The Parallel Power System as an Alternative to Revolution and Passivity

by Mohammad Fazlhashemi

The idea of the parallel power system within Shi'i political thinking emerged during the sixteenth century, when worldly rulers offered the Shi'i legal scholars influence on the judiciary, education and social welfare. In exchange, they wanted religious legitimacy for their worldly power. The parallel power system was viewed as a compromise in Shi'i political thinking that found a model for cooperation with worldly power, as a third option between political passivity and quietism, on one hand, and revolutionary ideas based on judicial and theological arguments on the other. . This power distribution system lasted four hundred years, but was abandoned during the interwar period in the early twentieth century. This abandonment was one of the main reasons behind the revolution in Iran in 1979.

The purpose of this chapter is to show how this compromise was formed, what theological and judicial arguments Shi'i legal scholars used to legitimate their cooperation with worldly rulers who did not fulfil their ideal, and how its abandonment led to the Iranian Revolution. This chapter concludes with an overview of the religious criticism directed at the revolutionary model that replaced the parallel power system.

Background

An alliance of a number of Turkmen tribes succeeded in establishing the Safavid kingdom in the early sixteenth century in western Asia. The Safavid kingdom (1501–1736) stretched over much of the ancient Persian kingdom that existed before the Arab invasion of the 650s, and included parts of the Caucasus, east Anatolia, Persia, and most of today's Iraq and Afghanistan. The origin of the Safavids went back to a Sunni Sufi congregation founded in the thirteenth century by their ancestor Safi al-din (1253–1334) in the city of Ardabil in what is now Iran.

Even if the founder of the Sufi congregation was Sunni, the Safavids who seized power in Persia proclaimed Shi'i Islam as the state religion in their kingdom. The Turkmen Qizilbash tribes had converted to Shi'i Islam already in the fourteenth century as they were under the domination and protection of the Shi'i dynasty Qara Qoyunlu (the Black Sheep Turkmen) (1375–1468).

The founder of the Safavid dynasty, Shah Ismail I (1487–1524), and his successor, Shah Tahmasp I (1514–1576), invited Shi'i legal scholars from Jabal Amil (the region between today's Syria and Lebanon), from northeast Hijaz (today's Saudi Arabia) and Mesopotamia (today's Iraq, where several Shi'i imams are buried). The Shi'i legal scholars were offered a

unique opportunity to take active part of the administration of the Safavid kingdom. They gave the Shi'i legal scholars a free hand to spread Shi'i Islam in their kingdom and to take care of the legal/judicial, social welfare, and educational systems of the Safavid kingdom. In return, they demanded that the scholars bless their political status, thereby granting them religious legitimacy, which was an important grounds for political legitimacy in pre-modern times. The Safavids needed religious legitimacy in their struggle against their rivals in the region: the Ottomans in the west and the Turkish-Mongolian Uzbeks in the east. They were also aware that Sunni scholars would not bless their political status, because the Safavids were Shi'a and because Sunni scholars had already blessed and were allied with the Ottomans (Fazlhashemi 2011, p. 66).

It was not just the Safavid kings who needed support from the Shi'i scholars. The interest and independence was mutual. Shi'i scholars would not only be protected from Sunnis and attacks from Ottomans and Uzbeks, but it was also a golden opportunity to safeguard the Shi'i minority, to develop Shi'i theology, jurisprudence, and educational and social welfare systems, and to be involved in the management of a Shi'i kingdom, which had never happened before (Fazlhashemi 2011, p. 66).

The collaboration of the Shi'i legal scholars with the Safavid kings can be compared to a forced marriage in which the two parties are not so fond of each other but have to be married because they are mutually dependent. The Safavid kings relied on the blessing of the legal scholars because this could give religious legitimacy to their kingly power. The collaboration had also its disadvantages. The royal house risked limiting its freedom of action by making itself dependent on the religious leaders.

The legal scholars were dependent on the royal house, which could help them to consolidate their position by strengthening their institutions and extending their jurisdiction. There were, however, some theological obstacles to the collaboration of the legal scholars with the royal house. For the religious leaders it was a problem that the collaboration with the royal Safavid house was not only a departure from fundamental theological and political stances, but also a blatant breach of Shi'i ethical norms. According to standard perceptions, the Safavid kings lived a life that was in sharp contrast to the moral rules of Shi'i Islam. Many Safavid kings suffered from chronic alcoholism and drug abuse, both of which were forbidden under Islamic shari'a law. Several Safavid kings died of diseases caused by their overconsumption of alcohol and drugs. Life at the Safavid court, in other words, was anything but Islamic (Fazlhashemi 2016, p. 159).

Another problem was that all power and glory, according to Shi'i theology, was supposed to be in the hands of the scholars while the Shi'a awaited the return of the occulted imam al-Mahdi. According to Shi'i belief, the last Shi'i Imam Mohammad ibn al-Hassan, known as al-Mahdi (born 868), began an underground life in the mid-870s to escape persecution from the Sunni Abbasid caliphate. According to Shi'i belief, this imam has not died, but lives in occultation ever since the 870s, though the life in occultation will not last forever. The beliefs around al-Mahdi's emergence from his life in occultation are closely interwoven with eschatological beliefs. According to the Shi'a, al-Madhi will make himself known whenever the time is right and lead humankind towards its ultimate destiny, saving humankind and freeing the world from all evil. Al-Mahdi is not alone; Jesus Christ will reinforce him. Under the guidance and direction of al-Mahdi, humankind will reach salvation and he will create a kingdom of justice before the world and all creatures of God are annihilated, followed by resurrection and judgement by God.

These eschatological beliefs, especially those about al-Mahdi's worldly leadership, have shaped the political rhetoric of Shi'i legal scholars, but they have used them in highly varied ways. In certain periods, they have been used to guard against any involvement in secular politics. Issues concerning political power were believed to be the responsibility of the occulted imam. In other periods, the same beliefs about al-Mahdi were used to justify active intervention in secular power. A revolutionary ideology that urged people to fight and rebel against those in power proceeded from this belief. A third stance advocated more pragmatism, something between the revolutionary strategy and political abstinence while passively awaiting the return of the occulted imam.

Shi'i legal scholars who lived during the Safavid era chose the third option, but the collaboration with Safavid dynasty meant that they abandoned their beliefs that it was they who should have power while they were waiting for the occulted imam. Instead, they were now blessing kings who were regarded, by definition, as being illegitimate in strict religious and theological terms. (Fazlhashemi 2011, pp. 35–48)

For the legal scholars, there were weighty reasons for overlooking their own theological misgivings. This was the first time a royal power with the dignity of the Safavids extended a hand of cooperation to the Shi'i scholars and also declared themselves willing to proclaim Shi'i Islam as the state religion. It was thus a very tempting offer. The first Shi'i scholars who accepted the invitation viewed it as a golden opportunity for them to escape from their hitherto vulnerable position as a persecuted minority. They also saw great possibilities for using the

support of the Safavid kings to promote the mission of Shi'i Islam in a larger, cohesive kingdom.

The willingness of the Shi'i leaders to enter this alliance, however, required new theological thinking to open the way for a new political doctrine. The involvement of the Shi'i legal scholars in the governance of the Safavid kingdom laid the foundation for a management system that could be called a parallel system of government. It meant a division of power between the legal scholars and the Safavdi kings. The legal scholars were granted power over the judiciary and the educational and social welfare systems. They became free to promote Shi'i Islam in the Safavid kingdom, which initially was dominated by Sunni Muslims. They got also the right to tax collection for religious purposes. The Shi'i scholars built up an organization that could perform the duties they had been assigned. All other worldly power was in the hands of the Safavid kings. The parties undertook not to interfere in each other's power domain. For the Shi'i legal scholars, this development was a major change of scene in a very advantageous way. From being a very vulnerable and persecuted religious minority, Shi'i Islam was elevated to a state religion. At the same time, the scholars received a prominent position in the social hierarchy as the actor who gave the royal authorities their religious legitimacy.

Conditions for collaborating with illegitimate rulers

One who collaborated with the Safavid kings was the legal scholar Karaki (1464 –1534). His most important action, apart from granting the Safavids their longed-for religious legitimacy, was the compilation of *Jami' al-maqasid*, a book of legal exegesis. The work served several purposes. It functioned as a source for interpreting the law during the Safavid era, thereby creating clear judicial structures. It set a Shi'i stamp on the judicial tradition and counteracted the arbitrary behavior of the autocratic kings (Fazlhashemi 2016, p. 134). The Safavid king Tahmasp I (1514–1576) declared in a letter that he regarded Karaki as the representative of the twelfth Shi'i imam, al-Mahdi, and himself as Karaki's representative (Khonsari 1981, vol. 4, pp. 362–363).

It is interesting to note that Karaki, despite his close collaboration with the Safavid kings, considered them illegitimate, even though he blessed their power and their right to collect tax from their subjects. One may ask how he could reconcile these two opposing stances (Khonsari 1981, vol. 4, p. 76). Karaki maintained that it was forbidden to assist evil and repressive rulers. If it turned out that the collaboration resulted in an evil ruler consolidating his position, then one was guilty of an impermissible act, in his opinion. But if one could ensure that the cooperation made it possible to achieve good things in society, there was nothing to

prevent cooperation with the king. According to Karaki, through such collaboration one could fulfil the Qur'anic principles of enjoining what is right and forbidding what is reprehensible (*Amr bi al-ma'roof wa nahj an al-munkar*). The only thing to be wary of was complicity in sin, oppression, and murder (Karaki 1998, p. 44).

From this perspective, collaboration with illegitimate secular rulers was not intrinsically evil. The crucial point was the purpose of the collaboration, and a secondary consideration was the circumstances that enabled collaboration. A legal scholar who enters an alliance with an unrightful king with the aim of reforming and rectifying things—of doing *islah* (reforming)—does so with good intent. A legal scholar should be regarded as the representative of the occulted Shi'i imam, al-Mahdi, and not as the king's man or someone obeying the king's orders. It is the occulted imam who is the lawful ruler, and it is he who appoints the legal scholar as his agent (Karaki 1998, pp. 489–490). The elevation of the legal scholars to the position of representatives of the occulted imam meant that their powers were not confined to the religious sphere. Like the occulted imam's own jurisdiction, theirs would also comprise all spheres of society (Karaki n.d., p. 142).

The power position of the Safavids was based on their military strength. Their desire to gain religious blessing was necessary for secular rulers during this historical period. Religious legitimacy raised the Safavids to the same level as their Ottoman rivals. Shi'i legal scholars were well aware of this and had different alternatives to choose among. Refusing to give the Safavids the coveted religious blessing was one alternative, but it would mean gambling away their historical opportunity to exert influence in the corridors of power. This was the factor that made a group of senior Shi'i scholars choose to collaborate with the Safavid kings.

To begin with, the Shi'i scholars viewed their task from an ethical perspective. Their duty was to urge the king to reform the realm in accordance with Islamic ethics. They cited support for their action in concepts such as *islah*, putting things right, in the Qur'an (11:88, 7:85). Acting in accordance with the concept of *islah* proved to be something that could vary depending on prevailing circumstances. In times when the king was strong and the maneuvering space of the legal scholars was limited, the latter interpreted *islah* to mean that they should provide the king with an ethical frame of reference.

There was no consensus among legal scholars about how to legitimize collaboration with the Safavid kings. The jurist (legal scholar) Molla Mohammad Baqer Majlesi (d. 1699) chose to attribute the legitimacy of the Safavid kings to their alleged kinship with the Shi'i imams and ultimately with the prophet himself. This basis for legitimacy meant, according to Majlesi, that there were important obligations for the Safavid kings. They were supposed to

follow in the footsteps of the Shi'i imams and the prophet, to live an orthodox life and act righteously. Majlesi asserted that God had chosen to give royal power to the Safavid kings so that Shi'i Muslim subjects could live in security in the kingdom of the Safavids. (Manuscript collection of the Iranian Parliamentary Library, no. 1, collection no. 2721)

Majlesi's legitimization of Safavid power can be regarded as a pragmatic adaptation of the fundamental Shi'i tradition to prevailing conditions. It can simultaneously be seen as a constructive approach to the question of a legitimate secular power during the absence of the hidden imam. Majlesi enjoined the king to satisfy a series of criteria based on the Shi'i religious tradition. He did not go so far, however, as to raise the Safavid kings to the level of the hidden imam or to see them as his deputies. The most important reason for this was that the Safavid kings, despite all their services to Shi'i Islam, and despite their alleged kinship with the prophet's descendants, could not be classed as free of sin, *ma'sum*. This was reserved solely for the twelve Shi'i imams. Majlesi's support for the Safavids was, however, founded on his genuine religious conviction that the era of the Safavids was a preliminary stage in the return of the hidden imam al-Mahdi (Majlesi 1993:243).

The legal scholar Sheikh Bahai (1547–1621) legitimized the power of King Abbas I (1571–1629) for a different and even more pragmatic reason. The legitimacy was valid as long as the king, in his public actions, followed the principle of justice and continued to defend Twelver Shi'i Islam. (Lakzai 2007: 290)

Since Sheikh Bahai did not elevate the Safavid kings to the level of the Shi'i imams, obedience to them was not equated with obedience to God and crimes against them could not be regarded as crimes against God. The legal scholar Sabzevari (1599–1672) listed in his *King's Mirror* the properties a king must have if he is to earn religious legitimacy in a Shi'i kingdom. These properties include probity, following the tradition of the hidden imam, protecting Shi'i Muslims from danger and infidels, protecting the Shi'a, and so on (Sabzevari 2004, p. 64). By enumerating the properties of a Shi'i king and the demands made of him, the legal scholars are released from the duty of dealing with this task themselves (Lakzai 1988, p. 146). The scholars pursued their demand for the rule of law in society. This applied in particular to legal security in economic matters. The lack of this form of legal security meant that anyone could fall into disfavour with someone or other in the power hierarchy and thereby lose his fortune.

The legal scholar Ardabili (d. 1583) argued in favour of pragmatic cooperation with power on the basis of the idea that necessity permits digressing from high principles. Ardabili was very clear in stating that the Safavid kings were illegitimate rulers, but he observed that

their military power and their brutality are on such a scale that they had succeeded in frightening the people into obedience (Ardabili 1996, p. 262).

Ardabili's pragmatic stance was that it was permissible to collaborate with rulers who pledged to protect the lives and faith of Shi'i Muslims and guard them against attack from Sunni or others. Collaboration with the kings, however, was not to be interpreted as approving of (or blessing) everything they did. It was rather a matter of not opposing the kings as long as they protected the Shi'i Muslims. (Ardabili 1993, 8:68).

Ardabili is careful to underline that collaboration with the illegitimate kings does not mean giving them *carte blanche*. Scholars should not, for example, assist or legitimate the king in criminal acts. He mentions in particular actions that put people's lives in danger. On the other hand, it is permitted to accept gifts from them and to use these for the good of Shi'i Muslims (Ardabili 1993, 8:70). He also sets limits to what legal scholars may or may not do in the absence of the 12th imam. They may not, for example, declare a war of aggression, jihad. On the other hand, it is permissible to urge people to participate in another form of jihad, a war of defense, which means defending the kingdom if it is subjected to armed attack. Scholars should also take part in the work of drawing up peace treaties when wars end (Ardabili, 1993,, 7:458).

Nor should the fact that Ardabili allowed the possibility of collaborating with the king be interpreted to mean that he demanded nothing in return. He expected that the scholars should be able to determine the prices of goods which had been hoarded and kept away from the general public (Ardabili 1993, 8:24). Scholars would have the sole right to collect religious taxes and decide what they would be used for (Ardabili 1993, 4:201, 206). Among other powers that he wanted to give the scholars was the right to supervise the compulsory administration of agricultural land and property. The yield and income from these properties was to be used for the benefit of the entire Shi'i Muslim population. Like other Shi'i scholars, he wished to keep power over the judicial system in the hands of the religious leaders. They would be the only persons authorized to mete out punishments and prison sentences (Ardabili 1993, 9:113; 13:34, 35, 50, 94, 273, 366).

Pragmatism, the benefit of kings and public interest

It was not only the Shi'i legal scholars who participated in the debate on pragmatism. Some Shi'i philosophers who lived during the Safavid era made significant contributions to the discussion. One of them was the Shi'i philosopher Mirfendereski (1562–1640), who introduced a new principle for collaboration between Shi'i scholars and Safavid kings. He developed a

kind of pragmatic approach, which can be interpreted as a forerunner to utilitarian ethics, whereby the right action is the one with the greatest benefit.

Mirfendereski differentiated between different groups in society, each benefiting the community in its own way. He compared one group to sheep and cows. This group of people consider nothing but their own interests, but even though they only think of themselves, they are of great utility for humankind. The characteristic trait of sheep and cows is that they are wholly obsessed with eating, drinking, and satisfying their other needs. They have no thought of being of use to anyone but themselves, whether animals or humans. Despite this, they are of great benefit to humans, who can make use of these animals by eating their meat, drinking their milk, using their hides and a number of other products that can be extracted from them.

Mirfendereski thought that the Safavid kings resembled livestock in that they had no thought of being of any use to human society. Their main motive was to benefit themselves and safeguard their own interests—but despite this, they were useful to the community. (Ashtiani 1994, p. 70.). Legal scholars were to consequently find constructive and pragmatic methods for society to achieve the maximum benefit from the kings' merits, Mirfendereski wrote. The kings' struggle against corruption or other injustices in society benefits society even if the primary intention is an increase in royal power.

According to Mirfendereski, the Safavids made Shi'i Islam the state religion, not out of concern for Shi'i Islam, but for the simple reason that it served their interests. After having clarified the character of the Safavid kings and their true intentions, Mirfendereski wrote that legal scholars should seize this excellent opportunity for increased influence—regardless of the reason for the Safavid invitation.

Collaboration with the Safavid kings was, consequently, in line with the utilitarian thinking Mirfendereski presented in his book. The alliance was of benefit to the king and the Shi'i scholars alike. It helped to protect the status of Shi'i Islam and the interests of the public. He limits the role of religious leaders to providing the king with ethical norms for establishing order in society. Giving the king ethical guidelines from the Shi'i tradition would benefit the people, who would also become faithful to the ethical norms of Shi'i Islam, he wrote. (Mirfendereski 1918, pp. 66–68).

Pragmatism was Mirfendereski's chief guiding star. He wrote that one must distinguish between what is permanent and what changes. What is regarded as just can consequently change depending on circumstances in time and place. A doctor prescribes medicine depending on the patient's status and not on the basis of a fixed template. According to Mirfendereski, it was this

aspect of changeability that led the divine prophets to adapt their message to the spirit of the time (Mirfendereski 1918, pp. 75–76).

His concept is a combination of utilitarian thought and a pragmatic interpretation of justice. The latter makes it possible for him to arrive at the view that the two main actors – the king and the scholars – must cooperate, since they cause the greatest utility and lay the foundation for a more just society. For Mirfendereski, this collaboration is essential in establishing order in society, and to prevent chaos and injustice. (Mirfendereski 1918, p. 64).

The parallel power system and ethics

The Shi‘i legal scholars in the Safavid era tried to justify the parallel power system by balancing between two dimensions. One dimension was the grounds on which they were to grant religious legitimacy to the Safavid kings. The other concerned the ethical justification of their own collaboration with the royal house.

The scholars’ close dealings with the Safavid kings were to go hand-in-hand with a resolve never to compromise their high ethical norms. They risked being dragged down into the corruption and abuse of power that were rife under the autocratic kings. The most important issue was, thus, how they would retain their credibility in a situation where they were well aware that the Safavid kings were not in any way loyal to the religious and ethical ideals of Shi‘i Islam.

One of those who explicitly addressed this problem was the aforementioned legal scholar Sheikh Bahai (1547–1621). In his writings, Sheikh Bahai was anxious to explain that he gave his support to the Safavid royal house because he was concerned for the security of the Shi‘i civil population. He wrote about the recurrent attacks and harassment to which Sunni rulers subjected Shi‘i scholars and civilians, and the support these rulers received from Sunni religious leaders. Regardless of how disloyal the Safavid kings were to the rules of Shi‘i Islam on the level of personal morality, they guaranteed the safety of the Shi‘a (Lakzayi 2007, p. 282).

Sheikh Bahai was very explicit in declaring that it was unthinkable to collaborate with wicked secular rulers who subjected Shi‘a to repression. Supporting an evil ruler could be equated with trusting a wolf to look after a herd of sheep, in his opinion (Ameli 1984, p. 229): “I would not even wish to tie the shoelaces of a ruler, or touch the smallest of his possessions, even if he were to give me a whole city as a reward; those who collaborate with wicked rulers will taste the torment of hell fire”, he writes (Ameli 2012 p. 104).

Sheikh Bahai was also highly restrictive about the conditions for collaboration with the Safavid royal house. In his collection of poems *Mathnaviye nan va halva* (Poems on Bread and

Halva), he issued sharp criticism at scholars who allowed themselves to be bought by the Safavid kings with no misgivings. He went as far as to view these dealings as harmful for the faith. In his poems, he accused the scholars of selling their souls and the faith for money (Nafisi 1999, p. 168).

Sheikh Bahai is severe in his assault on the “easily purchased” and “easily controlled” scholars, whom he denounces in a combination of sarcastic and condemnatory attacks. He made these unrestrained criticisms at the same time as he himself was closely collaborating with the royal house. This might appear to be a contradiction but he makes a distinction between good and unsuitable advisors. He compares the latter group with the Pharaoh’s courtiers who prevented him from accepting Moses’s message. This was a fatal mistake that led the Pharaoh and his people to their destruction, Sheikh Bahai writes. (Lakzayi 2007, pp. 288–289)

Sheikh Bahai viewed himself as the good counselor who would lead the autocratic Safavid king in the right direction. The good counselor emphasized the importance of righteousness and always acted in the best interests of the people. To underline this, he referred to a statement ascribed to the prophet of Islam, Muhammad. He is reported to have said that he was born during the reign of the Persian king Anushirvan (Khosrow I), who had the epithet “the Just” (531–579). This statement has provoked many questions, chiefly because Muhammad appears to be painting a highly positive picture of the Persian king, and it looks like a happy coincidence that he was born during that king’s reign. It has been asked how the prophet of Islam could boast that he was born in a time when the neighboring Persia was ruled by a king who, although famed for his justice, was nevertheless a ruler in the pre-Islamic era. The period was perceived as an era of ignorance and godlessness. Moreover, the Persian king has been assigned to the categories of kafir (infidel) or mushrik (idolater). In the Qur’an, both these groups were regarded as having consisted of sinful people who subjected others to evil and oppression (Ameli n.d., p. 6).

Sheikh Bahai’s handling of this dilemma is very interesting, giving a clear indication of his pragmatic stance. He believed that the prophet’s praise of the Persian king carried a very clear message: it is to be interpreted as saying that one must distinguish between the ruler’s personal and private faith (or lack of faith) and how he treats his subjects. Sheikh Bahai could not deny that the Persian king was classed as an infidel or an idolater, but he thought that the Persian king’s lack of the right faith was a matter between the king himself and God. It should not be laid in the balance when judging a ruler.

Sheikh Bahai distinguished between what he calls “injustice to oneself” and “injustice towards subjects.” In the case of the Persian king, the situation is that he lacked the right faith

and, thus, exposed himself to injustice. The same king had acquired such a posthumous reputation that even the prophet of Islam mentioned him for his justice. This, according to Sheikh Bahai, is because he was righteous towards his subjects. Sheikh Bahai also writes that public justice is extremely rare and that the order of the universe is maintained because of it. The main achievement of the Persian king was, thus, that he had been able to uphold public justice (Ameli n.d., p. 6).

From this, Sheikh Bahai drew the conclusion that the Safavid kings were allowed to subject themselves to as much unrighteousness as they like. They may have lived in total sinfulness and committed any immoral deeds they cared to. Their personal and private behavior concerned their own relationships with God, and they would be made to answer for these deeds on Judgement Day. If they wanted to have a posthumous reputation as positive as the Persian king's, which led the prophet of Islam to praise him, they must follow his example and choose him as a model. They must, therefore, be just and treat their subjects in the way for which Anushirvan became famous (Ameli n.d., pp. 103–104).

Sheikh Bahai's defense of the parallel power system is justified by his pragmatism. Shi'i legal scholars were advised to turn a blind eye to the moral vices of the Safavid kings and their court dignitaries, but without becoming a part of their immorality. In many cases, the Safavid kings did not adhere to the Shi'i moral laws, and the legal scholars could not do anything about that. They had to accept that the Safavid kings' affection for Shi'i Islam's moral laws were not deep.

Sheikh Bahai sent a clear signal to the royal house that he was prepared to ignore the private life of the Safavid kings, even though their moral lapses ran contrary to the pure ideals, virtues, and moral Islamic/Shi'i norms. The most important thing was that the Safavid kings treated their subjects fairly. By distinguishing between what Sheikh Bahai calls private and public justice, the personal conduct of the Safavid kings was no longer of any importance. As a legal scholar, Sheikh Bahai could still grant religious legitimacy to the Safavids. He signaled that he could turn a blind eye to the kings' deviations as long as the kings in their public undertakings followed the principle of justice in relation to their subjects. It was also from that point of view that he held up the Persian king Anushirvan, his just treatment of his subjects and his righteousness. For him, it was of the utmost importance to protect the lives and security of the people.

However, if the Safavid kings did not treat their subjects fairly, the legal scholars did not possess any noticeable measures or significant sanctions to impose on the kings. The scholars saw themselves as a kind of moral compass for the Safavid Kings and, thus, hoped to

gain some kind of influence over them. They were, however, aware of that this hope was very fragile, so they tried to build a sustainable legal system based on the foundations of Shi'i jurisprudence. This was a way to ensure the legal scholars that they possessed some kind of impact on the Safavid kingdom.

Institutionalization and changed roles

The Safavid kings knew absolutely nothing about Twelver theology. The legal scholars had unrestricted jurisdiction over religious and judicial matters. However, in order to ensure their power over the religious institutions, the kings appointed leaders of the religious institutions. They were selected with great care from among those who were most loyal to the crown. This could, in turn, create disruptive disputes between parts of the ordinary religious community and the royal house (Lambton 1981, pp. 266–267).

The Safavids exercised rigorous supervision over the Shi'i religious institutions. The king appointed, for example, the Shi'i legal scholar who acted as head of all Shi'i legal scholars. This man, who was called *Molla Bashi* in the Safavid era, was the highest religious authority and the link between the king and the legal scholars.

The royal house also appointed an administrative leader, designated as *sadr*. The duties of the *sadr* included appointing religious judges, those who were to take charge religious endowments, appointing prayer leaders, leaders of religious schools and mosques, and various other religious offices (Lambton 1981, p. 268). By leaving such religious matters to an official religious leader appointed by the Safavid court, the king could affect developments and supervise various religious activities (Jafarian 2000, vol. I, pp. 196–198). The office of *sadr* filled yet another important function in the dissemination of Shi'i Islam. The Safavids proclaimed Shi'i Islam as the state religion in a kingdom where the majority were Sunni Muslims and they thus had the duty of ensuring that people in the realm of the Safavids would convert to Shi'i Islam (Lambton 1981, p. 268).

Yet another office of great significance in the Safavid era was Sheik al-Islam, chief among jurists, the representative of the hidden imam, whom all Shi'i Muslims were bound to obey, and whose tasks included crowning the king. At the same time, it was the king who chose the man who would bear the title Sheik al-Islam (Samia 1999, p. 3).

When the Safavids fell from power in 1736, the situation of the Shi'i legal scholars changed dramatically. It did not just mean that a Shi'i dynasty was overthrown and that the Shi'i legal scholars lost the support of the crown. The Shi'i legal scholars were also subjected to severe harassment for having given their blessing to the Safavid kingdom and for their

participation in the Safavids' policy of consolidating Shi'i Islam in their kingdom. The new rulers regarded the Shi'i legal scholars as a religious and political obstacle to be removed. The fall of the Safavids was accompanied by political unrest, war, famine, and disease, and a share of the Shi'i people were taken away to be sold into slavery. The population in the former kingdom of the Safavids was reduced by about one-tenth (Ravandi 1978, p. 436).

When a new dynasty, the Qajars (1799–1925) took over the power in Safavids' ancient kingdom, the parallel power system experienced a renaissance. The new rulers wanted to continue the Safavids' policies. The difference was, however, that they were not as powerful as the Safavids. As a result, the legal scholars moved forward in their positions and demanded new privileges from the worldly rulers without wanting to change the parallel power system fundamentally, by challenging the position of the worldly rulers, for example.

The attitude of the Shi'i scholars to political matters changed during the nineteenth century, when more and more legal scholars were drawn into discussions about the intellectual tradition of constitutionalism and the nascent constitutional movement that was sweeping over several Muslim countries, especially in the Shi'i-dominated Persia. It was, thus, a consequence of the increasingly close contacts of Shi'i scholars with European ideas about constitutional government that more and more scholars were involved in the political debate and new political theories and doctrines were elaborated.

Among the issues discussed was the adoption of a constitution, the abolition of despotism, the introduction of parliamentarism, holding general elections, electing or becoming a representative for a constituency/guild/estate, separating executive, legislative, and judicial powers, passing laws to guarantee basic civil rights and freedoms without regard for religious affiliation, birth, or social status, and determining the right of citizens to control political power (Kadivar 1999, pp. 9–12; 19–21).

The reactions of legal scholars to these issues can be roughly divided into two categories. One proceeded from a quietist attitude, advising legal scholars not to intervene in secular matters; this was a sphere that also had to be regarded as reserved for the hidden imam. The other attitude broke with the traditional view and recommended a model according to which legal scholars should take an active part in a transition to a constitutional form of government under the supervision of the highest legal scholars. Naini (1860–1936) advocated this model, believing that legal scholars could sit in parliament and ensure that the laws passed there were not in conflict with Shi'i Islam (Naini 1955, pp. 52–55).

Demands for political and social reforms during the nineteenth century occurred at same period that the art of printing reached many Muslim countries. It meant that these new ideas and demands could reach greater numbers of people through printed books and newspapers.

The changed situation meant that there were increasing demands on legal scholars to pronounce verdicts on various social and political matters. An illustrative example is the tobacco uprising in Persia in 1892. When the highest religious leader Mirza Shirazi (1814–1896) uttered his famous words about the use of tobacco being an act of war against the hidden imam, the statement had such a huge impact among the general public that the reigning king, Naser al-din Shah (1831–1896), was forced to annul the concession that he had granted to the British officer Major G. F. Talbot, that gave him full monopoly over the production, sale and export of tobacco for fifty years. (Mottahedeh, 2000, p. 215) The response also made the legal scholars aware of their own power.

Towards the end of the nineteenth century, a growing number of Shi'i legal scholars were speaking about the rule by foreigners in Shi'i-dominated areas. This coincided with the weakening of central government, wars enforced by European colonial powers, and the increasing influence of Europeans over the politics, economies, and social and cultural lives in Muslim countries. This was viewed as a serious threat to the Islamic identity and national culture that had to be combated. When the secular rulers were unable to resist this external threat, the legal scholars saw it as their duty to use their influence to mobilize the public against it (Al-Sadr 1980, pp. 2–3).

Abandonment of a four-hundred-year agreement

Although the Shi'i legal scholars had moved their positions forward, it would take a long time before they began to speak about taking over the state power themselves. Up to the beginning of the 1960s, they accepted the division of power that had been founded in the era of the Safavids. For a long time the politically active Shi'i leaders worked to preserve the status quo. Many of them acted behind the scenes in order not to upset the division of power. After several unsuccessful attempts to introduce a constitutional form of government, however, and after new secular rulers disturbed the parallel power system, some voices called for the introduction of a completely new form of government in which power would lie in the hands of the highest religious jurists.

The reaction of the legal scholars came after a series of political decisions that were interpreted as outright breaches of the parallel power system. Legal scholars were purged from the judicial and educational systems in the interwar years. At the same time, the new rulers in

Persia/Iran, the Pahlavi dynasty (1925–1979), started campaigns of modernization and secularization aimed against Islam as the dominating religion in the country and the legal scholars. The new rulers imposed modernization programs that lacked the most vital parts of modernity, namely democratic reforms and civic rights and freedoms. Modernity was confined to modern infrastructure, modern weapons, modern technology and selected parts of western culture that did not threaten the concentration of the executive, legal and judicial power in the hands of the king.

Despite Iran's modern appearance under the Pahlavi dynasty, the democratic deficit was blindingly obvious; systematic violations of human rights, political oppression, widespread corruption and economic distortion were the main characteristics of a state that pretended to be modern. All forms of political opposition were banned, and, during his last years of power, the last king of Iran, Mohammad Reza Pahlavi (1919–1980), turned Iran to a one-party state in March 1975. All parties, even regime-friendly ones, were banned and those who opposed this were either imprisoned or encouraged to leave the country. The last king was openly sarcastic and condescending towards democracy and deliberately presented and compared democracy with anarchy. He pointed out that Iran was a country with more than 2500 years of royal tradition, and stated that he was like a shepherd to his people and that he had received his power from God.

A number of prominent legal scholars declared that the Iranian king and government had broken the parallel power system agreement. The scholar who expressed the most radical critique of the developments was Ayatollah Khomeini (1902–1989). He declared that legal scholars were no longer bound by the agreement with the state authorities because the state had already abandoned the agreement. At the start of the 1960s he launched a vehement attack on the king, whom he accused of not complying with any part of the agreement. He accused him of being hostile to Shi'i Islam. He also questioned the king's sovereignty and blamed him for having paved the way for foreign rule by conceding to alien powers. Ayatollah Khomeini said he wanted to introduce a new form of government based on Shi'i Islam, which, in his view, included a complete plan for society, comprising everything from political and economic to social and cultural matters (Mousavi Khomeini 1979, p. 23).

There was no consensus on this matter, however. Ayatollah Khomeini represented, in fact, a minority view among Shi'i legal scholars. His political doctrine, *Velayat-e faqih*, the rule of the jurist lacked support among the leading grand ayatollahs in the main institutions of Shi'i theology and jurisprudence in Najaf (Iraq) and Qom (Iran). They stated that his doctrine had no basis in Shi'i sources or the Qur'an.

The criticism against Ayatollah Khomeini's political doctrine came from different directions. The famous Shi'i interpreter of the Qur'an, Ayatollah Tabatabai (1892–1981), believed that legal scholars lacked knowledge in secular affairs and, therefore, that God could not have intended this group to lead the Muslim community. They would not be able to contribute anything with regard to political and secular affairs. Tabatabai added that their lack of knowledge might even result in fatal consequences for the Muslim community. (Tabatabai 2007, p. 23).

The son of the founder of the Shi'i religious seminary in the city of Qum in Iran, Ayatollah Mehdi Haeri Yazdi (1923–1999), believed that the legal scholar had no knowledge of worldly politics and that Ayatollah Khomeini's doctrine lacked support in the Qur'an. He believed that the Qur'anic verse¹ that Ayatollah Khomeini used to support his doctrine could in no way refer to the legal scholars. According to Haeri Yazdi, the legal scholars' religious knowledge did not make them suitable for worldly policies (Haeri Yazdi 1995, 143–144).

Another criticism came from a number of grand ayatollahs in high office in the main religious seminary in the holy city of Najaf in Iraq. They held the post of the so-called *marja' i taqlid*. The Grand Ayatollah al-Kho'i (1899–1992), who belonged to the classic quietist tradition and was one of the most respected Shi'ite leaders during his lifetime, believed that the legal scholars, *fuqahā*, should abstain from all direct involvement in secular politics in the absence of the Hidden Imam. The only conceivable area for legal scholars to involve themselves in secular affairs was confined to that of social welfare, as laid down in the Qur'an. . However, even this safety net could be run by all believers, according to al-Kho'i, and does not require the direct supervision of jurists. Proper tasks to which the legal scholars should devote themselves included religious instruction, imposing what was proper and dissuading against all that was improper in accordance with religion, exercising judgment in accordance with shari'a law, collecting religious taxes and distributing them among specified objectives, and administering religious fees (Gharavi Tabrizi 1992, p. 419).

In any case, the Grand Ayatollah al-Kho'i was careful to emphasize that the sources referred to by Ayatollah Khomeini in support of his theory on jurist rule were flawed. For example, he emphasized the fact that the Shi'ite traditions containing statements used by the Ayatollah Khomeini for reference were not reliable, and that the conclusions the latter had drawn in his interpretation of some of the Qur'anic verses were based on unsound reasoning (Kho'i 1998, p. 10).

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¹ "Believers! Obey God and obey the messenger and those vested with authority from among you." The *Qur'an* 4:59.

Another Grand Ayatollah, al-Hakim (1888–1972), who also was the highest *marjaʿ-i taqlīd* in *hawza* in Najaf, declared that worldly issues such as government and defense of the realm, and determining the lives of its subjects and property and so on, lay beyond jurist authority (Hakim 1992, pp. 299–300). Grand Ayatollah ʿAli al-Sistani (b. 1930), who is now the highest *marjaʿ-i taqlīd* in *hawza* in Najaf, follows the same approach as his predecessors, al-Khoʿi and al-Hakim; i.e., the quietist tradition.

In connection with the revolution in Iran in 1979, the doctrine of the rule of the jurist became the state-bearing ideology. The shortcomings of the doctrine were exposed even more after this transition. In addition to the quietist critics of the doctrine, more and more senior legal scholars who had previously supported the doctrine joined in the critique. One of the foremost defenders of the doctrine, the Grand Ayatollah Montazeri (1922–2009), turned his back on it in the mid-1980s. He was troubled by its shortcomings, and by the totalitarian elements in a theocratic form of government. He had concluded that this form of government was afflicted by the same failings as those for which the jurists had once criticized the former secular regime. Montazeri criticized totalitarian features such as the violation of human rights and the obstacles raised to thwart the progress of democratic civil society in Iran after the revolution. He criticized, for instance, the summary trials of political opponents, the mass executions of political prisoners, state intervention in the private lives of its citizens, and the curtailment of fundamental political rights and freedoms such as freedom of expression, freedom of assembly, and the right to establish political parties, trade union organizations and a free press (Fazlhashemi 2011, 242–243).

However, Montazeri’s criticism was aimed not only at injustices such as these, but just as much at the judicial grounds for the doctrine of jurist rule. One field in his line of fire concerned the status and role of the jurists during the absence of the Twelfth Shiʿite Imam. The Ayatollah Khomeini’s view was that during this period the supreme jurists were to act as the Hidden Imam’s representatives. This meant that, in their capacity as the representatives of the Hidden Imam, they should assume religious and worldly powers in anticipation of his return. Montazeri objected to this, however, by stating that no convincing and reliable evidence in Shiʿite sources could be found corroborating the giving of such status to the supreme Shiʿite jurists. A consequence of this was that jurists could not lay claim to political power by referring to religious sources. He went so far as to say that he believed jurists lacked the right to *wilāya*, worldly rule, during the Hidden Imam’s absence. This right had been conferred on the people, and it was only if and when by way of free elections they placed their confidence in the supreme jurist that he would be entitled to *wilāya*. (Montazeri 2009; 12–13)

The most important component in Montazeri's new theory was that the legitimacy of the state had been taken from the people during the absence of the Hidden Imam, al-Mahdi. It was the citizens who, by way of general and free elections, could decide which form of government they would like. He emphasized that even if the citizens chose a form of government that was not Islamic, or voted to abolish Islamic shari'a law as the basis of their country's judicial system, those in power were to respect the election results. Montazeri asserted that possession of power in all its forms had to be based on the confidence of the community (Montazeri 2008, p. 593). He went so far as to say that he believed not even the Prophet himself could have established his rule without the trust of his believers/people. The difference between the Prophet's times and the modern day was that such trust was then demonstrated in the form of a handshake, whereas today it takes the form of general and free elections (Montazeri 2008, p. 604).

The novel points of view expressed by Montazeri regarding the legitimacy of power and the role of the people created quite a sensation. He was confronted with questions as to how jurists or Muslim believers should act if a majority of the electorate were to vote for secular government, or if a majority were to state in a referendum that they did not want Islamic laws introduced in society. His answer was that neither Muslim believers in general nor jurists in particular had any obligation to introduce or implement Islamic laws that went against the wishes of the electorate. Those wishing to introduce Islamic legislation were, however, free to lobby and work towards attracting voters to their cause. It was only when they received the majority vote that they could introduce Islamic legislation. In any event, Montazeri felt that those supporting Islamic legislation were to refrain from violence or other coercive measures in putting across their case.

Conclusions

The parallel power system came after the Safavid Kings offered Shi'i legal scholars a deal that gave them access to power. The Shi'i legal scholars did their utmost to give this agreement religious justification. The agreement was viewed as a pragmatic model for cooperation between worldly rulers and the Shi'i religious representatives for nearly four centuries. In the beginning of the twentieth century the new worldly rulers broke the agreement in their endeavor to modernize Iran. It was a move that counteracted pragmatism and paved the way for revolutionary development. The developments were further complicated by the fact that the modernization program that would be implemented lacked such crucial elements of modernity as respect for human rights, democracy, and civic and political freedoms. The reaction to

secular leaders' abandonment of the agreement came four decades later, in the early 1960s. A group of Shi'i legal scholars, led by Ayatollah Khomeini, abandoned the agreement themselves, with the motivation that the Iranian kings had already violated it. A combination of lack of basic human rights and democratic political freedoms under the rule of the despotic secular regime in Iran and the revolutionary winds that blew around the world during 1960s and 1970s led to the revolution in Iran in 1979. It was not only this group of legal scholars who advocated revolution as the solution to all political, social, economic and other forms of crisis. Many left-wing groups and other political groups, who either did not believe in reforms and successive changes or had lost their hope in them, after many backlashes both in Iran and elsewhere in the Middle East and Northern Africa, now called for revolution.

General dissatisfaction with and distrust of peaceful democratic methods for fighting against the authoritarian regime in Iran made the revolution in 1979 possible. The strongest characteristic of this revolution was that many of the participants knew what they did not want, but there was no consensus on what they wanted and which political option/alternative should replace the former repressive regime. The radical revolutionary spirit was an important element for a bloody power struggle between different revolutionary groups, and one particular group that had the advantage of having a charismatic leader was best organized, and had the strongest popular support among the people won the battle.

It has now been forty years since the revolution and criticism of the prevailing political-religious doctrine is widespread. The criticisms from the perspective of legal Shi'i scholars have various motives. Some critics, particularly the quietists, focus on whether this political doctrine is compatible with Islam and Shi'i theology and jurisprudence. Other religious groups agree with this criticism, but they go further. They have been influenced by the new criteria of popular support, respect for human rights, political reforms, and democratic legitimacy. In both cases, critics seem to want avoid a new bloody revolution with unforeseeable consequences. The difference is that while the critique from one group is based on judicial arguments and legal discussions, the other groups seems to want to add other grounds for their critique and opposition. Common to both religious groups is that they have lost their hope in the idea of revolution as a holistic solution to political, social, and economic problems.

The idea of revolution as a way of bringing about rapid and total changes has lost its credibility. It is considered as being utopian rather than a constructive project. Reforms and pragmatism are once again topical alternatives, not least in the context of the development within Shi'i theological and judicial traditions and political thinking which have undergone

major changes, and has been modified, designed and influenced by social, political, and historical circumstances.

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