on in this article by way of comments directed at the political theory regarding jurist rule.

Halal, Haram and the Views on Politics

The differences between Akhbarites and Usulites in their views on reason are of significance not only in religious affairs but also – and especially so - in the political debate. One issue which arose was whether reason could be applied in the field of politics and secular affairs with particular reference to the relationship between the state and religion.

The Akhbarites distinguished between complete and perfect reason and incomplete and defective reason. The Prophet and the “immaculate” Imams possessed perfect reason, which meant that they could understand and explain the teachings of religion and its questions. Man’s reason was, in contrast, imperfect, and man could not understand these questions. Man’s reason was limited and existed on a level which could be likened to the senses. With the aid of the reason he possessed, so the Akhbarites explained, man could understand that which was a priori – such as 1 being half of 2 - but he could not understand more complicated matters. This meant that man could not use his powers of reason in political affairs which posed quite complex questions.

The Usulites dismissed this view, believing that man’s reason could most certainly be used for interpreting religious as well as secular affairs. The Usulites viewed the traditions of the Prophet and the Shi’ite Imams as a form of guidance which one could benefit from in the work of interpretation.

A further issue of religious controversy which acquired significance in the political debate concerned the view of defining everyday affairs; that is to say, drawing the boundary between what was and what was not permitted according to Islam. In the view of the Usulites, things were divided between a number of categories which ended up somewhere between the permitted – *halal* – and the forbidden - *haram*. It was not an either or relationship. Some things could be labelled as recommendable/desirable (*mustahab*), permissible (*mubah*), obligatory (*wajib*), or reprehensible (*makroh*). According to this division, all that not expressly forbidden (*haram*) - that is to say, when no specific prohibition was put in place – was to be classed as being more or less permitted. By establishing this grey area between the permitted and the forbidden, space was given to allow for reason and for determining what was what, in both the private sphere of life and matters affecting public and secular life. This applied not least to political and secular affairs. Discussion regarding the latter during the lifetime of the Shi’ite Imams and the period after that – known in the vocabulary of the Twelver Imamites as the period of the Twelfth Imam’s absence – was based on these affairs differing from each other, and on there being the need, with the aid of reason, to discuss and solve the new secular and political issues with which one was faced (Firahi, 1999: 300).

The Akhbarites for their part divided what happens in life into three categories: that which was clearly permitted (*halal bayyen*), that which was clearly forbidden (*haram bayyen*), and that which consisted of questions where there existed obscurity. These were questions not falling within the framework of either of the clear-cut categories, since clear

instructions were lacking as to how these should be treated. When the Akhbarites were confronted with areas that were unclear, they chose caution and preferred to label these as forbidden (*haram*). Since they allowed no room for reasonable argument, this solution was the simplest way to solve the problem. Had they chosen to label “the unclear” as being permitted, they would have needed to argue why this should be so. As it was, by exercising caution and labelling these areas as forbidden, the providing of a rational explanation was – at least to all appearances – avoided (*ibid.*, 274).

Prominent Akhbarites maintained that everything mankind needed in the way of guidance right up to doomsday could be found in the Koran and in the traditions of the Prophet and the Shi’ite Imams. If matters arose on which no direct guidance could be found in these sources, man may not resort to the aid of imperfect human reason. In such cases, he had to exercise caution. Matters on which no guidance could be found in the sources were classed as forbidden; that is to say, the sort in which one should not meddle (Feyz Kashani, 1999: 119).

This stance had a direct influence on the Akhbarite view on political affairs. Political and secular affairs were most often of the type connected to the particular circumstances of the time, and it was not always easy to find answers to these questions in the Koran and tradition were one not willing to have the aid of *ijtihad and ijma’*. This resulted in many Akhbarites choosing rather to refrain from getting involved in these issues than resorting to the aid of rational solutions. This strategy was adopted as a purely cautious measure, in order not to commit acts seen as forbidden from a religious perspective, but it had far-reaching political consequences (Al-e Seyyed Ghafur, 2007: 148-149).

The Involvement of Scholars in Secular Power

Looking back over the 1400 year history of the Shi’a, it can be stated that a number of prominent Shi’ite scholars, belonging to both the Akhbarite as well as the Usulite schools, were involved in secular power.

As regards the Akhbarites, one might assume that they would, given their fundamental stance, have abstained from involving themselves in anything to do with secular power, but such was not the case. During the Safavid era in particular, we see many prominent Akhbarite scholars who were drawn into the secular power. They allowed themselves to be appointed to positions of leadership in a variety of offices, wrote treatises of government, and were engaged in various types of bargaining with the Safavid royal power.

It is possible to identify a discrepancy between theory and practice. The Safavids had created a vast, closely knit kingdom in which Shi’ism had been promoted to the state religion. During the golden age under the Safavids - during the 16th and 17th centuries - royal power was so strong that the involvement of Shi’ite scholars in secular power was rather cosmetic in character. Despite the number of senior Akhbarite scholars being appointed

to high office, these scholars and the royal power entered into an unwritten but just as valid agreement, which distinguished between religion and politics in the sense that the areas of jurisdiction of the religious leaders and those in secular power were separated. The jurists were to confine themselves to the private religious affairs of the royal subjects, public religious affairs, the judicial system and the area of education. Those in secular power would, for their part, confine themselves to all other secular issues. This agreement meant that neither side would encroach on the other's domain. Those in secular power pledged themselves, however, to the upholding of Shi'a Islam and the Shi'a Muslim kingdom.

This unwritten agreement remained in force for a fairly long time, and was not called into question until the 19th century, when the royal power which belonged to the extremely weak Qajar dynasty was seen to be unable to fulfil its part of the unwritten agreement. The Shi'a Muslim scholars at the forefront of this questioning belonged to the Usulite school.

Usulite involvement in secular power also goes a long way back in Shi'a history. It would appear more natural that they took this step. Distinction must be made here, however, between the different approaches to this. One was that of the Usulite scholars who reserved the right to express their views on political and secular matters and to direct criticism at those in secular power. The other was that of the Usulite scholars who laid claim to secular leadership, challenged those in secular power, or led the fight against corrupt individuals in power.

Regardless of which approach was adopted by the Usulite scholars, they based it on two fundamental points. One of these was that Shi'ite jurisprudence – *fiqh* – provided the foundation for all religious and secular activity. These scholars regarded Shi'ite jurisprudence as something which, by means of interpretation (*ijtihad*), could supply the answers to all questions put by man, whether he be an individual or a member of society, and to all problems affecting his society. Shi'ite jurisprudence was seen to be able to provide answers to everything in his life from cradle to grave (Mousavi al-Khomeini, 1993: 289).

The other fundamental point concerned the way the jurists were viewed. These were to be regarded as the representatives of the Hidden Imam during his absence. According to the view of the Usulites, they were given recourse to *ijtihad* when the Twelfth Imam al-Mahdi's long absence began in the 880s A.D. This right to *ijtihad* gave them the opportunity to draw their own conclusions, on the basis of prevailing circumstances, with the help of the Koran, traditions and consensus. They based this view on the fact that after the death of the Prophet, it was the Shi'ite Imams who were able to draw their own conclusions. As a result, the Shi'ite jurists in possession of the right knowledge were able to make the correct interpretations with the aid of reason (Al-e Seyyed Ghafur, 2007: 204).

It was this right and this position which allowed them to become involved in political and secular issues.

The Rule of the Jurists

As of the end of the 19th century and throughout the 20th century, the Usulite school produced an ever growing number of jurists who believed that they should have an influence on politics. A number of prominent Shi'ite scholars became involved in the constitutional movement which gathered momentum at the end of the 19th century and beginning of the 20th, and which culminated in the constitutional revolution in Persia in 1906. Their chief argument was that the constitutional system could basically be seen as a transgression of the Hidden Imam's right to rule, but that this was perhaps its only disadvantage. The biggest winners in the constitutional system were its citizens, since a society governed by constitutional laws suffered from fewer injustices and less oppression of its citizens. The most important merit of constitutionalism, according to these scholars, is that it set boundaries for political power with the aid of legislation (Na'ini, 1955: 46-47).

Another example is the Iranian supreme spiritual leader Grand Ayatollah Borujerdi (1875–1962), who believed that there was not sufficient support for jurist involvement in politics in either the Koran or other Shi'ite sources; however, he maintained that by way of logical deduction one should be able to see that religion and politics belonged together, and that the jurists should be assigned the right to supervise the political system and all secular affairs. He did not recommend any direct involvement, however. The supreme religious leaders should keep to the fore and supervise the actions of those in secular power, while at the same time reserving the right to issue their directives and exhortations to those in secular power (Kadivar, M., 1999: 20-21).

During the second half of the 20th century, the so-called Khomeini doctrine was drawn up regarding the rule of the jurists (*Velayat-e faqih*). This became the political ideology which paved the way for the Islamic Revolution in Iran in 1979.

Ayatollah Khomeini's (1900–1989) theory on jurist rule rejected the idea of waiting passively for the return of Al-Mahdi, and advocated instead that the jurists take over political and secular power, in that way preparing for the return of the Hidden Imam. The Khomeini doctrine directed its most biting criticism at those in secular power, who were seen to have failed in their responsibility, especially as regards that of upholding Islam. With reference to the threat posed by the campaigns for modernisation and de-Islamisation in Muslim countries - and in Iran in particular - as of the beginning of the inter-war period, he accused the royal power of having failed in its task and, moreover, of having triggered campaigns to combat Islam.

He also directed criticism at the royal power in Iran for having failed in its responsibility to safeguard the sovereignty of the kingdom and combat foreign domination; that is to say, the influence of foreign states on the country. He accused the state authorities of having capitulated to foreign powers. This concerned primarily the obvious influence of the United States on Iran's politics, economy, culture, social life and – last but not least – system of law.

His theory of rule of jurists was based on four principles: 1) in order to realise the objectives of Shi'a, one must create a state that is founded on Islam; 2) The primary task of the Islamic state is to prepare for the return of the Twelfth Imam; 3) This requires fighting against injustices and combating oppression; and, finally, 4) an Islamic state can only be ruled/governed by jurists.

The important feature of his theory is that religion and politics are interwoven in an inseparable oneness. Ayatollah Khomeini wrote about the importance of assuming political power. By assuming the power of state, it should be possible to implement or realise theories based on religion.

Criticism against Jurist Rule

The Khomeini doctrine has, however, had to endure criticism from inside the Shi'ite establishment. Here one finds not only criticism attributable to the Akhbarite school but also the same coming in equal measure from the Usulite quarter. This implies that the criticism was based just as much on religious as on reason-based grounds. The best known voices here included the Grand Ayatollah Montazeri (1922-2009), who up until the mid 1980s had been considered to be Khomeini's successor, but who was dismissed after critical comments he made. He developed a theory of his own which is termed *the elected/eligible jurists' conditional rule*. This theory rejected the Khomeini doctrine on a number of decisive points. This concerns primarily the role of the supreme spiritual leader. According to his theory, the supreme spiritual leader's powers of authority were very much circumscribed. Montazeri criticised the totalitarian features, such as the assault on human rights and the obstacles raised to thwart the progress of democratic civil society in Iran after the Revolution. He believed that legitimacy was taken from the people during the absence of the Hidden Imam, al-Mahdi. Montazeri believed that jurists should play a role in an Islamic state, but that their powers of authority should be curtailed. They could, for example, be given a time-limited mandate. The supreme spiritual leader was indeed independent and did not need to take into account generally held opinion, but he could be made to act on public opinion. He maintained that an Islamic form of government was a treaty between those who govern and the people (Montazeri, vol. 1, 1988: 576, 593-595). This treaty could include the point that the supreme spiritual leader must bow to public will and obey the constitutional laws of the country, and that the exercise of power must be fully visible to citizens. With clear reference to the development in Iran after the Islamic Revolution, when the state had interfered in the private lives of its citizens, he emphasised that the sanctity of the individual's private life must be respected, and that the state may not involve itself in the private lives of its citizens and their choice of lifestyle (Montazeri, vol. 2, 1989: 25-26, 31-37, 55).

Montazeri has demanded that the present form of government in Iran should be deconstructed and that human rights such as freedom of expression and freedom of

assembly should be respected, and that a multi-party system should be introduced in the country (ibid.).

The Lebanese Shi'ite scholar Muhammed Javad Mughniyya (1904–1979) differed with the view taken by the Khomeini doctrine on one crucial point: the supreme spiritual leader's powers of authority. He believed that the Khomeini doctrine lacked support in Shi'ite sources. He maintained that the supreme spiritual leader's powers of authority were restricted to such classic areas as issuing pronouncements (*fatwa*), making his own interpretations in legal matters, and managing a number of social services (Mughniyya, 1979: 51-75).

Another influential Lebanese Shi'ite scholar, Muhammed Mahdi Shams al-Din (b. 1933), felt that there was a number of *shari'a* laws which were unalterable. These were rules that regulated family life, sexual relations, the prohibition of usury and a number of other issues. Other social, cultural and economic issues and domestic and foreign policy were not governed by any unalterable laws in Islam. The rules regulating these areas were time-bound to the very highest degree and related to ensuring the best for everyone. The task of the jurists was to issue pronouncements in the area of the unalterable laws. As regards other areas, human understanding was best suited for guiding the Muslims. Even if these areas should be mentioned in the interpretation of Islamic law, *fiqh*, they came under the term *tabirrat* – that which needs explaining with the aid of understanding common to all mankind – and fell outside the area of *Shi'a* law. According to Shams al-din, the jurisdiction of the Shi'ite jurists was restricted to the area of law. There was, in his view, no support in Shi'a teaching for the jurists to have the right to rule over Shi'ite political life in the absence of the Twelfth Imam (Shams al-din, 1992: 416-420, 1994: 264-267).

The Grand Ayatollah al-Kho'i (1899–1992), Iranian-born but who held office in Iraq, and who belonged to the classic quietist tradition and was one of the most respected Shi'ite leaders during his lifetime, believed that jurists should abstain from all direct involvement in secular politics in the absence of the Hidden Imam. The only area conceivable for jurists to involve themselves in secular affairs was confined to that of social work as laid down in the Koran. Neither the area of social work, however, is intended just for religious leaders. It can be run just as well by all believers, and does not require the direct supervision of jurists. Other tasks to which the jurists should devote themselves included religious instruction, imposing what was proper in accordance with religion and dissuading against all that was improper in accordance with the same, exercising judgment in accordance with Shari'a law, collecting religious taxes and distributing these among specified objectives, and administering religious fees.

Even though Kho'i did not recommend/advocate the direct involvement of jurists in secular politics, he had views about who would be suited for these affairs. Those in secular power should be appointed from among the Shi'ite faithful. They should defend Shi'ite territory against foreigners, they should respect their religion, show respect towards religious leaders, and acknowledge the supremacy of these in religious matters. According to the Grand Ayatollah Kho'i, the question of how those in secular power had assumed

such power was not of any crucial significance. The important thing was that they were not in breach of Islam/Shi'a in their exercise of power (Gharavi Tabrizi, 1991: 424 ff.).

The Grand Ayatollah ?Abdulkarim Ha'iri Yazdi (1859–1937) believed that the jurisdiction of the jurists was restricted to religious issues, the area of law, and the social issues stated in the Koran. According to him, the administration and defence of the kingdom's territory and similar matters fell outside the area of responsibility of the jurists. He also believed that the secular leader who promised to relinquish his secular position of power if and when the Hidden Imam returned should be allowed to stay in power. While awaiting the return of the Hidden Imam, he was to take charge of the administration and defence of the Shi'ite country. He claimed that it was not possible to interpret from the Shi'ite sources which form of rule should prevail in the absence of the Twelfth Imam (Araki, 1993: 93-94).

The Khomeini doctrine has come increasingly under the fire of internal Shi'a Muslim criticism. An important reason for this is that a number of questions which required answers from the advocates of this doctrine have been unanswered. One question concerns the role of those in power and whether these are the citizens' representatives or their rulers. A further question concerns whether an Islamic state must of necessity be governed by a particular group, such as jurists, or whether the right to elect leaders belongs to the people. This then prompts the question of whether the leaders are accountable to God or to the citizens.

The issue regarding the powers of authority of the Islamic state and its relationship to civil society is still a burning question in Iran. Considering the many restrictions that the Iranian state has placed on its citizens as regards the private individual's choice of lifestyle, clothes, taste in music and the like, the question of the claim of the state to curtail the individual rights of citizens and encroach on their private lives has become a central problem. Calls have been made for hearing which tenable reasons lie behind the state regulations that restrict the freedom of citizens.

These and many similar questions direct attention at the failings to be found in this theory. One of the questions which have proved a real headache is that of legitimacy. The doctrine of the absolute rule of jurists is based on the idea that God has delegated the task of bringing his people to the Prophet and to the Shi'ite Imams after him. In the absence of the Twelfth Imam, it is the jurists who should assume this mantle. The jurists are seen as God's representatives on earth, and their possession of power is not given legitimacy by the people.

In contrast with this view, theories claiming to be grounded in verses from the Koran have been advanced, which state that God has given the right of self-determination over one's destiny to his people. It is the people who are to elect their leaders and to enter into a contract with those in power. One of the present day advocates for this model was Grand Ayatollah Montazeri.

New Theories

The latest in the line of theories regarding the political role of Shi'a faith has been put forward by the theologian and philosopher Ayatollah Dr Sheikh Mahdi Ha'iri Yazdi (1923–1999). This theory is given the rather strange name of "collective government through representatives by those in private ownership" (*'vekalat-e malekane shakhsi-ye mosha'*), and it dismisses the whole idea of jurist rule and pleads for a form of government whereby the citizens elect their own political representatives. The theory is based on two principles which originate from Shi'ite/Islamic jurisprudence (*fiqh*): the right of ownership and representation. Ha'iri Yazdi believes that political legitimacy should be founded on private ownership and the right to elect political representatives. The formation of government should be based on the principle of representation in Islamic law. This should not, however, be interpreted as meaning that the jurists are to rule over society. He emphasises that jurists are in no way better suited to govern it. Being a jurist is not sufficient reason in itself to be better suited to govern a Muslim country. A jurist is knowledgeable about Islam but not about political science or such skills important for defending the kingdom against invaders. Governing a country requires competence in areas other than the religious.

Another distinguishing feature of this theory is that it clearly illustrates the relationship between religion and politics or the state. Ha'iri Yazdi emphasises that the knowledge of the jurists, which is based on Islamic law (*fiqh*), does not give them precedence in governing Muslim society. It can indeed be a disadvantage to be a jurist, since his area of knowledge is restricted to religious matters alone (Ha'iri Yazdi, 1995: 54-55, 57, 63-64, 66-67 ff.).

Ha'iri Yazdi writes that the aim of secular power, according to the Koran, is to uphold justice in society. This is a task which God has charged to man; however, the fact that the Prophet of Islam, those who succeeded him shortly after his death, and – for Shi'ites – the first Shi'ite Imam 'Ali all had secular duties is because of the specific circumstances prevailing during their lifetimes. This cannot be accepted as licence for jurists to act in the same way today. With the support of several heavyweights in positions of authority in the Shi'a faith, Ha'iri Yazdi believes that the Koran verse which states: "those among you in whom authority and responsibility is entrusted" can in no way refer to the jurists. If one goes back to the time when this verse from the Koran was revealed, scholars constituted those who were knowledgeable in the area of religion but not in that of secular politics (*ibid.*, 143-144).

One of those people supporting this view was the man whose name carries the greatest weight in any Shi'ite interpretation of the Koran: the prominent Iranian interpreter of the Koran, Ayatollah Sayyed Mohammad Hussien Tabataba'i (1892–1981). He wrote in his great work, *al-Mizan fi tafsir al-Qur'an*, that jurists lacked knowledge in secular affairs; God could not therefore have intended this group to lead the Muslim community. Jurists would not be able to contribute anything as regards political and secular affairs. Tabataba'i adds that their lack of knowledge would even result in fatal consequences for the Muslim community (Tabataba'i, 2007:23).

The connection to private ownership originates from the idea that society consists of a group of people who in one way or another are all private owners. They live side by side and are in need of security. These independent private owners have the common right to appoint one or more among them to govern their society. In the process of such appointing, they should elect the person or persons best suited and in possession of the knowledge required for such a task. The relationship between those in government and the citizens of the society under it is the relationship between the whole and a part of the whole. The election of those in government should be either unanimous or by way of a majority. Those in government are the representatives of the electorate, and they enter into a contract with the electorate to safeguard their interests. The electorate can remove their representatives from office and replace them with new ones (Ha'iri, 1995: 69-71).

The governing of society is based on a number of practical competences which are changeable and which fall outside the area of religion. The tasks of the politicians are to manage domestic and foreign matters and that which affects the country's defence, with the aid of the competences and scientific disciplines existing in this area. The politicians must, however, be acquainted with the requirements associated with justice and observe its ethical norms and values. They can acquire such knowledge from philosophers, the religious authorities or senior lawyers. Ha'iri Yazdi provides an opening for religion here, as he believes that religion can offer the overall and exterior framework in the area of ethics and justice. This connection to Islam lies far from Islamist demands for the takeover of political power (ibid., 64-65, 78-79).

Ha'iri Yazdi strongly advises against philosophers or religious jurists becoming politicians, since their knowledge is theoretical by nature and operates at the macrolevel, whereas politicians work within the sphere of everyday practice and at the microlevel. According to Ha'iri Yazdi, this is an area in which one should obey the commandment in the Koran which states that those appointed to political office should by way of consultation solve the secular affairs of society. He goes so far as to say that it would be beneath a jurist's dignity to involve himself in individual secular matters regarding the country's citizens, society or other countries (ibid., 80-81).

Despite the differences that we have seen hitherto, there are ideas which run like a red thread throughout Shi'ite political theory. One of the most fundamental of these is the notion that power and glory belong to God alone, and that every form of government not acknowledging this is illegitimate. Furthermore, there exists agreement that should the Twelfth Imam reveal himself, those in secular power are to step aside and surrender power to him. Everyone is in agreement too that those in power must observe the boundaries established by religion. No laws in breach of religious decrees or prohibitions may be passed - and the way in which such decrees and prohibitions are to be interpreted is a question in itself. Society must create conditions in order for man to be able to live in accordance with the objectives of religion. The state should be governed by just, competent and cultured Muslim believers.

Characteristic for all the groups or schools which have taken part in this discussion is their attempt to justify the position they take with the support of theological arguments.

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