

Sociology of Shi'ite Islam

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Collected Essays

By

Saïd Amir Arjomand



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Introduction: Shi'ite Islam as a World Religion, Its Social Forms, Bearers and Impact on Social Action

There are many histories of Islam, but no sociological conception of Islam has yet found any compelling historicization. The most comprehensive historical sociology of Islam, Marshall Hodgson's posthumously edited and published *Venture of Islam* (1974), it is true, is guided by a Weberian conception of Islam as a world religion of salvation at the core of what Hodgson called the Islamicate civilization. Hodgson had earlier (1955) made a major contribution to the formative development of Shi'ite Islam by examining the organization of sundry offshoots of the Party of 'Ali (*shī'at 'Alī*) into the Imami sect. The edited chapter on the rise of Islam in *Venture of Islam*, however, is one of weakest, and it displays crude forms of reductionism to the caravan trade and its other non-religious circumstances. Historicizing the formation of Islam as a world religion, therefore, remains an urgent challenge, and one that is taken up in this volume with regard to its Shi'ite branch.

1

The formation of the Sunni or mainstream Islam and that of Shi'ite sects—that is, Islamic orthodoxy and heterodoxies in retrospect—cannot be separated. They are different historical reading of contested Islam that are simultaneous and interdependent. In Part 1, an attempt is made to historicize the idea of Shi'ite Islam as it was formed from the eighth to the thirteenth centuries CE/second to seventh centuries *hijri* within the Islamic body politic. In this formative period, the distinctive features of Twelver Shi'ism as a world religion of salvation as defined by Max Weber took definitive form: the doctrines of Imamate and Occultation, followed somewhat later by a theodicy of suffering missing in the world-affirming mainstream of Sunni Islam.

The theoretical framework for this sociology of Shi'ite Islam is built on a number of seminal ideas from Max Weber's sociology of religion. Its fundamental axiom is that world religions are major solutions to the problem of meaning, and thus rationalize the pattern of social action in different spheres of life in the light of a foremost transcendental goal: salvation in Christianity, divine guidance (*hudā*) in Islam, or their near-equivalents in other religions. World religions thus become systems of life regulation. (Weber 1948) I have argued the type of rationalization involved architectonic rather than formal

or instrumental. It is *value*-rationalization, conceived as a process of architectonic construction of meaning guided by the regulative judgment of consistency. (Arjomand 2004) Life regulation results from the translation of ideas as models of and for ultimate reality into a configuration of different institutions and their consonant respective ethics or recipes for social action. This process does not have a predetermined logic, but rather stems from historically contingent contested and divergent interpretations of fundamental principles. Value-rationalization as the architectonics of meaning therefore develops along different paths and is marked by diversity—a diversity that may heuristically be thought of as “orthodoxy” and “heterodoxies” (Eisenstadt 2003, 1:17–19), provided that we also consider the historically contingent interdependence between the former and the latter. Except in Chapter 1 on the development of shared messianic notions, the mutual orientation and interdependent development of Sunni Islam and the main Shi‘ite sect—the Imami, later Twelver Shi‘a—is assumed throughout Part 1 for explaining developments in the Shi‘ite variant of Islam as a world religion. In relation to changes in the social structure and the pattern of social action among the Shi‘a.

These essays also seek to develop the pluralistic aspect of Weber’s sociology that has remained largely neglected in the grand narrative of social theory. According to Weber, the social world can be analytically divided into different spheres or domains in which social action takes place, such as the religious, the political, the economic, the artistic and the like. Each sphere of social life is thus normatively autonomous (*eigengesetzlich*). Different and potentially conflicting patterns of meaning, and principles of rationality for guiding social action, can prevail in each of these domains, thus setting the direction of institutional developments and differentiated ethics within each of them. This pluralistic conception of social life implies a plurality of developmental paths in divergent and possibly opposite directions, and consequently a pluralistic conception of a civilization growing out of a world religion as consisting of normatively autonomous spheres or domains, each with its own developmental path that can interact or conflict with those in other domains.¹

Social and organizational forms of world religions of salvation vary considerably from one to another, and from one period to another within each of them. In Islam, sectarian formation is the earliest development, beginning with the first civil war just a quarter of a century after the death of the Prophet, long before the development of different strands of law and theol-

1 Half a century after Weber’s death, Pierre Bourdieu relabeled and repackaged his idea of a normatively autonomous domain/sphere of social action as “field/champs,” and sold it widely as a new product in the fad-driven market for social theory.

ogy. In sharp contrast to the Christianity-derived concept of the sect, we find the sects in Islam to be intensely political—to be ‘religio-political factions’ as Max Weber’s older contemporary, Julius Wellhausen called them. (Wellhausen 1975) The reason is that during the first quarter-century between the death of the Prophet in 632 CE and the beginning of the first civil war in 656, the only differentiated embodiment of religion was the Qur’an, whose canonical text had just been established by ‘Uthman, the third Caliph, when his murder set that civil war off. As the Qur’an was the only religious institution during the first civil war, we hear of the Qur’an-readers as a social group but not of jurists or judges. Legal or proto-legal issues indeed instigated and dominated strife throughout the first civil war—issues such as the caliphate as the succession to Muhammad, the caliph’s right to pardon lawbreakers, rebellion against the unjust ruler and the kin’s right of revenge against the wrongly killed [caliph]—but there was no consensus on what the law was and no judicial authority or framework for deciding them peacefully. (Veccia-Vaglieri 1952) Every side did appeal to the Book of God, but the differences in its interpretation could only be settled violently. Their settlement by the winners of the civil war was merely political and did not prevent future development of heterodox interpretation by those who lost but organized themselves into divers faction or groups, with the fiercely egalitarian Khawārij (seceders) at one end of the spectrum, and the legitimist party (*shī’a*) championing monarchy of the Banu Hāshim for the descendants of ‘Ali and Fātima, the Prophet’s daughter, at the other.

Islam acquired Weber’s ideal-typological features of a world religion as a system of life regulation during its first formative century. The differentiation of religion (*din* = Islam) from the world (*dunyā*) was fundamental in the Qur’an, which increasingly gives religious faith (*imān*) a specific name in its later verses: Islam (submission [to the One God]). (Smith 1978) The formation of Islam as a world religion in Arabia under Muhammad and the first four caliphs, continued with the supplementing of the Qur’an with collected sayings and deeds of the Prophet (*hadith*), and the beginning of judiciary organization under the Syria-based Umayyad Caliphate but with vigorous participation from the Iraqi garrison cities of Basra and Kufa, where non-Arab clients (*mawālī*) brought along their own apocalyptic ideas as they converted to Islam.

The nucleus of later growth of the Shi’a can be identified as the group known as the *Tawwābun* (penitents), who repented for inviting the Prophet’s grandson, Husayn, to Kufa but did not defend him against the Umayyad army who killed him in 680. (Halm 1988) By the early decades of the eighth century, sundry proto-sectarian Shi’ite groups called “extremists (*ghulāt*),” emerged as the carriers of the early Islamic apocalypticism outlined in Chapter 1. The Chapter also traces the neglected influence on early Islam of the apocalyptic beliefs

of the Qumran community among the Jews of Arabia, which constituted the primary religious reference group for Muhammad. The extremist Shi'ite sects further developed key notions of a messianic Riser (*qā'im*) and occultation (*ghayba*), which were not only absorbed into Imami Shi'ism but also generated Sunni counterparts, such as the messianic Mahdi and the belief in the second coming of Christ. The sectarian organization of the extremist Shi'ite groups along with other proponents of Hāshimite monarchy was the work of Husayn's grandson and great-grandson, Muhammad al-Bāqir (d. 733 or 719), and Ja'far al-Sādiq (d. 765) in the middle decades of the eighth century. (Hodgson 1955) Their descendants, the later Imams consolidated this sectarian organization and cohesion despite the recurrent splintering of the Shi'a after the death of each Imam over succession. Ja'far's politically ambitious son, Musā al-Kāzim (d. 799), in particular, developed the network of Ja'far al-Sādiq's due-collecting agents (singular, *wakil*) into the core administration of the Shi'a that during the long Imamate of 'Ali al-Hādi (835–868) also produced the early '*ulamā'* as bearers of the Shi'ite religion, who remarkably survived the cessation of historical Imam in the decade after his death. (Modarressi 1993)

Ja'far al-Sādiq's feat of taming extremism by sectarian discipline was achieved through his doctrine of Imamate as the continued divine guidance of mankind after Muhammad as the last Prophet through the appointment (*nasb*)² of holy Imams as the charismatic leaders of the community of true believers, which subsequently thought of itself as the saved sect (*firqa nājiyya*), and was accordingly designated as the Imāmi Shi'a. The great traditionist of Qumm, Ibn Bābuya (d. 991) thus speaks of the Imāmiyya as the Shi'a of the Prophet and compares it to the Shi'as of Noah, Abraham, Moses and Jesus. (*Kamāl*: 133, 141, 146, 160)

The century of consolidation after Ja'far, the sixth Imam, was also a century of crisis of the Imamate as analyzed in Chapter 2. Recurrent crisis was due to disagreement over succession that wrecked the sect after the death of each Imam. It was the severest after the death of the childless eleventh Imam, Hasan al-'Askari. The sect splintered, with one group accepting Hasan's brother Ja'far as the Imam, and another, maintaining that Hasan did have a son who was in hiding. Chapter 3 shows how the core organization of the eleventh Imam's agents led the latter faction and directed its survival and growth with its twelfth Imam *absconditus*. To cope with the graver of the problems faced by the Imami community, the agents produced a number of *ad hoc* decrees purporting to emanate from the Imam in hiding. To solve the problem permanently, however, they borrowed the idea of occultation (*ghayba*) from apocalyptic extremists, and harnessed it to the consolidation of their purportedly

2 Divine appointment was conveyed through the testament of the previous Imam.

delegated authority on his behalf. Occultation of the twelfth Imam, who was eventually identified as the Mahdi, was extended into perpetuity. Henceforth, the Imāmi Shi'a could alternatively be called the Twelvers.

With the rise of the rationalist movement in Imāmi Shi'ite theology first and then in its jurisprudence in the eleventh century, the primitive 'Alid legitimism of the early advocates of a Hashemite monarchy of divinity-inspired descendants of Prophet Muhammad receded into the background. The decisive development of the period was a theology of the Imamate including the Occultation of the Twelfth Imam as an expression of divine grace (*lutf*). The Shi'ite theologians, who became *de facto* accommodated into the 'Abbasid Caliphal polity, found the Occultation of the charismatic Imam politically convenience. Chapter 4 analyzes the taming of antinomian messianism by means of rational/theological proof of Occultation, which also paved the way for the development of Shi'ite law and the emergence of the jurists, as it had already occurred in the mainstream, Sunni Islam. The domestication of millennialism allowed the Imamis to catch up with the Sunni mainstream in developing rational jurisprudence and their distinctive ethico-legal corpus that included a slim but nevertheless very significant world-accommodating political ethic, justifying the cooperation of the Imami notable families with the caliphs and sultans of the eleventh and twelfth centuries. (Arjomand 1984: 58–65)

The doctrine of Occultation also severed the link between the doctrine of Imamate and legitimacy of temporal rule, enabled the Imami Shi'a to accept the common Muslim political theology of the Middle Ages, which can provocatively be called the theory of the two powers. According to this shared medieval Muslim political theology, expressed as a universal history of the prophets and the kings, prophecy and kingship were the two divinely instituted powers. Kings were divinely appointed to maintain order so that their subjects could attain salvation through the divine guidance send down by the prophets. (Arjomand 2010)

Shi'ite Islam, however, also developed a subversive theodicy of suffering which was lacking in Sunni Islam. It constructed a universal redemptive theology of martyrdom based on that of the Prophet's grandson, Imam Husayn, which began with the processions of the above-mentioned Penitents who had invited him to Kufa and betrayed him. It developed into medieval mourning rituals, and was even later (by the nineteenth century) embodied in the passion plays and processions of the first ten days of the month of Muharram. This theodicy of martyrdom based on that of the Prophet's grandson and the third holy Imam is the subject of Chapter 5. It supplied the idiom of ritualized transgression that could motivate uprising (*khuruj*) against a tyrant in Shi'ite revolutions as different and widely apart as the revolt of nomadic Turkmen to avenge Husayn under the leadership of the Safavid Esmā'il in 1501 and the

Islamic revolution of the Iranian urban masses under Khomeini's leadership in 1979.

The essays collected in Part 1 thus bring the Shi'ite world view and ethos into a unified and historicized analytical framework. In different historical contexts, the motivation to revolutionary social action under a messianic leader, creating the potential for periodic eruption of charisma in the history of Shi'ism, and the reinforcement of millennial motivation to antinomian social action by the theodicy of martyrdom, are analyzed alongside the establishment of a system of ethical life regulation on the basis of the emergence and consolidation of Shi'ite law. Chapter 4 on the transition from chiliasm to law is pivotal in this regard.

2

World religions as autonomous belief systems can be expected to impinge on the social and the political structure. World religions seeks to regulate principles of social and political organization through their ethics. They can therefore be expected of have an impact on the political and the hierocratic organization where they prevail. In other words, they influence the structure of domination in societies that practice them. Islam first and Twelver Shi'ism later rose and spread in the cradle of ancient civilizations which had well-formed structures of domination, as with the institution of imperial monarchy in the pre-Islamic Persian empire. Over centuries of struggle for the constitution of political order in the face of numerous historical contingencies, the normative principles regulating the pre-Islamic structures of domination had to be brought into a modicum of meaningful consistency with Islam as an ethical world religion in general, and with its Shi'ite branch once it became the state religion of the Safavid empire. The drive for consistency between institutionalized religious norms and principles of order in the political and other spheres of life can be considered a potential rationalizing force, activated under favorable conditions and driven by the religious elite as its cultural bearers.

Part 2 consists of chapters that examine the long-term changes in the structure of domination that resulted from the establishment of Twelver Shi'ism in Iran by the Safavids (1501–1722). This long-term change is conceived as a process of institutional rationalization of the religious and the political authority spheres and their mutual long term articulation in the development of the principles of legitimacy. Although the promotion of religious uniformity was slow and by no means complete, it nevertheless transformed Shi'ism as the official religion of the Safavid empire from a sectarian minority religion into a

national religion of the majority of population in its core country, Iran.³ This made for the transformation of the jurists as the bearers of Shi'ite Islam into a hierocratic organization, as defined by Weber (1978, 1:54–56). As shown in Chapter 6, this process required a redefinition of clerical authority as impersonal authority of office by the Shaykh 'Ali al-Karaki al-Āmili (d. 1534), thus making possible the emergence of a Shi'ite hierocracy and its eventual independence from the state when the Safavid dynasty was overthrown. In the first place, however, the institutionalization of Shi'ite hierocratic authority in Iran required the assent and authorization of the Safavid Shahs. Karaki hailed the rise of the Safavid Shah Esmā'il (1501–1524) as the dawn of a new era in Shi'ite history and, in 1504, moved from Jabal 'Āmil in Syria to Najaf in Iraq in order to take up the Shah's invitation to assist him with the spread of the Shi'ism as the official religion of his new empire. Karaki gave his daughter in marriage to an Iranian Imami scholar, traveled extensively in Iran and was quick in paying extended visits to the court of Shah Tahmāsp (1524–76), who succeeded his father at the age of ten. Tahmāsp entrusted him with the establishment of a Shi'ite religious institution in Iran, and he in turn appointed his agents to purge the Sunni religious functionaries and replace them with Imami co-religionists. Karaki showed his gratitude by exalting the advent of the Safavids as champions of Shi'ism, and reportedly even justifying the practice of prostration (*sajda*) before the Shah,⁴ and obliged his royal patron by endorsing the suppression of rival Sufi groupings, justifying popular ritual cursing of the first three caliphs by Qezelbāsh (redhead) reciters (against the predominant opinion of the Shi'ite as well as Sunni jurists), and banning story-telling in public places about popular folk heroes.

The decrees by Shah Tahmāsp (1524–1576), translated and briefly discussed in Chapter 7, show the enforcement of morals resulting from the conversion of Iran to Shi'ite Islam, and the accommodation of a nascent Shi'ite hierocracy into the authority structure of the new Safavid empire. The first is a decree appointed Shaykh 'Ali al-Karaki to the highest authority of the realm and the "Seal of the Jurists (*mujtahidin*)," and was issued shortly before the latter's death. The second, an early decree prohibiting practices forbidden by the Sacred Law,

3 Sunnism persisted on the periphery of the Safavid empire, notably the present-day Afghanistan and the Caucasus, as did Christianity. The last notable Safavid Grand Vizier, Fathollāh Khān Dāghestāni, was a Sunni Muslim, and the last Safavid governor of the Sunni region of Qandahar, a Christian and former Georgian king!

4 In the tract entitled *Risāla fi jawāz al-sujud li'l-'abd*. I have not seen the manuscript of this tract which is in private hands, but it is not clear why the editor of Karaki's essays, Muhammad al-Hassun, rejects this attribution. (Ja'fariyān, p. 319).

and the third, a later decree on the law (*qānun*) of monarchy (*saltanat*) as the supreme legitimate temporal authority. From our point of view,⁵ the decree of granting privileges to Karaki is particularly important in that it recognizes the Twelver Shi'ite *'ulamā'* (religious scholars) as a privileged legally organized group or sodality (*Rechsgenossenschaft*), to use an unfamiliar Weberian concept, and entrusts Karaki with organizing them into the official hierocracy of his realm. As shown in Chapter 6, Karaki was meanwhile legitimating Shi'ite hierocracy in his jurisprudence on the "general vicegerency (*niyāba 'amma*)" as the collective of authority of the Shi'ite jurists as the general deputies of the Hidden Imam during the Occultation.

Shah Esmā'il conquered his imperial domains with the sword of the Mahdi, while his son, Tahmāsp, was called the Mahdi's Deputy (*nā'ib*) and is stereotypically said to have prepared the advent of the latter's turn in power (*dawlat*). (Ja'farian, 1: 496–98) When establishing Twelver Shi'ism in their empire, the Safavid Shahs also (falsely) claimed descent from the seventh holy Imam, Musā al-Kāzim. This claim provided perhaps a less exalted but certainly a more stable basis for the legitimacy of their rule as the "dynasty with [divine] mandate to rule" (*khāndān-e velāyat*). The Shahs of the Qājār dynasty that came to rule Iran, after a six-decade of internecine tribal warfare in the last decades of the eighteenth century, could make no such claim. Shaykh al-Karaki had sought to enhance the authority of the Safavid state by his favorable ruling on highly controversial issues of the lawfulness of the land tax, collected by the state, and the incumbency of the congregational Friday prayer, whose leaders were appointed by the Shah. He offered no systematic justification of monarchy in Shi'ite terms. This was done with the emergence of a more consistently dual structure of authority under the early Qajars.

Chapter 8 begins with the analysis of the theoretical justification that accompanied the transition of Iran's structure of domination from Safavid "Caesaropapism" to the Qajar state-hierocracy dualism. It shows how the general medieval Muslim theory of the two powers was reinstated with specific reference to Occultation, and thus given a distinct Shi'ite inflection—that is, with the Shah retaining his temporal function of maintaining order without being ambiguously sacralized as the lieutenant of the holy Hidden Imam. The quasi-sacrality of kingship thus lapsed under the Qajar dynasty (1785–1925), as they could not sustain a credible descent from the Safavids. The Qajar Shahs were legitimized as temporal rulers, while sacredness was exclusively embodied in an independent Shi'ite hierocracy consisting of the jurists and theologians on the basis of their collective authority as "general deputies" of

5 See the essays in Part II.

the Imam during his Greater Occultation. The chapter then deals with Iran's judiciary organization in the first decades of the nineteenth century within this dualistic framework.

In the twentieth century, state-building, secularization, and modernization of Iran under the Pahlavi Shahs (1925–1979) greatly weakened the Shi'ite hierocracy but did not impair its independence from the state. What Khomeini succeeded in doing in the 1970s was to mobilize the militant elements within the beleaguered hierocracy for revolution against a monarchy that had transgressed the nineteenth-century state-hierocracy dualism and abrogated the theory of the two powers. His mass mobilization rested on a vague revolutionary ideology drawn from the theology of redemptive martyrdom, reinforced by the powerful contemporary myths of Islamic revolution and Islamic government. As shown in Chapter 9, after the seizure of state power and overthrow of monarchy, Khomeini unveiled his radically novel Shi'ite political theology that generalized hierocratic authority of the Shi'ite jurists into the mandate of a single one among them to rule on behalf of God. He did not do so, however, in an institutional vacuum but within the framework of a structure of domination modernized into a constitutional monarchy. The Constitution of 1906–7 was seriously breached by the last Pahlavi Shah, but this very breach provided ammunition for the opposition that coalesced with the Islamic revolutionaries in 1978. Khomeini had no viable option but to adopt the constitutional and legal framework of the modernized Iranian state in order to institute his program of Shi'ite theocratic government.

Khomeini thus replaced the *velāyat* of the Safavid dynasty by the *velāyat-e faqih* as the mandate of the supreme jurist to rule, and grafted it upon a constitution modelled on that of the French Fifth Republic (1958). Khomeini's clerical followers thus translated his idea into "continuous (*mostamerr*) Imamate" at his bidding, and constitutionalized it as a Shi'ite theocratic monarchy in the Islamic Republic of Iran. The Mandate of the Shi'ite Jurist (*velāyat-e faqih*) of the head of the Iranian state was thus constitutionalized in 1979 and boosted into the Absolute Mandate of the Jurist by constitutional amendments of 1989.

3

The question Hodgson famously asked in 1955, "How did the early Shi'a become sectarian?" was only partially answered by him. The full sociological answer requires an examination of what Max Weber called the social bearers or cultural carriers (*Träger*) of Shi'ite Islam as a world religion. Part 3 examines the

early *‘ulamā’* as bearers of the Shi‘ite religion in the mid-ninth century, and the changing composition, character and organization of the bearers of Shi‘ism through the ages.

In the formative period of its history—the eighth and ninth centuries, the bearers of Shi‘ite Islam were the charismatic holy Imams themselves, aided by the administrative and fiscal bureaucracy of their agents. In the tenth century and after the onset of the period of Occultation, the bureaucracy at the seat of the eleventh Imam came under control of the leading Imami families who gained prominence at the service of the ‘Abbasid caliphs in Baghdad, most notably the Nawbakhtis. The man directly in charge of the Imāmi bureaucracy was, however, the head of the representatives who maintained that there was a young twelfth Imam alive, and that he was in fact in hiding. At some point, the head of this administrative and fiscal organization was designated the emissary (*safir*) of the Hidden Imam—and centuries later, after the emergence of a clerical profession which claimed his “general vicegerency,” the four emissaries were called “special vicegerents” of the Hidden Imam. Chapter 10 is about the third and most important emissary of the Hidden Imam, and the only one for whom we have adequate historical documentation. Hosayn b. Ruh sought to organize Imāmi law in the absence of an Imam in order to decide legal issues, dealt with a serious outbreak of antinomian extremism, and aligned the Imāmi leadership with the Shi‘ite elite social dynasties serving in the administration of the ‘Abbasid caliph’s government. This is best reflected in his being known as a Nawbakhti, although he was related to that elite family only by marriage.

The Occultation of the last Imam also stimulated a trend toward collection of the traditions of the Imams, most notably by Muhammad b. Ishāq al-Kulayni (d. 941) and Ibn Bābuya (Bābawayh) al-Qummi (d. 991). This traditionalist trend was centered in Qumm, and it significantly contributed to the development of Imāmi law as both Kulayni and Ibn Bābuya topically arranged those traditions with legal implications in two compendia that later became canonical. This made possible the emergence of a new type of clerical professional. In assimilating the occultation of twelfth Imam as the Qā‘im (riser; he had not yet been fully identified with the Mahdi) to that of the ancient prophet of the Thamud, Sālih, Ibn Bābuya relates that a man of learning (*‘ālim*) told the latter: “God is more just than to leave the earth without a man of learning.” (*Kamāl*: 137) The term *‘ālim* here refers to the Imam in hiding, but the title was already been transferred to the emerging jurists. In a later passage, it is a jurist (*faqih*), who was sought after and went under cover after the second occultation of Moses. (*Kamāl*: 146) Ibn Bābuya in fact appears to be presenting the clerical role of jurists during the Occultation as a universal religious phenomenon. Thus Salmān the Persian is said to have heard the good news

of Muhammad's birth after a search by "the *ʿulamāʾ* and the jurists lasting for four hundred years," and set out for Arabia. (*Kamāl*: 161) A further comparative hint is dropped by saying that the time of Occultation is like the time before the appearance of the Prophet, when "only the rabbis (*ahbār*) and the monks (*ruhhān*) knew his news." (*Kamāl*: 200)

The emergence of a trio of Imāmi rational theologians during the Buyid domination in Baghdad, the Shaykh al-Mufid (d. 1022), Sayyid al-Murtadā (d. 1044) and the Shaykh al-Tāʾifa al-Tusi (d. 1067), further spurred the development of Shiʿite law through the adoption of the (Sunni) principles of jurisprudence, and al-Tusi contributing two more Shiʿite canonical legal compendium to those of the Qumm traditionalists. By rapidly developing rational jurisprudence, the Baghdad rationalist doctors greatly enhanced the juristic authority of the representatives of the Hidden Imam. The bearers of Shiʿite Islam henceforth became a privileged sodality or estate consisting of its jurists, who were now also called "the learned" (*ʿulamāʾ*). (Arjomand 1984: 14).

The Mongol invasion in the third decade of the thirteenth century disestablished Islam in the Persianate world, and thus greatly weakened the authority of the Sunni judges and jurists there. Although the main beneficiary of this disestablishment were the Sufi Shaykhs and dervishes, who became a new religious elite as first the urban and then the rural masses flocked to the convents of the Sufi orders, Shiʿite scholars also benefitted from the decline of Sunni orthodoxy. After the overthrow of the ʿAbbasid caliphate by Chinggis Khan's grandson, Hülegü, in 1258, the Imāmi Shiʿite leaders in the Arab Iraq drew close to Mongol rulers of Iran immediately, and their leader, the ʿAllāma al-Hilli, was able to convert Hülegü's grandson, Öljetü (r. 1304–1316), to Shiʿism in early fourteenth century. Öljetü, who had taken the Muslim name of Sultan Muhammad Khudābanda, had the Friday sermon (*khutba*) delivered and coins struck in the names of the twelve holy Imams in 1309–10/709. (Seifeddini 1978–81, 1: 234) This success, however, came with the price of creating rival bearers for the charisma of the Imams, the *sayyeds* as the putative descendants of the Prophet through the holy Imams who could lay claim to their charisma of lineage. The promotion of the *sayyeds* as a nobility with charisma of lineage as descendants of the Prophet was in analogy to the genealogical royal charisma of the descendants of Chinggis Khan. It began with the conversion to Islam of Öljetü's brother, Ghāzān Khan, in 1295, and was doubtless reinforced by his own conversion to Shiʿism. (Pfeiffer 2014) Beginning with Ghāzān Khan's extensive endowments (*awqāf*), the educational-charitable complexes as the core civic institution of Muslim societies (Arjomand 1999) came to include a House of the Sayyeds (*dār al-siyāda/sādāt*).

After the disintegration of the Il-Khanid empire in the late 1330s and under its nomadic successor states, and then under the Timurid empire to the end

of the fifteenth century, the Sayyeds figured prominently within the estate of urban notables—the social stratum of Muslim societies variously described as patricians (Bulleit 1972), *a'yān* (Hodgson 1974), and notables (Hourani 1968; Arjomand 1999). By the time of the rise of the Safavids, the Sayyeds had used their charisma of lineage as the basis for local domination and emerged as what I call the estate of clerical notables in Chapter 11.

Meanwhile the wide spread of Sufism, which had grown into a popular movement in Khorasan before the Mongol invasion, now opened it to penetration by certain Shi'ite beliefs. The highly changeable and decentralized successor Turko-Mongolian nomadic polities offered Sufi Shaykh great opportunities for oppositional mobilization of their followers, and induce some of them to draw on Shi'ite love of the holy Imams as the family of the Prophet, as well as more esoteric and cabalistic wisdom. This worldly political orientation transformed their world-rejecting outlook and gave popular Sufi movements a novel and distinctly millennial inflection. In the fifteenth century, we thus have a larger number of Sufi movements which are emphatically millennial, beginning with that of Shaykh Bedreddin who rose in Anatolia in 1416, and followed by the millennial militancy of the Horufi movement and those of Nurbakhsh and Mosha'sha' in Iran. (Arjomand 2016) The Sufi order established by Shaykh Safi al-Din Ardabili in the 14th century, renounced Sunni orthodoxy in favor of millennial Shi'ism as it spread into Anatolia in the mid-fifteenth century under his descendant, Shaykh Jonayd, paving the way for the Safavid revolution led by the latter's grandson, Esmā'il.⁶

The spread of 'Alid devotion in Sufism and popular religion notwithstanding, there were very few Shi'ite *'ulamā'* in Iran which was conquered by Shah Esmā'il to create the new Safavid empire, and he had to import them from the Arab lands, most notably the Jabal 'Amil in Syria and Hilla in Iraq. Shaykh 'Ali al-Karaki was therefore invited and at some point hailed as the Jurist (*mujtahid*) of the Age and the highest juristic authority of the realm. He and his son intermarried with and trained a generation of Iranian clerics that formed an emergent hierocracy, albeit a heterocephalous one growing by the Safavid Shahs' grace. Although the Shi'ite hierocracy grew steadily in Iran, except for a brief reversal to Sunni Islam under Shah Esmā'il II (1577–78), it was subordinate to the Safavids as the dynasty of *velāyat* (sacred mandate to rule). Chapter 11 traces the emergence of a Shi'ite hierocracy that grew vigorously and displaced the estate of clerical notables, the Sayyeds, whose charisma of lineage could not withstand the consolidated authority of the hierocratic office of the “general vicegerents” of the Hidden Imam. Nevertheless, Karaki's legitimation

6 See Chapter 14.

of hierocratic authority could not mitigate the royal, Safavid “Caesaropapism.” The last ruler of the Safavid “dynasty of *velāyat*,” Shah Sultan-Hosayn (r. 1694–1722), still proclaimed himself as the upholder of “holy law of the *shari‘at*” (*qānun-e moqaddas-e shari‘at*). (Cited in Arjomand 2008: 27) As Chapter 12 shows, it was in fact was under this last Safavid monarch that Caesaropapism found its final institutional embodiment with the establishment of the office of Mollābāshi, or Chief Mullah, for the royal chaplain.

Safavid Caesaropapism collapsed in the first quarter of the eighteenth century, and it was the dual state-hierocracy structure of post-Safavid Shi‘ite Iran that persisted into the twentieth century, assuring a prominent role for the “general vicegerents” of the Hidden Imam in Iranian politics between its two revolutions of that century. The advocates of constitutionalism in Iran at the beginning of the twentieth century were too weak to pressure the last Qajar Shahs themselves, and exploited Iran’s dual structure of authority by persuading some of the leading Shi‘ite *mujtahids* to do so through popular mobilization during the constitutional revolution of 1906. (Arjomand 1988: ch. 2) Some of the latter continued to cooperate with of the constitutional government in developing its legal framework. Chapter 13 analyzes the contribution of the constitutionalist jurists to the modernization of Iran’s judiciary organization and the codification of civil law from 1911 to the 1939, alongside the far more radical input by a new generation of Shi‘ite jurists to the constitutional reconstruction of Iran as an Islamic Republic in 1979. It contrasts the reception during the Constitutional Revolution of 1906 of modern constitutional law, and its adoption for the construction of a legal framework for a modern nation-state in Iran, with what I define as the Shi‘ite counter-constitutionalism of Khomeini and his followers. As has already been shown in Chapter 9, Imam Khomeini as the last charismatic bearer of the Shi‘ite Islam revolutionized its fourteen-centuries-old tradition by drawing on ‘Alid legitimacy in its sacralized form as the theory of the “continuous Imamate” in order to create a Shi‘ite theocratic monarchy in the Islamic Republic of Iran.

4

The world-view and ethos of Shi‘ite Islam as a world religion, by shaping the believers’ attitudes and dispositions, constitute a source of motivation to social action. In the history of Shi‘ism beyond the formative period, different component of the composite Shi‘ite tradition could come to the fore or recede into the background, making for periodic eruption of charisma into history and its subsequent routinization. These swings of the pendulum in Shi‘ism from pristine chiliasm to law, and back to antinomian revolution are presented as a

cyclical pattern distinctive of the Shi‘ite religion.⁷ Revolution and constitution, destruction and reconstruction of the political order, are the opposite movements of this recurrent cycle.

The essays in Part 4 in particular deal with such pendulum swings—shifts from routinized piety to revolutionary action to thence to constitutional reconstruction. These connect two Shi‘ite revolutions nearly five centuries apart. The first revolution, analyzed in Chapter 14, was intended to be a global Shi‘ite revolution in the beginning of the sixteenth century, probably with the Ottoman empire as its primary target, but in the end resulted in the establishment of Twelver Shi‘ism in Iran as the official religion of the new Safavid empire. By 1500, devotion to ‘Ali and his descendant had become widespread with the growth of popular Sufism, creating syncretic religious grouping which Rasul Ja‘fariyan (2001, 1: 46–47) has aptly described as Twelver Sunnism. The religious landscape of the Turko-Mongolian dominions conquered by the Safavid Shah Esmā‘il was, however, truly variegated. As Chapter 15 shows, the conversion of Iran to Shi‘ism after the Safavid revolution required a ruthless policy of elimination of rival Sufi orders, and of Sunnism of the Safavid state, which drastically reduced religious diversity in Iran.

The second Shi‘ite revolution, subject of our last four Chapters, was a revolution within a single modern nation-state, Iran, even though it aspired to export the revolution abroad in order to create a “unified and universal community of believers (*umma*).”⁸ Chapters 16 and 17 offer complementary explanation of the Islamic Revolution of 1979 in Iran. Chapter 16 analyzes the changes it brought about within the Shi‘ite tradition, showing it to be indeed a revolution in Shi‘ism, while Chapter 17 further draws on the sociology of revolution to explain it comparatively.⁹ Neither perspective leaves any doubt about the revolutionary character of the changes wrought Shi‘ism in the last quarter of the twentieth century by its last charismatic bearer, Imam Khomeini.

To repeat, the institutions of the theocratic Islamic Republic of Iran, shaped by Khomeini as its Imam and Leader did not set up a government in a vacuum. Khomeini and his revolutionary followers took over an existing state, and one which had undergone considerable modernization in the course of the twentieth century. His project of the Islamicization of the Pahlavi state and its transformation into a Shi‘ite theocracy required a drastic transformation of the Shi‘ite legal tradition as well as its political theology. From being what Max Weber called a “jurists’ law,” the Shi‘ite religious law had to be transformed into

7 See the conclusion to Chapter 4.

8 Preamble to the Constitution of the Islamic Republic of Iran, 1979.

9 For broader comparisons not necessarily involving religion, See Arjomand 1988: ch. 10.

the law of the modern state based on a written constitution. This required its extension beyond matters of ritual and ethics to cover public law. Accordingly, the typical activity of the Shi'ite jurists—"law-finding," or setting the norms for acts of worship, ritual, and transactions—had to be supplemented, if not replaced, by legislation and codification. While the Supreme Jurist (*vali-ye faqih*) could issue decree-laws which were granted legitimacy as "governmental ordinances" (*ahkām-e hokumati*), Islamic law as such could only trump legislation through the veto power of the clerical jurists of a newly established Guardian Council. The story of this complicated and paradoxical transformation is told in Chapter 18.

Just as the Shi'ite theodicy of redemptive martyrdom survived the official constitutional translation of Shi'ite political theology and remains a mine for carnivalesque subversion under the Islamic Republic of Iran (Rahimi 2014), vigorous oppositional Shi'ite political rethinking among dissident Iranian clerics did not take long to appear. Arguably the most consequential of these, as Chapter 20 suggests, was the radical modification of the Mandate of the Jurist into a purely supervisory authority by Ayatollah Montazeri, Khomeini's successor-designate until 1988, who had elaborated the very concept in the draft constitution of the 1979 Assembly of Constitutional Experts. Montazeri's criticism was developed a full-fledged critique of Khomeini's constitutionally enshrined theory of Mandate of the Jurist by one of his students, Mohsen Kadivar.

I argue, however, that the most radical epistemic break with Khomeini's theocratic theory was put forward by another dissenting cleric, Mohammad Mojtahed-Shabestari, who was closely followed by the leading lay "religious intellectual" of the Islamic Republic, 'Abdol-Karim Soroush. Mojtahed-Shabestari began a drift away from a specifically Shi'ite dissenting political theology which culminated in Soroush's advocacy of religious pluralism and Islamic democracy. This challenge to the legitimacy of the hierocratic monarchy installed by Khomeini entails secularization of Shi'ite Islam in the sense of a re-separation of religion and the state, and as such makes an eventual restatement of a modernized theory of the two powers a possibility: the maintenance of order could be transferred from kingship to democracy *pace* the Hidden Imam, and the guidance of humankind relegated to a religious pluralism that can ultimately lead to religious freedom.

Most of the major themes in the sociology of Shi'ite Islam covered in this volume were treated in *The Shadow of God and the Hidden Imam*. Although that

book was published in 1984, the work on it was completed before the Islamic revolution of 1979 in Iran. That revolution ushered in a new era in the historical development of Shi'ism.¹⁰ Shi'ite jurisprudence was transformed from a traditional jurists' law to the constitutional law of a modern nation-state, and Shi'ite hierocratic authority extended to create a modernized constitutional theocracy. Chapters 11–12 and 15 were published in the 1980s, and can be said to supplement *The Shadow of God and the Hidden Imam*, while Chapters 16–19 complement it by extending its analytical framework to cover developments in contemporary Shi'ism subsequent to its publication.

The remaining Chapters are based on my research since the 1990s. Chapters 1–4 and 10 offer an historical account of the sectarian formation of the Imami Shi'a, alongside an analytical one of the origins and development of its distinctive world-view and theology. Chapters 6 and 8 examine different aspects of the transformation of sectarian Shi'ism to the national religion of Iran from the sixteenth to the early nineteenth centuries.

Chapter 14 can be considered a reading of the establishment of the Safavid Shi'ite empire in the light of sociology of revolution, and a rereading of the rise of its founder, Shah Esmā'il, in the light of Khomeini's revolution of 1979. Chapters 5 and 9 are new and have been written for this volume. Chapter 5 provides a conceptual history of the Shi'ite theodicy of suffering. Chapter 9 was added to highlight the world-historical significance of Khomeini, the founder of the Islamic Republic of Iran, as a new, politicized and modernized type of charismatic Imam who ushered in the current phase of the development of Shi'ism.

Even though written over thirty-five years, the studies collected in this volume persistently develop a theoretical framework derived from Max Weber's sociology of world religions for the analysis of Shi'ism—from its sectarian formation in the eighth century through the establishment of the Safavid empire in the sixteenth to the Islamic revolution in Iran in the twentieth century. It therefore seems appropriate to end with their implications for a reappraisal of the century-old Weberian paradigm. Weber's ideal-types of world religions such as “this-worldly asceticism” and “inner-worldly mysticism” are too rigid and ahistorical to be of much analytical use. As we see with Shi'ite Islam, world religions offer a complex solution to the problem of meaning consisting of a number of key components whose configuration changes through history, and an ideal-typical characterization that may be applicable to one period could be inappropriate for another. Our study of Shi'ism strongly suggests a more

10 The PhD dissertation on which it is based was defended in August 1978.

internally pluralistic conception of world religions according to which they can be compared in terms of their differential impact on social action in different normatively autonomous spheres of life. The normative autonomy of each sphere means that each had its specific ethic. Weber developed the conception of the economic ethic of the world religion explicitly, but alluded to their political and other ethics in passing and unsystematically. The impact of Shi'ism on social action has been greatest in the political sphere—both through its millennial motivation of revolution and through its jurisprudence, political theology and ethic as factors making for the constitution of the structure of domination and reconstruction of the political order. Furthermore, it was in the political sphere that Islam in general and Shi'ism in particular were forced to recognize and assimilate a rich pre-existing political culture and literature in what I have called their political ethics.

From the viewpoint of historicization, these essays in fact trace the historically contingent path dependence of the development and transformation of Shi'ism on the three nuclear components of the Shi'ite belief system that were shaped in the course of its sectarian formation in the Islamic body politics and in dialog with the mainstream, Sunni Islam, and were subsequently modified by Sufism. Sufism developed as an independent movement but interacted with Shi'ism in different periods, varyingly inflecting its configuration of beliefs toward millennialism at times and inner-worldly mysticism at others. Like other Muslim sects, the various pro-'Ali groups, which were referred to as his *shī'a* (party), began as religio-political factions, and the most important of these became organized and survived as the Imami Shi'a. Its political orientation changed in different periods, first as a sect up to 1500 and then as a national, state religion of Iran. From that point on Shi'ism became the orthodoxy in Iran, separating deviant trends within in, notably Akhbari traditionalism, Babism and Bahaism, as heterodoxies. Furthermore, as sectarian Shi'ism became the national religion of Iran, some of its world-rejecting aspects were modified. It embraced the cultural world it came to dominate, and inevitably compromised with it in three major respects: it came to terms with the clerical estate of Sunni Iran, it endorsed the political ethic of Persian monarchy, and finally, it Shi'itized its law of the modern national-state. But in each period the shifting configuration of its three core components channeled the transformation of Shi'ism into distinctive developmental paths.

Last but not least, the historic formation of Shi'ite Islam and its development into a world religion involved the processes Weber labeled rationalization. The formative period in the recasting of primitive Shi'ite beliefs into a distinctive pattern of rationality was the century of Buyid domination in Iraq. Mu'tazilite rational theology of the era, in fact, had a far greater impact on Imami Shi'a

than on the Sunni mainstream, where it was defeated by the orthodox, Ash‘arite theology of divine omnipotence. What was involved was the highly specific, delicate and improbable rationalization of the irrational chiliasm of the extremist Shi‘ite sects into a theology of occultation. That theology was in truth not all that rational, but it was sufficient rationalization to contain and repress the chiliastic impulse, and to supplement the emotive theodicy of suffering by a cool and rational theodicy of law. Divine nomocracy was presented as the manifestation of Justice. In “proving” the existence of a Hidden Imam, the trio of eleventh-century rationalist Imami doctors in effect turned the Omnipotent God of the orthodoxy into the Hidden God of the Mu‘tazila, who ruled the cosmos through His Justice (*‘adl*) and Grace (*lutf*)—transcendent principles of order amenable to human reason. Shi‘ite Islam emerged from this formative process of rationalization as more composite and bimodal than the Sunni mainstream, a world religion of the mind and of the heart.

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PART 1

*Formation of Shi'ite Islam as a World Religion of
Salvation: Imamate, Occultation and Theodicy*



Origins and Development of Apocalypticism and Messianism in Early Islam: 610–750 CE

The terms apocalypticism and Messianism should be defined briefly. Apocalypticism, or the apocalyptic world-view, denotes the imminent expectation of the total transformation of the world. Messianism can be defined as the expectation of the appearance of a divine savior. The terms used for the Messianic figure are the little known *qā'im* and the better known *mahdi*. Millennialism does not appear in this essay. In the literal sense of the expectation of a radical break with the present at the end of a thousand-year age, it cannot be found in early Islam. In the looser sense of the calculation of the time of the end and related numerological speculations, it does appear but after the period under consideration.

1

In the preface to *Ancient Judaism*, Max Weber¹ gave the following as the foremost reason for the world-historical significance of its subject:

For the Jew the religious promise was the very opposite [of that of Hinduism]. The social order of the world was conceived to have been turned into the opposite of that promised for the future, but in the future it was to be over-turned so that Jewry would be once again dominant . . . The whole attitude toward life of ancient Jewry was determined by this conception of a future God-guided political and social revolution.

Yet there is no word on the emergence of the apocalypticism in the Hellenistic era in the admittedly incomplete manuscript Weber left behind. Peter Berger² considers the Christian theodicy of the crucifixion of the Son of God as the cause of other-worldly transposition of this revolution. He further states with some justice that, after the collapse of the Christian theodicy of suffering, the

¹ Weber, M. (1952): *Ancient Judaism*, H. H. Gerth & D. Martindale, trs., New York: The Free Press, p. 4.

² Berger, P. (1969): *The Sacred Canopy*, New York: Anchor Books, p. 79.

deeply rooted messianic vision of Ancient Judaism ushered in the era of modern revolution.

What Weber had in mind doubtless included Isaiah's vision of the redemption and restoration of Israel. That vision of restoration, however, lacked the apocalyptic dimension as we have defined it in that it did *not* amount to a new creation. The more radically transcendent promised order appears later in the form of the apocalyptic idea of the total transformation of the world. To be more precise, the prototype of the "conception of a future God-guided political and social revolution" is the apocalyptic vision of the fall of the last empire and the coming of God's as it developed in the Hellenistic era and was recorded at the time of the Maccabean revolt in the mid-second century BCE.

The apocalyptic perspective in ancient Judaism is itself not the product of any ancient revolution. More specifically, the apocalypticism of the *Book of Daniel* and the contemporary pseudepigrapha cannot be said to have been caused by any short-term political crisis and/or breakdown in the authority structure, such as the one that demonstrably precipitated the Maccabean revolt.³ It is now generally agreed that the earliest apocalyptic texts, especially early parts of the *Book of Enoch*, predate the mid-second-century BCE Maccabean revolt considerably.⁴ At least some of the Zoroastrian apocalyptic ideas are older still. Let me mention the cosmological notion of the glorious renewal of the world (*frašo-kereti*) at the end of time, the view of world history as the succession in world domination of the four empires in the *Bahman Yašt*, and the millennial division of time into twelve periods of a thousand years, each under the domination of an astral divinity of sign of the Zodiac. These Persian notions spread widely in the Hellenistic era and gave rise to a particular oracular form of resistance to Hellenistic domination that was absorbed into intertestamental apocalypticism.⁵

The Maccabean revolt was the decisive historical matrix for the birth of the apocalyptic view of politics and of political Messianism, which were, interestingly, developed by the losing partners in the revolutionary coalition, the Essenes, who withdrew as "the exiles of the desert" to the Qumran

3 Bickerman, E. (1979): *The God of the Maccabees. Studies on the Meaning and Origin of the Maccabean revolt*, H. R. Moehring, tr., Leiden: E.J. Brill.

4 The discovery of its Aramaic version among the Dead Sea Scrolls, in particular, has been important for underlining the priority of the cosmic apocalypses over the historical and political ones; see: Garcia Martinez, F. (1992): *Qumran and Apocalyptic Studies in the Aramaic Texts from Qumran*, Leiden: E.J. Brill, p. 71.

5 Boyce, M. & Grenet, F. (1991): *A History of Zoroastrianism*, vol. 3, Leiden: E.J. Brill, pp. 393–96.

settlement near the Dead Sea.⁶ The Qumran settlement was destroyed by the Roman army of Vespasian some two centuries later, but the Messianism the sect had sustained in institutionalized form survived it, and was passed on to Christianity, Rabbinical Judaism and Islam. The broader apocalyptic vision was carried by other sectarian groups, notably the Enochic circles and the Christians. Many apocalyptic notions spread and coalesced with Messianism while undergoing extensions and elaborations. The eschatological prophet, for example, reappears in the apocalyptic reconstruction of Elijah as the returning prophet of the end of time.⁷ The apocalyptic perspective of the Book of Daniel, which included the idea of the successive world domination of the four empires and the fall of the last empire, was especially privileged as the Maccabean winners of the revolutionary power struggle had appropriated it and assured its inclusion in the Old Testament canon. Apocalyptic worldview and political Messianism thus became an autonomous cultural form available for adaptation by future generations of millenarians and revolutionaries in the late antiquities.

In short, the apocalyptic world-view was historically prior to and presumed by political Messianism. Once the apocalyptic perspective is culturally available, one would certainly expect it to be drawn upon by revolutionaries; and that was certainly done by various coalition partners in the Maccabean revolt. This resort to the apocalyptic in revolutionary situations, however, is *not* inevitable. The apocalyptic world-view is compatible with revolutionary as well as quietistic political attitudes, with militancy as well as pacifism. Political Messianism, on the other hand, motivates militant activism.

The apocalyptic view of politics is particularly appropriate for the moment of revolutionary liminality, and can supply a powerful stimulus to what has been called “absolute politics,” when no boundaries are set to the political will and every aspect of the social order is seen as transformable by political action.⁸ The apocalyptic vision is a powerful means for transcendentalizing the normative order. Order is no longer identified with cosmos and nomos but requires a radical break with both; it therefore radically transcends the existing reality which is destined for cataclysmic destruction. By holding up the vision

6 Arjomand, *Revolution in World History*, The University of Chicago Press (*forthcoming*), ch. 7.

7 It was a very inconvenient idea from the Maccabean point of view, and was at best uneasily accommodated in the Essene thought; see: Collins, J. J. (1994): “Teacher and Messiah? The One who will Teach Righteousness at the End of Days,” in Ulrich and VanderKam, eds., *The Community and the Renewed Covenant*; Id. (1995): *The Scepter and the Star. The Messiahs of the Dead Sea Scrolls and Other Ancient Literature*, New York: Doubleday, pp. 116–23.

8 Pizzorno, A. (1994): *Le Radici della Politica Assoluta e altri Saggi*, Milan: Feltrinelli.

of the complete social and political transformation at an imminent point in history, political Messianism generates powerful motivation to absolute political action aiming the destruction and reconstruction of political order. Only political Messianism, established as a legitimate cultural form, can be regarded as the indispensable prerequisite for what Weber called the “conception of a future God-guided political and social revolution”.

2

The rise of Muḥammad in Arabia, whatever else it may have been, was a revolution by any reasonable definition of the term. It was sustained by a strong apocalyptic vision, and it claimed to be the realization of Messianism. Millennialism, however, was not present at its birth; the closest parallel we find to it in early Islam is the apocalyptic notion of the centennium.

The influence of the *Book on Daniel* on the origins of Islam has generally been overlooked. This may be due to the surprising fact that the Koran does not mention Daniel. Nevertheless, the Koran itself supplies unmistakable evidence of the influence of the *Book of Daniel*. The reference to Abraham as the friend of God (Dan 3:35) is carried over to the Koran (4:124). Gabriel and Michael, the two archangels, who are introduced to the Hebrew Bible in the Book of Daniel, are both mentioned in the Koran.⁹ In fact, Gabriel's role in hierophany and audition (Dan 10:4–11.1) becomes central in Islam, and the Islamic tradition sees Gabriel not only as the angel of revelation but also as Muhammad's frequent counselor.¹⁰ Last but not least, the Danielic notion of setting the seal on prophecy (Dan 9:24), as we shall see, crucially influenced Muhammad's idea of final prophecy.

It is interesting to note that the legend of Daniel is traceable¹¹ to ‘Abd Allāh b. Salām (d. 663), the learned rabbi who accepted Muḥammad as the prophet of the end of time, the gentile “brother of Moses”.¹² The earliest historical ref-

9 Michael is mentioned once (Q. 2:92). Gabriel is explicitly named only three times (Q. 2:91–92, 66:4), but there are also several references to the [holy/trustworthy] spirit (*rūḥ al-amin*) who brings down God's messages.

10 Pedersen, J. (1965): “Djabrā’īl,” *The Encyclopaedia of Islam*, new edition, vol. 2, Leiden: E.J. Brill, p. 363.

11 Grotzfeld, S. (1969): “Daniyal in der arabischen Legende”, in W. Fischer, ed., *Festgabe für Hans Wehr*, Wiesbaden, p. 84.

12 Ibn Ishāq (1955): *The Life of Muḥammad*. A translation of Ibn Ishāq's *Sīrat Rasūl Allāh*, A. Guillaume ed. & tr., Oxford: Oxford University Press, p. 240.

erence to Daniel occurs in the account of the conquest of Susa (Šūš) in 638, six years after Muḥammad's death. After entering Susa in a suitably apocalyptic fashion to be described presently, the conquering Muslims were then shown the remains of Daniel and found a seal/signet ring depicting a man between two lions. The seal was first taken but was returned to the body by 'Umar's order. The commander of the Muslim forces "had the body wrapped in shrouds and the Muslims buried it."¹³ According to a more interesting tradition, upon the conquest of Šuštar (Tustar), where the presumed tomb of Daniel is located, the Muslims found a book in the treasury of the Persian commander, Hormuzān, above the head of a corpse identified as Daniel.

They carried the book to 'Umar who was the first Arab to read it and sent it to Ka'b who copied it in Arabic. In it was what will occur of civil disorders (*fitan*).¹⁴

With the civil wars of 656–661, 683–92 and 744–50, the term *fitan* (plural of "fitnah") was soon to become synonymous with *malāḥīm*—apocalyptic woes and tribulations on which a book is attributed to Daniel. These civil wars (*fitan*) of classical Islam are the easily recognizable context of a large number of apocalyptic traditions which usually take the form of "ex eventu prophecies". Furthermore, the Muslim-Byzantine wars constituted the generative historical matrix of a considerable number of apocalyptic traditions on the tribulations of the end of time.¹⁵ As the events of these wars underwent apocalyptic transformation and elaboration, however, the term *fitna* itself acquired the sense of pre-messianic tribulation and was included among the signs of the Hour. I suspect this tradition anachronistically renders *malāḥīm* as *fitan*. If so, its referent might be the apocalyptic battles of the Kings of the South and the North, and especially the battles of the end of time against earthly kings in which archangels Gabriel and Michael lead the army of angels against earthly kings (Dan 10:13–12:1). In any case, the use of the term *malāḥīm* for the woes and tribulations of the end of time is striking. Its derivation from the Hebrew cognate, מִלְחָמָה *milḥāmāh* (war) clearly points to the influence of the apocalyptic War Rules in the Dead Sea Scrolls and the thus to the bearers of the Qumran

13 al-Ṭabarī, Muḥammad b. Ġarīr (1897–1901): *Ta'riḥ al-Rusul wa l-Mulūk*, M. J. de Goeje et al, eds., Leiden: Brill, 1:2567; English translation, *The History of al-Ṭabarī*, Albany: State University of New York Press, 38 vols., 1985–1998; 13: 147.

14 Nu'aym b. Ḥammād al-Marwazī, n.d.[1991]: *Kitāb al-Fitan*, S. Zakkār, ed., Mecca, pp. 18–19.

15 Bashear, S. (1991): "Apocalyptic and Other Materials on Early Muslim-Byzantine Wars: A Review of Arabic Sources," *Journal of the Royal Asiatic Society*, Series 3, 1.2.

apocalyptic tradition who also carried the Danielic one.¹⁶ Muslims later came to think Daniel's book also contained the eternal wisdom the father of mankind, Adam, had hidden in the Treasure-Cave mentioned in the Syriac texts soon to be translated into Arabic.¹⁷

The influence of the Book of Daniel is especially marked in the idea of Muḥammad as the Seal of the Prophets. There can be little doubt that the notion of Seal (*ḥatam*) is apocalyptic. The Hebrew cognate מִתְּחַת *ḥotām* is the messianic signet-ring of Haggai 2:23, where Yahwe declares to Zerubbabel:

I shall take you . . . and make you like a signet-ring; for I have chosen you.

The apocalyptic connotation of the term is made explicit, and is, furthermore, applied to prophecy by Daniel who speaks of the time for setting the seal on prophecy (Dan. 9:24) and is told by Gabriel to “keep the book sealed until the end of time.” (Dan. 12:1) The basic tenet of primitive Islam, according to Casanova¹⁸ was that

the time announced by Daniel and Jesus had come. Muḥammad was the last prophet chosen by God to preside, at the end of time, . . . over the universal resurrection and Last Judgement.

His argument for equating the expression “Seal of the Prophets” (*ḥatam al-nabiyyīn*) with “the prophet/messenger of the end of time” (*nabī/rasūl āḥir al-zamān*) is persuasive.¹⁹ According to one well-known tradition, used by Rāzī in his commentary on Q. 33:40, the finality of Muḥammad's prophecy itself is apocalyptic:

I am Muḥammad, and I am Aḥmad and I am the resurrector (*ḥāšīr*)—the people are resurrected upon my steps—and I am the final one—there is no prophet after me.²⁰

16 Rabin, Ch. (1957): Qumran Studies, Oxford University Press, pp. 118–19; Rabin also points out that the loan word *harḡ*, which occurs as a stage of the apocalyptic *malḥama*, is evidently the Hebrew *hārāg* (slaughter).

17 Al-Birūnī, Abū Rayḥān (1879): The Chronology of Ancient Nations, C. E. Sachau, tr. & ed., London, p. 300.

18 Casanova, P. (1911): Mohammed et la fin du monde, Paris, p. 8.

19 Ibid., p. 18, pp. 207–13, p. 228.

20 Al-Mas'ūdī, 'Alī b. al-Ḥusayn (1970): Murūḡ al-Dahab, Ch. Pellat, ed., Beirut, 3: 7; al-Rāzī, Abū l-Futuḥ (1977–78/1398): Tafsīr, 'Abd al-Gaffār, ed., 13 vols., Tehran, 9: 162;

Even more decisive is the epithet “Prophet/Messenger of the *malḥama*” attested for Muḥammad in several early traditions.²¹

Muḥammad, the prophet of the end of time, did begin the conquest of Arabia as “the Messenger of the *malḥama*”: his apocalyptic battle was no other than the battle of Badr in 624, when God sent down three thousand angels to fight alongside his army (Q. 3: 123–25). The Muslim tradition follows Daniel in having Gabriel and Michael each lead a thousand angelic to the right and the left of Muḥammad (and archangel Isrāfil is added at the head of another thousand to reach the number given in the Qurʾān),²² and considers the battle of Badr as “the day of redemption/deliverance (*furqān*)” mentioned in Q. 8:41 as a parallel to Ex. 14:13.²³

The Book of Daniel was influential in the Judaeo-Christian apocalyptic lore, as well as the Gnostic-Mandaeen literature.²⁴ Danielic apocalyptic notions were most probably introduced in Arabia by the anti-Rabbinic Jewish, Jewish Christian and Jewish Manichaeen sects.²⁵ These sectarian groups have been identified as the bearers of the Qumran apocalyptic tradition.²⁶ This identification has recently been reinforced through the connection established between the Zadokite (Sadducee) leadership and legal rite of the Qumran community and the Sadducee designation and legal rite of the medieval Karaites.²⁷ Through the Karaite connection, the anti-Rabbinic Jews of the Yemen, who “have the knowledge” and accepted Muḥammad as the expected gentile prophet,²⁸ saying “the promise of our Lord is indeed fulfilled” (Q. 17:108), can

Wensinck, A. J. (1992 [1943]): *Concordance et Indices de la Tradition Musulmane*, 2nd ed., 8 vols., Leiden, 1: 470.

- 21 Casanova, op.cit., pp. 49–53; Ibn Saʿd, Muḥammad (1904-): *Kitāb al-tabaqāt al-kabīr*, E. Sachau, et al., eds., Leiden, 1: 65; Wensinck op. cit. 6: 107.
- 22 Al-Wāqidī, Muḥammad b. ʿUmar (1966): *Kitāb al-Maḡāzī*, J. Marsden Jones, ed., London, 1: 72–78; Ibn Saʿd, op. cit. 3: 9.
- 23 Wagtendonk, K. (1969): “Muḥammad and the Qurʾān. Criteria for Muḥammad’s Prophecy”, in: *Liber Amicorum. Studies in Honor of Professor Dr. C. J. Bleeker*, Leiden, pp. 261–62.
- 24 Widengren, G. (1950): *The Ascension of the Apostle and the Heavenly Book*, Uppsala: Uppsala Universitets Årsskrift, pp. 59–61.
- 25 Gil, M. (1992): “The Creed of Abu ʿAmir”, *Israel Oriental Studies* 12, pp. 9–47; Gil identified the *ḥanif* community of Arab monotheists as Jewish Manichaeans.
- 26 Rabin op. cit., pp. 114, pp. 126–29; Golb, N. (1961): “Qumran Covenanters and Later Jewish Sects”, *Journal of Religion*, p. 41.
- 27 Erder, Y. (1990): “The Origins of the Name Idrīs in the Qurʾān: a Study of the Influence of Qumran Literature on Early Islam”, *Journal of Near Eastern Studies*, 49.4.
- 28 Q. 7:156 mentions “the gentile prophet whom you find written in the Torah”.

now be confirmed as the heirs to the Essene apocalyptic tradition. According to the biography of the Prophet, his confirmation as the gentile prophet (*al-nabī al-ummī*) by the Judaizing cousin of his wife was critical in boosting his resolve at the outset of his mission.²⁹ The learned Kaʿb al-Aḥbār (d. 654), to whom the vast majority of the early Muslim apocalyptic traditions are traced, belonged to one such anti-Rabbinic Jewish group in the Yemen whose priests bore the title of *ḥabr* (Hebrew: *ḥābēr* – friend).³⁰

3

A rare apocalyptic figure named in the Koran is Idrīs. He is mentioned twice among the prophets (Q. 19:56, 21:85),³¹ and is an apocalyptic figure:

(*wa-dkur fī l-kitābi ʾidrīsa*) ʾinnahū kāna ṣiddīqan nabīyya. wa-rafaʿnāhu makānan ʿaliyyan—He was a true man (*siddīq*), a Prophet; we raised him to a high place. (Q. 19:56–57)

Idrīs is commonly identification in Sunni tradition with Enoch. He is, however, more likely a composite figure that combines Enoch, via Manichaeism, with the Zadokite Dereš ha-Torah (Interpreter of the Law) of the Essenes. The latter connection is strongly suggested by the “Zadokite” epithet, *siddīq*, and by the Semitic root *drs/š common to Idrīs and Dereš.

Ezra is mentioned once in the Qurʾān in the diminutive form of *ʿUzayr*. By the time of the Fourth Ezra and in the subsequent literature, Ezra the scribe had become Ezra the prophet.³² Ezra was identified with Enoch and appears as the key figure in the mystical speculations of the Jewish communities of Arabia.³³ At the beginning of Ezra IV, which circulated not only in Syriac but also in Arabic, Ezra is clearly presented as a Second Moses;³⁴ and it is as the messianic “prophet like Moses” that he enters into Islam. The assertion in the

29 Ibn Ishāq, op. cit.; Rabin, op. cit., pp. 122–23.

30 Kaʿb is referred to as Kaʿb the *ḥabr* in one atypical tradition (Ṭabarī, *Taʾrīḥ*, 1: 62), and a precious early poem refers to him as “Kaʿb the brother/fellow (aḥ) of the aḥbār (plural of *ḥabr*)”. (Masʿūdī, op. cit., 3:277).

31 In both instances, however, he is mentioned after Ishmael.

32 Stone, M. E. (1982): “The Metamorphosis of Ezra: Jewish Apocalypse and Medieval Vision”, *Journal of Theological Studies*, n.s., 33.1., p. 2.

33 Newby, G. D. (1988): *A History of the Jews of Arabia*, Columbia, pp. 60–61.

34 4 Ezra 14:1–6; Knibb, M. A. (1982): “Apocalyptic and Wisdom in 4 Ezra”, *Journal for the Study of Judaism*, 13.1–2, p. 62.

Qurʾān (9:30) that “the Jews say ‘Uzayr is the son of God as the Christians say the Messiah is the son of God” should be understood in this light. (Rāzī, 9: 178) According to Ibn Hazm,³⁵ the Jews referred to in this Verse were the Sadducees of the Yemen who, as we have seen, were the bearers of the Essene apocalyptic tradition. Furthermore, the unnamed person, whom God caused to die on the outskirts of the ruined city but brought back to life a hundred years later to witness the resurrection of his donkey (Q. 2: 261), was commonly identified as Ezra,³⁶ even though Jeremiah was sometimes preferred as the ruined city was taken to mean Jerusalem.³⁷ This verse, as we shall see, formed the basis for the apocalyptic conception of the centennium in early Islam.

The tradition that secrets had been written in a book and kept secret also begins with 4 Ezra.³⁸ In the later Judaeo-Christian lore, Ezra appears as the revealer of magico-astrological secrets.³⁹ Muslim tradition combined this with the legend of the book thrown to the sea by Daniel.⁴⁰

Messianism entered Islam also through Christianity. The Paraclete is referred to in the Verse 61:6 of the Koran, where Jesus son of Mary presents himself to the children of Israel as the messenger of God who confirms the Torah and is the

bearer of good tidings of a messenger who shall come after me and whose name shall be Aḥmad (*ismuhu aḥmadu*).

W. Montgomery Watt⁴¹ has argued persuasively for an adjectival reading of the term *aḥmad*. Given one possible meaning of the term as “greater in praising,” the Koranic statement is a reasonable paraphrase of the promise of the coming of the Paraclete in Jn 16:13–14:

when the Spirit of truth comes... he will not be speaking of his own accord but will only say what he has been told; and he will reveal to you the things to come. He will glorify me...

35 Kitāb al-Fiṣal fi l-milal wa l-aḥwāʾ wa l-niḥal, 1:99, cited in Erder, op. cit., p. 349.

36 Lazarus-Yafeh, H. (1992): Intertwined Worlds. Medieval Islam and Bible Criticism, Princeton, pp. 56–58.

37 Ṭabarī, op. cit. 1: 666; English tr., 4: 62.

38 Knibb, op. cit., p. 65.

39 Stone, op. cit., p. 16.

40 Ṭabarī, op. cit., 1: 2566–67; English tr., 13: 147.

41 Watt, W. Montgomery (1953): “His Name is Aḥmad”, Muslim World, 43, pp. 110–17.

Quite apart for the identity of the terms for “praising” and “glorifying” the Lord, this passage is substantively important because it corresponds exactly to the Qur’ānic concept of the revelation as the unaltered recitation, by the Prophet, of the divine words brought down by Gabriel⁴² who is indeed the [holy/trustworthy] Spirit (*rūḥ*).⁴³ The Qur’ān (Recitation) is the latest revealed portion of the heavenly book, the Preserved Tablet (*lawḥ mahfūz*) (Q. 85:22). The influence of the Gospel of John may have been reinforced through Manichaeism.⁴⁴ Indeed, Bīrūnī’s statement is a striking presentation of the great Babylonian prophet, Mānī (d. 277) as the forerunner of Muḥammad:

In his gospel . . . he says that he is the Paraclete announced by the Messiah, and that he is the seal of the prophets (i.e. the last of them).⁴⁵ (Bīrūnī, 190)

The Qur’ān also adopted the apocalyptic belief in the second coming of Christ. Jesus “is the sign of the Hour” (Q. 43:61). The Prophet’s companion, ‘Abd Allāh b. ‘Abbās, associates the coming down of Jesus with the apocalyptic Smoke amidst which he herds people into the place of resurrection.⁴⁶ Jesus will return to Jerusalem, and kill the Antichrist. This assures Jerusalem a central place in the topography of the Islamic apocalyptic tradition. The Sea of Tiberias, on whose shores Jesus had revealed himself to the disciples after crucifixion (Jn. 21), also figures in the Islamic apocalyptic topography. In one interesting set of traditions, Gog and Magog first appear there and drink its water dry.⁴⁷

There can be no doubt that Muḥammad himself set out to contain Messianic expectations *pari passu* his political success in the unification of Arabia. The very term *Seal of the Prophets* occurs in a mundane, indeed defensive context.

42 Q. 75:16–19; TZ, 4: 648–49; Gätje, H. (1996): *The Qur’ān and Its Exegesis*, A. T. Welch, tr., Oxford: Oneworld, p. 48.

43 Q. 5:110[109], 16:102[104], 26:193.

44 Widengren, op. cit., pp. 58–62.

45 The Muslim tradition came to consider Aḥmad a variant of Muḥammad and another name for the Prophet (TZ, 4: 513; Gätje, 1996, pp. 69–70), and identified him with the Paraclete. (‘Alī [Ibn Rabbān] Ṭabarī, *The Book of Religion and Empire*, tr. & ed., A. Mingana, Manchester University Press, 1922, pp. 140–41). Aḥmad and other variants of Muḥammad were also identified with the Immanuel promised by Isaiah and the prophet whose coming was foretold by a host of other Prophets. The idea of the Paraclete is thus de-apocalypticized and historicized to celebrate triumphal Islam as “realized messianism.” (Ibn Rabbān, pp. 95–138; H. Lazarus-Yafeh, *Intertwined Worlds. Medieval Islam and Bible Criticism*, Princeton University Press, 1992, ch. 4.

46 Rāzī, 10: 115.

47 Nu‘aym b. Ḥammād, op. cit., pp. 356–60.

The final de-apocalypticization of political Messianism and its historicization into triumphal “realized Messianism” is documented in the remarkably coherent Victory Chapter of the Qur’ān that celebrates the final conquest of Mecca in 630. The angelic army of the apocalyptic first battle of Badr is transformed into the divine succor in the form of Shechina which descends upon the warriors of faith whose heart God knows. (46:19; 26). Those who obey God and his Messenger will enter “the garden underneath which rivers flow” (46:17). Whereas Jesus, as we have seen, had been the “bearer of the good tiding” of the coming of the Paraclete/Aḥmad, Muḥammad is “but the witness, the bearer of the good tiding (mubaššir) and the warner.” (46:8)

Muḥammad’s closure of the apocalyptic perspective and containment of messianic expectation was inconclusive, however. With the Messiah being identified with the historic Jesus and Islam’s self-image as “realized Messianism”, there remained a void for a distinctively Islamic savior figure at the end of time. Within half a century of Muḥammad’s death, the position was filled by the figures of the Qā’im and the Mahdī. (Although the savior figure of the Islamic political Messianism was variously conceived as the Qā’im and/or the Mahdī, as the latter term is more general and better known, I will refer to it as Mahdism.) Later commentators accordingly modified the picture of the Second Coming to accommodate the celebration of Islam. After slaying the Antichrist (dağğāl), Jesus kills the swine and breaks the crosses, destroys churches and synagogues, but confirms the Muslim prayer leader and prays behind him.⁴⁸ The Muslim prayer leader of the end of time is generally identified as the Mahdī.⁴⁹ Incidentally, the name of the Muslim Antichrist figure, Dağğāl, is a loan word from the Syriac *daggāl*’ (liar). The prototype of Dağğāl,⁵⁰ who is now the Antichrist and Anti-Mahdī in one, is most probably the Essene “man of lies” who was the opponent of the Zadokite “Teacher of Righteousness.”⁵¹ This significant detail points to the commingling of Christian and Essene influences on pristine Islamic apocalypticism.

48 Baiḍāwī, translated in Gätje, op. cit., p. 129.

49 Nu’aym b. Ḥammād, op. cit., p. 352; To suggest that most Jews and the Christians would find the final call of the Mahdī irresistible, one tradition predicts that he will recover the ark of covenant from Sea of Tiberias. (Fitān, 223).

50 For its historical prototype, see Arjomand S.A. (1998): “Islamic Apocalypticism in the Classical Period,” in B. McGinn, ed., *The Encyclopedia of Apocalypticism*, New York: Continuum, vol. 2.1998: p. 248.

51 Moreh ha-šedeq; Rabin (op. cit., 1957: p. 120) goes so far as to suggest a passive reading of the first term as mureh to establish it as the prototype of the mahdī (rightly-guided).

The Second Civil War (680–692) marked the true birth of the messianic figure of the Mahdī. The term *mahdī*, meaning the “rightly-guided one,” was first used in a messianic sense during the rebellion of Muḥtār in Kufa in 683 on behalf of a son of ‘Ali, Muḥammad b. al-Ḥanafīyya. Its novel messianic connotation probably came from two distinct groups of his supporters who became known as the Kaysāniyya: southern Arabian tribes, and Persian clients (*mawālī*) who were new converts to Islam.⁵²

Despite the failure of Muḥtār’s rebellion, the Kaysāniyya affirmed that they

hoped for a revolution (*dawla*) that would culminate in the Resurrection before the Hour.⁵³

When Muḥammad b. al-Ḥanafīyya died in the year 700, the Kaysāniyya maintained that he was in concealment or occultation (*ḡayba*) in the Raḍwā mountains and would return as the Mahdī and the Qā’im. The Kaysānī poet, Kuṭayyar (d. 723), hailed him as “He is the Mahdī Ka’b, the brother/ fellow of the Aḥbār had told us about,” and affirmed that “he is in vanished in the Raḍwā, not to be seen for a while, and with him is honey and water.”⁵⁴

When Muḥammad b. al-Ḥanafīyya’s son, Abū Hāšim, who had succeeded him, died childless in 717–18, some of his followers maintained that he was, like his father, the Mahdī and was alive in concealment in the Raḍwā mountains. The Kaysāniyya also spread the idea of *raġ’a*, return of the dead, especially the Imams, with the help of such Qur’ānic precedents as the resuscitation of the Companions of the Cave and the owner of the ass, be he Jeremiah or Ezra. Furthermore, it is very probably in connection with the expectation of the return of this Mahdī from occultation that the term *al-qā’im* (the Standing One, the Riser) became a major ingredient of the Shi’ite apocalyptic tradition. The Syriac *qā’im* is an apocalyptic term, and was used to translate the Greek *ó*

52 The dispersal in the desert in 683 of an army sent by the Umayyad Caliph Yazīd against the anti-Caliph ‘Abdallāh b. al-Zubayr upon hearing the news of the Caliph’s death generated what may be the first *ex eventu* prophecy about an unnamed restorer of faith who was later taken to be the Mahdī. Two notable historical features of the event—the pledge of allegiance by the people of Mecca between the Rukn and the Maqām, and the swallowing up (*ḥasf*) of an army in the desert [between Mecca and Medina]—were absorbed into the apocalyptic literature. See W. Madelung, “‘Abd Allāh b. al-Zubayr and the Mahdī,” *Journal of Near Eastern Studies*, 40.4 (1981).

53 Cited Arjomand, S. A. (1996): “Crisis of the Imamate and the Institution of Occultation in Twelver Shi’ism: a Sociohistorical Perspective,” *International Journal of Middle East Studies*, 28.4; p. 492.

54 Mas’ūdi, 3: 277.

ἑστώς (the Standing One).⁵⁵ A valuable Syriac text, which predates Islam and is suggestive of the influence of Kaysānī Persian clients on the development of the notion, foretell that the Dağğāl will beguile the Magi by telling them that Pashutan, one of the Zoroastrian immortals, has awakened from his sleep, “and he is the Standing One (*qā'im*) before the Hurmizd, your God, who has appeared on earth.”⁵⁶

In any event, the notion of occultation soon acquired chiliastic connotations through its association with the manifestation or parousia (*Zuhūr*), of the apocalyptic *Qā'im*.

Early Shi'ite traditions represent the *Qā'im* as the expected redresser of the cause of God (al-*Qā'im bi amr Allāh*) and the riser by the sword (al-*Qā'im bi l-sayf*),⁵⁷ wearing the armor of the Prophet and wielding his sword, the *Dū l-fiqār*.⁵⁸ This picture can be supplemented by the early Imami Shi'ite traditions which present the *Qā'im* as the redresser of the house of Muḥammad (*Qā'im āl Muḥammad*)⁵⁹ modeled clearly on the Messiah as the restorer of the house of David.⁶⁰ He is at the same time the Lord of the Sword (*ṣāhib al-sayf*)⁶¹ and the avenger of the wrong done to the House of Muḥammad by the usurpers of their rights: “The weapon [of the Prophet] with us is like the ark with the children of Israel.”⁶² The *Qā'im* will establish the empire of truth (*dawlat al-ḥaqq*).⁶³

The Mahdi traditions generated to counter Shi'ite extremism (*ḡuluww*), were gradually absorbed into Shi'ism, and the Shi'ite apocalyptic restorer was called ‘the rightly-guided *Qā'im* (*al-qā'im al-mahdi*).

The messianic idea of the Mahdī spread widely beyond the Kaysāniyya and other extremist Shi'ite groups, and as it became dissociated from its historical archetype, Muḥammad b. al-Ḥanafīyya. Other groups projected the image of the Prophet unto him. An enormously influential tradition attributed to

55 Widengren, op. cit., pp. 44–49.

56 Bidez, J. & Cumont, F. (1938): *Les Mages hellénisés*, Paris, 2 vols., 2: 115; the significance of the term *qā'im* is lost in the French translation on the following page.)

57 Ğa'far b. Maṣṣūr al-Yaman, (1952): *Kitāb al-Kašf*, R. Strothmann, ed., London, pp. 62, 72, 87–89; also al-Maḡlisī, Muḥammad Bāqir: *Bihār al-Anwār*, Beirut, 51: 50.

58 Ğa'far b. Maṣṣūr al-Yaman, p. 34.

59 Al-Maḡlisī, 51: 53–54.

60 Al-Şaffār al-Qummī, Muḥammad b. al-Ḥasan (1983–4/1404): *Baṣā'ir al-Daraḡāt*, Qumm, p. 259.

61 Al-Şaffār, p. 151.

62 Several variants, al-Şaffār, pp. 176–189.

63 Al-Maḡlisī, 51: 62–63.

‘Abd Allāh b. Mas‘ūd has Muḥammad foretell the coming of a Mahdī coined in his own image:

His name will be my name, and his father’s name my father’s name.⁶⁴

Furthermore, widely spread traditions assert that the number of the Mahdī’s companions in battle is exactly the same (usually put at three hundred and thirteen) as those of Muḥammad in the apocalyptic battle of Badr.⁶⁵ One Sunni tradition goes even further and affirms that “on his shoulder is the mark of the Prophet”,⁶⁶ while some Shi‘ite traditions have Gabriel to the right of the Mahdī on the battlefield and Michael to his left.⁶⁷

4

Although derived from the root, *h-d-y*, which appears many times and in a variety of forms in the Qur’ān, the actual term *mahdī*, meaning “the rightly-guided one,” does not occur in the Qur’ān. Most probably, it entered Islam as an apocalyptic term from the southern Arabian tribes who settled in Syria under Mu‘āwiya (governor during the caliphate of ‘Uṭmān b. ‘Affān, r. 644–56). They expected “the Mahdi who will lead the rising people of the Yemen back to their country” (Marwazi, p. 244) in order to restore the glory of their lost Himyarite kingdom. It was believed that he would eventually conquer Constantinople. This Mahdi would be followed by the “Qaḥṭāni” (also called the “Yamāni”), who would lead the Yemenite tribes in fierce warfare against the Qorayš, destroying the latter.⁶⁸ The Qaḥṭāni is said to be the brother of the Mahdī in some traditions, while other traditions separate him from a second Mahdi who would be the conqueror of Constantinople.⁶⁹

64 Nu‘aym b. Ḥammād, op. cit., p. 227.

65 Ibid., p. 213; al-Maḡlisī, 51: 44, 55, 58).

66 Nu‘aym b. Ḥammād, op. cit., p. 226.

67 Al-Maḡlisī, 52: 311; it should be pointed out that political apocalypticism did have its opponents. The pious 19 opposition to the revolutionary Mahdism of the followers of Muḥammad b. al-Ḥanafīyya found a resource in the belief in the Second Coming of Jesus. A tradition attributed to Ḥasan al-Baṣrī, who was a leading figure in this opposition, categorically states: “There will be no Mahdī other than Jesus son of Maryam.” (Madelung, “Mahdi” EI, 5: 1234) This tradition has survived the avalanche of later traditions that affirm the return of both Jesus and the Mahdī.

68 Nu‘aym b. Ḥammād, op. cit., pp. 236–39, 242, 246.

69 Ibid., pp. 243–45, 247, 249.

It should be noted that the apocalyptic politics of the Second Civil War prompted its pious opponents to promote an anti-apocalyptic conception of the Mahdi. The most important proponent of the anti-apocalyptic idea of the Mahdi was ‘Abd-Allāh, son of the famous disciple Zubayr, who declared himself caliph in Mecca. The dispersal in the desert in 683 of an army sent by the Umayyad caliph Yazid (r. 680–83) against the anti-caliph ‘Abd-Allāh b. al-Zubayr, upon hearing the news of Yazid’s death, generated what may be the first *ex eventu* prophecy about an unnamed restorer of faith who was later taken to be the Mahdi. Two notable historical features of the event—the pledge of allegiance by the people of Mecca between the Rokn Yamāni and the Maqām Ibrāhīm, and the swallowing up (*kaṣf*) of an army in the desert (between Mecca and Medina)—were absorbed into the apocalyptic literature as parts of the image of the Mahdi.⁷⁰ Musā (son of the disciple Ṭalḥa), too, was proposed by his circle as the Mahdi after he fled from Kufa during Muḳtār’s rebellion to Basra.⁷¹ Two generations later, the Umayyad ‘Umar II b. ‘Abd-al-‘Aziz (r. 717–20) was said to be the Mahdi. In a conversation between him and ‘Abd-Allāh b. ‘Umar, even Muḥammad b. al-Ḥanafīya himself is made to say that any man who is with integrity (*ṣāleḥan*) can be called “the rightly-guided one.” Furthermore, the pious opposition to the revolutionary Mahdism of the followers of Muḥammad b. al-Ḥanafīya found a resource in the belief in the Second Coming of Jesus. A tradition attributed to Ḥasan al-Baṣrī (d. 728), who was a leading figure in this opposition, categorically states: “There will be no Mahdi other than Jesus son of Maryam.”⁷² This tradition has survived the avalanche of later traditions that affirm the return of both Jesus and the Mahdi. The appropriation of the notion of Mahdi in a non-apocalyptic form by Sunni Islam was largely the result of this pious opposition to the Shi‘ite notion of the Qā‘im, which remained emphatically apocalyptic.

5

The apocalyptic world-view and political Messianism were by no means confined to Shi‘ite extremists and in fact played a major role in the social revolution of Islam, the revolution on behalf of the Banu Hāshim that became known as the Abbasid revolution (744–763), a revolution whose intense apocalyptic character of remains largely unrecognized.

70 Madelung (1981).

71 Ibn Sa‘d, *op. cit.*, 4: 120–21.

72 Nu‘aym b. Ḥammād, *op. cit.*, pp. 229–31.

The year 125 (743–4) was before long seen as the year of the fitna and of the malāḥim: “Woe to the Arab after the year 125.”⁷³ Nor are the traditions that tell of the turn in power of the House of ‘Abbās⁷⁴ (in substance anachronistic. According to the apocalyptic traditions, the Khurasanian partisans of the Abbasid revolution, who fought under the messianic black banner, “have long hair, villages [and not tribes] are their genealogy, and their names are their patronymic titles (*kunya*).”⁷⁵ And they spoke Persian, some rare traditions: “Their slogan is ‘bokosh, bokosh!’” (Kill, kill!)⁷⁶ Their leader, Abū Muslim, “a man from the *mawālī* who rises in Marw”⁷⁷ is the subject of several pejorative traditions:

Scoundrel son of scoundrel (*laka’ b. laka’*) will conquer the world. “The Hour will not rise until scoundrel son of scoundrel is the happiest of the people.”⁷⁸

These traditions place Khurasan firmly and conspicuously in the Islamic apocalyptic topography.⁷⁹

The twelve kings of the fifth vision of Ezra (4 Ezra 12:14), a remarkable text in political apocalypticism as the sequel to Daniel’s vision of the fall of empires, was the likely source of inspiration for the particular tradition on the apocalyptic war (*malḥama*) against the twelve kings, the least of whom is the king of Rome,⁸⁰ and more generally, for the expectation that the Umayyad ruler after Yazīd III would be the last. This expectation finds expression in a large number of traditions concerning “the Twelve Caliphs from the Quraysh”, which were evidently first circulated by those who hoped there would be no more caliphs from the Quraysh. This political oracle in due course became an autonomous cultural form. It served as a source of speculation for many groups, and helped the Imami Shi’ites fix the number of their Imams at twelve.⁸¹

By the time of the Abbasid revolution in the year 750, Mahdism was already a known phenomenon. Traditions that show the Abbasid leaders assumed the

73 Ibid., pp. 418–19.

74 E.g. *ibid.*, p. 116.

75 Ibid., p. 118.

76 Ibid., pp. 118–19.

77 Ibid., p. 420.

78 Ibid., pp. 115–16.

79 Ibid., pp. 188–193.

80 Ibid., p. 293, also: p. 279.

81 Ibn Bābūya al-Qummī (1975/1395): *Kamāl al-dīn wa tamām al-ni’ma fi itbāt al-ḡayba wa kašf al-ḥayra*, ‘Abdal’azīz Ḡaffārī, ed., Tehran, pp. 272–74, pp. 338–39.

messianic titles of *Saffāh*, *Manṣūr* and *Mahdī* abound,⁸² and are supported by both literary and epigraphic evidence of the assumption of the title of the Mahdī by the first Abbasid caliph, Abū'l-'Abbās.⁸³ There is also evidence that he claimed to be the Qā'im, even though this evidence has been generally overlooked.⁸⁴ 'Abd Allāh b. 'Alī, the winner of the decisive battle of Zab and the destroyer of Marwān II and the Umayyads, was the original bearer of the title al-Saffāh⁸⁵ which was later anachronistically assumed to be the regnal title of the first Abbasid caliph.

To conclude, the rise of Islam and the Abbasid revolution were, to use Max Weber's terms, instances of "God-guided political and social revolution." Their origins, however, cannot be explained by the elements of ancient Judaism examined by Weber. Rather, they rest on two layers of presuppositions not known to or analyzed by him. The first layer is the apocalyptic world view, which derives from the oldest Enochic and Zoroastrian ideas, the second is the Messianism of the Qumran sect, overlappingly transmitted through Christianity.

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82 Nu'aym b. Ḥammād, op. cit., pp. 52, 66–67, 97, 247, 424.

83 Al-Dūrī, 'Abd al-'Azīz (1981): "al-Fikra al-mahdiyya bayn al-da'wa al-'abbāsiyya wa l-'aṣr al-'abbāsi al-awwal", in: Wadād al-Qāḍī, ed., *Studia Islamica and Arabica: Festschrift for Iḥsān 'Abbās*, Beirut, p. 136.

84 Al-Dūrī, p. 128; see also: al-Iṣṭahṛī, op. cit., p. 77 n.e; Persian tr., p. 79); the medieval Persian translation of the manuscript quoted in that footnote is now published. (See: al-Iṣṭahṛī, Ibrāhīm b. Muḥammad al-Farsī (1989/1368): *Masālik al-Mamālik*, I. Afšār, ed. Tehran, p. 79.

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The Crisis of the Imamate and the Institution of Occultation in Twelver Shi'ism*

The formative period of Imami Shi'ism from the mid-8th century to the mid-10th century remains obscure in many respects. This study is an attempt to organize the historical information about the period around a central problematic: the twin crisis of the nature of the Imamate and the succession to this office. The crisis of the Imamate and the efforts to resolve it serve as a focal point for constructing a conceptually coherent overview of these two formative centuries from a sociohistorical perspective. This perspective requires that the endeavors to create a stable system of authority in Imami Shi'ism be considered in the context of the social change and politics of the early 'Abbasid era: 'Alid-'Abbasid relations, massive conversion of the population of Iran to Islam, and the dialogue and competition between Shi'ism and other contemporary religious and intellectual trends and movements. Our approach suggests a new periodization of the early history of Imami Shi'ism.

1 Authority and Organization in the Imami Sect during the Period of Revolutionary Chiasm: 744–418

The impressive feat of unifying sundry pro-'Alid groups into the Imami sect by the fifth and sixth imams, Muhammad al-Baqir (d. 733) and Ja'far al-Sadiq (d. 765), was premised on keeping aloof from political activism. It is remarkable that Ja'far al-Sadiq avoided involvement in politics during the revolutionary era that began with the murder of Walid II in April 744. In that year, the Hashemite dignitaries met at the Abwa' near Mecca to elect a leader, and the Talibid 'Abd Allah ibn Mu'awiya inaugurated the Hashemite revolution on

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behalf of “the one agreed-upon (*al-Riḍā*) from the house of Muhammad.”¹ Ja‘far was the one dissident at the Hashemite meeting who refused to recognize his young cousin, Muhammad ibn ‘Abd Allah ibn al-Hasan, as the Mahdi of the House of the Prophet. Another Hashemite present at the meeting, the ‘Abbasid Ibrahim ibn Muhammad, was leading his father’s clandestine movement in Khurasan. Ibrahim’s son Muhammad studied with Ja‘far al-Sadiq and reported traditions from him.² According to several traditions, Ja‘far was invited by the Kufan revolutionary leader Abu Salama, presumably upon the death of the ‘Abbasid Ibrahim al-Imam, to assume the leadership of the revolutionary movement, but he refused to get involved.³

Once the ‘Abbasids emerged as the victors in the Hashemite revolution, Ja‘far showed no signs of opposition to the new regime and visited the second ‘Abbasid caliph, Abu Ja‘far ‘Abd Allah ibn Muhammad al-Mansur (754–45) in Iraq. Mansur, a seasoned revolutionary who is reported to have been among the participants in the Abwa’ meeting and who had served ‘Abd Allah ibn Mu‘awiya, was ruthless in his violent treatment of the ‘Alids in general. Yet his relations with Ja‘far al-Sadiq were good. He solicited Ja‘far’s legal advice and reportedly restored the tomb of ‘Ali in Najaf at his request.⁴ Furthermore, Mansur retained some of Ja‘far’s important followers in his service, thus creating a permanent niche for an Imami office-holding aristocracy within the ‘Abbasid state.

The origin of these families of Imami officials can be traced to the ‘Alid-‘Abbasid revolutionary coalition against the Umayyads. Yaqtin ibn Musa (d. 801), a Persian client of the Banu Asad, was a revolutionary with a remarkable ability to change sides. He must have preferred a Talibid “Rida from the House” over an ‘Abbasid one when operating underground in Kufa under Marwan II, and was close to Abu Salama. Yet he was called *yak dīn* by Abu

1 H. Halm, *Die Schia* (Darmstadt, 1988), 27–70; P. Crone, “On the Meaning of the ‘Abbasid Call to *al-Riḍā*,” in *The Islamic World. Essays in Honor of Bernard Lewis*, ed. C. E. Bosworth, C. Issawi, R. Savory, and A. L. Udovitch (Princeton, N.J.: Darwin Press, 1989).

2 The correspondence between Ibrahim and Ja‘far al-Sadiq was still extant in the eleventh century (Aḥmad ibn ‘Alī al-Najāshī, *Rijāl al-Najāshī* [Qumm, 1986–87], 355–56).

3 S. Husain M. Jafri, *Origins and Development of Shī‘a Islam* (London and New York: Longman, 1979), 273.

4 Muḥammad ibn ‘Umar al-Kashshī, *Rijāl*, abridged by Muḥammad ibn al-Ḥasan al-Ṭūsī as *Ikhtiyār Ma‘rifat al-Rijāl*, ed. H. Muṣṭafavī, (Mashhad, 1970), 245; Muḥammad ibn Muḥammad ibn al-Nu‘mān, al-Shaykh al-Mufid, *al-Irshād* (Qumm: Baṣīratī, n.d.), 12–23, English trans. I. K. A. Howard, *Kitāb al-Irshād. The Book of Guidance* (London: The Muhammadi Trust, 1981), 6; Ibn Shahrāshūb, *Manāqib Āl-i Abī-Tālib* (Najaf, 1956), 3:378–89, 389. For an overview, see Halm, *Die Schia*, 34–45.

Muslim;⁵ changed sides again, becoming a close aide of Mansur during the power struggle at the beginning of his caliphate; and remained eminent under the Caliph al-Mahdi. Yaqtin's son 'Ali also rose to prominence in the service of the Caliph al-Mahdi. The Yaqtin family were at the same time Imamis and followers of Ja'far al-Sadiq. 'Ali ibn Yaqtin (d. 798) served the 'Abbasid regime with the blessing of the seventh imam, Musa al-Kazim, and when he died, the crown prince, Muhammad al-Amin, led the funeral prayer.⁶ Muhammad ibn Isma'il ibn Bazi', whose entire family were clients of the Caliph al-Mansur, similarly served as a high functionary of the 'Abbasid state with the blessing of the eighth imam, 'Ali ibn Musa.⁷ The last prominent Imami family that should be mentioned is the Banu Nawbakht. The Nawbakhtis were an aristocratic Persian family who served as the court astrologers and had descended from Mansur's Zoroastrian astrologer Nawbakht, who had converted to Islam in old age at the caliph's hand and had become his client.⁸

In the last years of his life, Ja'far al-Sadiq dissociated himself from the uprising of the Hasanid Mahdi, Muhammad ibn 'Abd Allah, which had attracted

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- 5 Muḥammad ibn Jarīr al-Ṭabarī, *Ta'rikh*, 3:103; English trans., *The History of al-Ṭabarī*, vol. 28: *Abbasid Authority Affirmed*, trans. J. D. McAuliffe (Albany: State University of New York Press, 1995), 24. See also the references cited in McAuliffe's note (23, n. 117), especially *Akhhbār al-Dawlah* (231), and Najāshī, *Rijāl*, 273. *Yaqtīn* (meaning pumpkin) must be an Arabization of Abu Muslim's appellation, *yak dīn* ([man of] one religion), designed to attest the sincerity and pure monotheism of a new convert.
- 6 W. Madelung, "A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for Government (*mas'ala fī'l-'amal ma'āl- ṣultān*)," *Bulletin of the School of Oriental and African Studies* 43, 1 (1980): 18.
- 7 The seventh imam praised 'Ali ibn Yaqtin for being among God's friends placed with oppressors "in order to protect His friends through them" (*Kashshī*, *Rijāl*, 433). The eighth imam similarly considered Muhammad ibn Isma'il ibn Bazi' among those placed at the gates of the oppressors "in order to protect His friends through them; through them God promotes the affairs of the Muslims, and with them is the refuge of the believers from harm" (*Najāshī*, *Rijāl*, 331).
- 8 The first member of the family to convert may have been his son, whose string of unpronounceable patrilineal Persian names made the caliph smile and call him Abu Sahl (father of the easy) ('A. Iqbāl, *Khāndān-e Nawbakhtī* [Tehran, 1932], 11). The fact that Abu Sahl's son, Fadl, personally reports his difference of opinion with other astrologers concerning the ominousness of the hour of the designation of 'Ali al-Rida in the Imami collections suggests that the family soon became Imamis, even if they did not have that affiliation from the beginning (*ibid.*, 20; Muḥammad ibn 'Ali ibn Bābūya, *Uyūn akhhbār al-riḍā*, 2 vols., ed. M. M. al-Kharsānī [Najaf, 1970], 2:145–57).

many of his followers.⁹ According to Abu'l-Faraj al-Isfahani, these followers included his two sons, 'Abd Allah and Musa.¹⁰ Ja'far even named the Caliph al-Mansur an executor of his will.¹¹ By dint of his personal and familial charisma and scholarly authority, Ja'far al-Sadiq thus managed to hold together his followers as a disciplined religious sect in revolutionary times. Nevertheless, the hierarchical and administrative organization of the Imami sect remained rudimentary. Furthermore, chiliastic belief began to make inroads into Imami Shi'ism immediately after his death.

The idea of occultation (*ghayba*) had its origin in the chiliastic Kaysaniyya sect, whose members had considered 'Ali's son Muhammad ibn al-Hanafiyya the Mahdi,¹² and "hoped for a revolution (*dawla*) that would culminate in the Resurrection before the Hour."¹³ When Muhammad ibn al-Hanafiyya died in the year 700, the Kaysaniyya maintained that he was in concealment or occultation in the Radwa mountains and would return as the Mahdi and the Qa'im. When Muhammad's son Abu Hashim in turn died childless in 717–78, some of the Kaysaniyya maintained that he was the Mahdi and was alive in concealment in the Radwa mountains. The idea of occultation was among the cluster of Kaysani beliefs, which included *raj'a* (return of the dead) and *badā'* (God's change of mind), that entered Imami Shi'ism.¹⁴

One of the important channels for the transmission of this belief into Imami Shi'ism was the forceful poetry of the Kaysani al-Sayyid al-Himyari (d. after 787), who was also deeply attached to Ja'far al-Sadiq and became his follower.¹⁵

9 Ḥasan ibn Mūsā al-Nawbakhtī, *Kitāb Firaq al-Shī'a*, ed. H. Ritter, (Istanbul, 1931), 53–34; Sa'd ibn 'Abd Allah al-Ash'arī al-Qummī, *Kitāb al-Maqālāt wa'l-Firaq*, ed. M. J. Mashkūr, (Tehran, 1963), 76. The branch of Muhammad al-Baqir's Shi'i who are said to have accepted the Hasanid Muhammad ibn 'Abd Allah as Qa'im and Mahdi evidently did so long after the fifth imam's death.

10 Abū'l-Faraj al-Isfahānī, *Maqātil al-Ṭālibīyyin*, ed. A. Ṣaqr (Cairo, 1949), 277–78.

11 Abū Ja'far Muḥammad ibn al-Ḥasan al-Ṭūsī, *Kitāb al-ghayba*, ed. Āghā Buzurg al-Tihirānī, (Najaf, 1965), 119, 255.

12 W. al-Qādī, *al-Kaysāniyya fī'l-ta'rikh wāl-Adab* (Beirut, 1974), 195–56; Halm, *Die Schia*, 24–46.

13 J. van Ess, "Das *Kitāb al-Irjā'* des Ḥasan b. Muḥammad b. al-Ḥanafiyya," *Arabica* 21 (1974): 24.

14 *Encyclopedia of Islam*, 2nd ed. (Leiden, 1978), 836–68, s.v. "Kaysaniyya" (W. Madelung).

15 The Sayyid can be taken as representative of the group of Kaysanis won over to Imami Shi'ism by the fifth and sixth imams. The existence of such a group can be inferred from the conciliatory tone of the early Imami traditions concerning Muhammad ibn al-Hanafiyya which allege that he accepted the imamate of his nephew (the fourth imam) before dying ('Ali ibn Bābūya, *al-Imāma wa'l-taḥsira min al-hayra*, ed. M. R. al-Husyanī

In the following verses, quoted in the Imami sources as a statement of their creed,¹⁶ the Sayyid testifies:

That the one in authority (*walī al-amr*) and the Qa'im . . .
 For him [is decreed] an occultation (*ghayba*); inevitably will he vanish
 And may God bless him who enacts the occultation
 He will pause a while, then manifest his cause
 And fill all the East and West with justice.¹⁷

Here the notion of occultation can be seen to have acquired chiliastic connotations through its association with the manifestation, or *parousia* (*zuhūr*), of the apocalyptic Qa'im, a term rich in surplus of meaning as the riser by the sword (*al-qā'im bi'l-sayf*), and as the redresser of truth (*al-qā'im bi'l-ḥaqq*) and of the (rights of) the House of Muhammad (*qā'im āl Muḥammad*).

As Hodgson correctly emphasized, the reorganization of the early Shi'is, including some of the Kaysani sympathizers and other extremist groups, and their organization into a sect by Ja'far al-Sadiq went hand in hand with a firm rejection of chiliasm and armed rebellion. Like his father, Muhammad al-Baqir, Ja'far denied that he was the Qa'im and emphasized that the latter's rising was not imminent.¹⁸ However, Hodgson's suggestion that the religious disciplining of chiliastic extremism by Ja'far al-Sadiq remained definite is misleading. Immediately after his death, a group of Ja'far al-Sadiq's followers known as the Nawusiyya reverted to chiliasm, denying his death and asserting that he would reappear as the Lord of the Sword (*ṣāhib al-sayf*), the Qa'im, and the Mahdi. They claimed that he had told them: "If you see my head rolling toward you from the mountain, do not believe it for I am your lord."¹⁹

Chiliasm was intense and widespread during the 'Abbasid revolution. For the 'Alids, it culminated in the rebellion of the Hasanid Muhammad ibn 'Abd Allah, al-Nafs al-Zakiyya (the Pure Soul), as the Qa'im and Mahdi of the House

[Beirut, 1987], 193–35). In one tradition, the fifth imam denies Muhammad's imamate but confirms that he had been the Mahdi (ibid., 193).

16 Mufid, *Irshād*, 284; English trans., 430.

17 Ibid., 284. The version I have translated varies slightly from the one given in the printed *Kamāl* but is identical to the version found in some of its manuscripts (Ibn Bābūya, Muḥammad ibn 'Alī, al-Ṣadūq, *Kamāl al-dīn wa tamām al-ni'ma fī ithbāt al-ghayba wa kashf al-ḥayra*, ed. A. A. Ghaffārī [Tehran, 1970], 35, n. 6–6).

18 M. G. S. Hodgson, "How Did the Early Shi'a Become Sectarian?" *Journal of the American Oriental Society* 75 (1955): 12.

19 Nawbakhtī, *Firaq*, 57; Ash'arī al-Qummī, *Maqālāt*, 79–80. Their leader was a Basran, named after the village he was born in as Nāwus or Ibn Nāwus (ibid., 212–13).

of Muhammad in Arabia. This rebellion was followed by that of his brother Ibrahim, who assumed the title of Hadi and rose in Iraq. These uprisings were supported by many Zaydis. Although Ja'far al-Sadiq dissociated himself from that long-delayed uprising, he does not seem to have been able to prevent his sons from joining. Musa ibn Ja'far, as was pointed out, is reported as having been among the participants in the uprising of al-Nafs al-Zakiyya. He in fact learned to harness its persistent chiliasm more subtly to longer-term designs of his own.

Ja'far al-Sadiq's older son, 'Abd Allah, was widely accepted as his successor but died only seventy days after his father.²⁰ The majority of his followers then accepted 'Abd Allah's brother, Musa, who was subsequently counted as the seventh imam. Albeit clandestinely, Imam Musa al-Kazim (d. 799) competed in political activism with Zaydis alongside whom he had fought in 762, and followed the example of his Hasanid cousin in claiming to be the apocalyptic Qa'im.²¹ At the same time, he firmly consolidated the rudimentary organization of the Imami sect by appointing agents (*wukalā'*) to supervise the Shi'is in their districts. Through these agents, he regularized the collection of donations to the imam, which were sent to his treasury in Medina, at least until his imprisonment.²²

After the Zaydi rebellions of Musa's other Hasanid cousins in Fakhkh (786), the Maghrib (789), and Daylam (792), Harun al-Rashid imprisoned Musa in 793. He was released and then imprisoned for a second time. Musa al-Kazim's two periods of imprisonment gave rise to the idea, circulated by his followers, that the Qa'im would have two occultations, a short one followed by a longer one extending to his rising.²³ The easiest explanation for this is Musa's

20 Nawbakhtī, *Firaq*, 65–57; Ash'arī al-Qummī, *Maqālāt*, 87–79. Isma'il, the son Ja'far had designated as his successor, had predeceased him.

21 When Musa's death was announced, one group among his followers could not decide whether he was dead or alive because of "the many traditions proving that he was the Qa'im, the Mahdi" (Nawbakhtī, *Firaq*, 69; Ash'arī al-Qummī, *Maqālāt*, 91). For instance, a tradition in which Musa affirms that he is the Qa'im (*al-qā'im bi'l-ḥaqq*) is doctored by adding the phrase "but the Qa'im who cleanses the earth from God's enemies and fills it with justice . . . is the fifth of my descendants for whom there is a long occultation" (Ibn Bābūya, *Kamāl*, 391). See also 'Alī ibn Bābūya, *Imāma*, 147.

22 H. Modarressi, *Crisis and Consolidation in the Formative Period of Shi'ite Islam* (Princeton: Darwin Press, 1993), 10–04.

23 Ibid., 87; Mufīd, *Irshād*, 303, English trans., 456. According to a *qā'im* tradition attributed to the fifth imam by the Wāqifiyya in connection with Musa al-Kazim, "For the lord of this cause (*ṣāhib ḥādḥāl-amr*) are four precedents: a precedent (*sunna*) from Moses and a precedent from Joseph, a precedent from Jesus and a precedent from Muhammad. From

messianic claim to being the Qa'im. The same claim can account for the widespread denial of his death in 799, and for the immediate apocalyptic expectation of Musa's appearance and uprising.²⁴ Some of those who maintained he had not died in prison modified the tradition that had been circulated by the Nawusiyya into a testimony of Ja'far al-Sadiq on behalf of his son Musa:

He is the (divinely-)guided redresser (*al-qā'im al-mahdī*); if [you see] his head rolling toward you from the mountain, do not believe it, for he is your lord (*ṣāhib*), the Qa'im.²⁵

After Musa's death, many of his followers considered him alive and in occultation as the Qa'im and Mahdi. They also maintained that the imamate had thus ceased with him. This movement became known as the Waqifiyya (cessationists) and was far more significant for the direct transmission of chiliastic ideas to Imami Shi'ism than the Kaysaniyya. Books on the occultation (singular, *Kitāb al-ghayba*) by the Waqifites were especially important for introducing many apocalyptic traditions about the return of the Qa'im-Mahdi, as the leading figures in the movement later rejoined the Imami fold under the eighth imam.²⁶

The hierarchical administration created by Musa al-Kazim survived him, however. At first, most of his followers took the Waqifite position and thought there would be no imam after him. Some of the agents took advantage of the

Moses that he is afraid and watchful, *from Joseph the prison*, from Jesus that it was said he was dead and he did not die, and from Muhammad the sword" (Alī ibn Bābūya, *Imāma*, 234–45; Ibn Bābūya, *Kamāl*, 152–23, emphasis added). A later variant attributes the saying to the sixth imam, changes the traditions of Joseph and Jesus, and substitutes the *qā'im* for the lord of the cause (Ibn Bābūya, *Kamāl*, 28; Chapter 4 below, n. 31 for English trans.

24 To forestall this, the caliph had in vain had the dead body of Musa al-Kazim identified and inspected by the judges, the Hashemites, and the army chiefs of the capital (Aḥmad ibn Wāḍiḥ al-Ya'qūbī, *Ta'rikh [Historiae]*, 2 vols., ed. M. Th. Houtsma [Leiden, 1883], 2:499). Some fifty to seventy men from his Shi'a were reported to have been among those who inspected his corpse (Ibn Bābūya, *Kamāl*, 38–89). Abū'l-Faraj al-Iṣfahānī (*Maqātil*, 504–4) reports that the body was even put on public display on a bridge in Baghdad. Nevertheless, some extremists among the Waqifiyya, who claimed divinity for Musa, continued to believe that he was the Qa'im. One Muhammad ibn Bashir even claimed access to the divine Qa'im, and reportedly offered followers views of a finely dressed man (or statue) who impersonated Musa (Ash'arī al-Qummī, *Maqālāt*, 62–23; Kashshī, *Rijāl*, 477–71).

25 Nawbakhtī, *Firaq*, 68; Ash'arī al-Qummī, *Maqālāt*, 89–90.

26 Halm, *Die Schia*, 38–89.

widespread denial of his death to appropriate funds they had collected during his imprisonment.²⁷ According to one report, however, fifty days after Musa's death, two of his brothers and two other witnesses testified before the Qadi that Musa had named his son 'Ali as his legatee and successor. More importantly, 'Ali ibn Yaqtin attested to 'Ali's designation by the deceased Imam.²⁸ 'Ali ibn Musa appears gradually to have gained control of the hierarchy of agents,²⁹ and many of the Waqifiyya changed their position and rejoined his Imamiyya. Serious doubts concerning his Imamate, however, are reported, as he remained childless into his late forties.³⁰

The civil wars that followed the collapse of Harun al-Rashid's division of the empire between his two sons include the last 'Alid rebellions, in which many Imamis participated alongside the Zaydis. These rebellions were triggered in the summer of 814, less than a year after the killing of al-Amin, by Hasan al-Harsh, a condottiere formerly in command of the east bank in Baghdad at the head of sundry discharged soldiers and tribesmen. Hasan al-Harsh revived the formula of the clandestine Hashemite revolutionary coalition against the Umayyads by appealing to "the one agreed-upon (*al-Riḍā*) from the House of Muhammad." In January of 815, the same call to the Rida by another discharged condottiere, Abu'l-Saraya set off the great rebellion under the nominal leadership of the Hasanid Muhammad ibn Ibrahim, known as Ibn Tabataba.³¹ The nominal supreme leadership soon passed to another Hasanid, Muhammad ibn Muhammad, upon the expiration of Ibn Tabataba. Two of Musa al-Kazim's sons occupied key positions in the revolutionary leadership during Abu'l-Saraya's revolt. Zayd ibn Musa was nicknamed "Zayd of the Fire" (*zayd al-nār*) because he burned alive the 'Abbasid partisans in Basra and set their houses ablaze. He escaped after the suppression of Abu'l-Saraya and rose in rebellion in Basra in his own right the following year.³² His brother Ibrahim ibn Musa took possession of the Yemen for the 'Alid rebellion.³³ The Hijaz joined the rebellion at the

27 Modarressi, *Crisis*, 62; among cited references, see esp. Kashshī, *Rijāl*, 405, 467, and Najāshī, *Rijāl*, 300.

28 Ibn Bābūya, *Uyūn*, 1:17–78.

29 Kashshī, *Rijāl*, 465–57, 498–89, 506–6.

30 *Ibid.*, 464, 553.

31 Al-Ṭabarī, *Ta'rikh*, 3:976; English trans., *The History of al-Ṭabarī*, vol. 32: *The Reunification of the 'Abbasid Caliphate*, trans. C. E. Bosworth (Albany: State University of New York Press, 1987), 9, 12; Iṣfahānī, *Maqātil*, 523; F. Gabrieli, *Al-Ma'mun e gli 'Alidi* (Leipzig, 1929), 5, 15–56.

32 Al-Ṭabarī, *Ta'rikh*, 3:986, 999; English trans., 32:26–67, 44.

33 *Ibid.*, 3:987–78; English trans., 32:28–80; H. Kennedy, *The Early Abbasid Caliphate* (London: Croom Helm, 1981), 209.

instigation of other 'Alids who had chosen Ja'far al-Sadiq's last son, Muhammad ibn Ja'far al-Dibaj, as their caliph. It is to this reclusive full brother of Musa al-Kazim that the chiliastic expectations of the rebellion were explicitly attached. He assumed the title of *amir al-mu'minīn*, and is reported to have said that he hoped he was *al-mahdī al-qā'im*.³⁴ A letter by al-Ma'mun in fact referred to him as "the Mahdi, Muhammad ibn Ja'far al-Talibi."³⁵ At the time of these rebellions in 815, the eighth imam, 'Ali ibn Musa, at last had a son, and must have been firmly in control of the Imami hierarchy. Following his grandfather's apolitical tradition, 'Ali ibn Musa held aloof from these rebellions despite the conspicuous role of many members of his family. His uncle, Muhammad ibn Ja'far al-Dibaj, appears to have sought his mediation, and is said to have sent him to Mecca to sue for peace with the 'Abbasid governor.³⁶ After the defeat of Muhammad ibn Ja'far al-Dibaj, 'Ali ibn Musa's brother, Ibrahim ibn Musa, too, was driven out of the Yemen by Ma'mun's forces. Ibrahim took possession of Mecca, however, and submitted peacefully in 817 when Ma'mun had come to terms with 'Ali ibn Musa, and it must have been through the latter's mediation that he was given officially the governorship of the Yemen.³⁷

After the suppression of the 'Alid rebellions, the Caliph al-Ma'mun had Abu'l-Saraya's last "Rida" and the Talibid Mahdi-anti-caliph brought to him in Marv from Iraq and Arabia, respectively. 'Ali ibn Musa, too, was required to leave Medina and to take a route that avoided the Shi'i centers of Kufa and Qumm to the caliph's court in Marv. Then, in March 817, Ma'mun dashingly appropriated the defeated rebel's formula in a move to bring about a historic reunification of the 'Abbasid and 'Alid branches of the House of the Prophet, which he proclaimed as "the second calling" (*da'wa thāniya*)³⁸—an implicit reference to the 'Abbasid revolution as the first calling to the one agreed upon (*al-Ridā*) from the House of Muhammad. He conferred the title of al-Rida on 'Ali ibn Musa, who was by then in his fifties, and made him the successor to the throne in preference to the members of the 'Abbasid dynasty.³⁹ Ma'mun's motives in taking this startling decision against the advice of his vizier, Fadl ibn

34 Iṣfahānī, *Maqātil*, 539. Muhammad's brother 'Ali ibn Ja'far is said to have fought with him in Mecca (ibid., 540).

35 Madelung, "New Documents concerning al-Ma'mun, al-Faḍl b. Sahl and 'Alī al-Riḍā," in *Studia Arabica & Islamica. Festschrift für Ihsān 'Abbās*, ed. W. al-Qāḍī (Beirut, 1981), 337.

36 Iṣfahānī, *Maqātil*, 540.

37 Ya'qūbī, *Ta'rikh*, 2:545–56.

38 Madelung, "New Documents," 336.

39 Gabrieli, *Ma'mun*, 32–25.

Sahl,⁴⁰ have been the subject of much inconclusive discussion. Among the pertinent considerations we must include not only 'Ali ibn Musa's age but also his scholarly piety and return to the apolitical stand of Muhammad al-Baqir and Ja'far al-Sadiq.⁴¹ Furthermore, Ma'mun must have been impressed by the organized hierarchy of the Imami sect, and he must have considered it an important means for rallying support from scattered Shi'i elements against surviving pro-Amin loyalism in Iraq. Last but not least, Ma'mun was preoccupied with the apocalyptic expectation of the end of the 'Abbasid caliphate.

The assumption of the messianic title of Mansur by Abu Ja'far, and the appropriation of the titles of Mahdi and Hadi for his son and grandson, can be considered the caliphate's response to the chiliasm of the rebellion of al-Nafs al-Zakiyya. Al-Mansur's response, however, did not put an end to apocalyptic yearning any more than did Ja'far al-Sadiq's. 'Abd Allah al-Ma'mun undertook his bold initiative to unify the 'Alid and 'Abbasid houses amid widespread expectation that he would be the last member of the 'Abbasid dynasty to rule "before the lifting of the veil" and "the advent of the Qa'im, the Mahdi."⁴² As a letter of Ma'mun's brought to light by Madelung proves, the caliph himself shared this expectation, as he had been told by his father "on the authority of his ancestors and what he found in the Book of Revolution (*Kitāb al-dawla*) and elsewhere that after the seventh of the descendants of al-'Abbas no pillar will remain standing for the Banu al-'Abbas."⁴³

The participation of Musa al-Kazim's family alongside the Hasanids in the rebellion of 815 is striking. It marks that rebellion as the final epicycle of the Hashemite revolution with the unifying call for the one agreed upon from the house of Muhammad. Ma'mun's designation of 'Ali ibn Musa as the Rida closed the cycle and, with it, the era of revolutionary chiliasm that had begun in the mid-8th century. The great rebellion of 815, furthermore, demonstrates the tenuousness of the sectarian boundary that separated the Imamiyya from the Zaydiyya. As we shall see, half a century later—with the sectarian

40 Madelung, "New Documents," 338.

41 S. A. Arjomand, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984), 58, citing a tradition from Ya'qūbī, *Ta'rikh*, 2:500. The eighth imam strongly disapproved of his revolutionary brother, Zayd al-Nar (Ibn Bābūya, *Uyūn*, 2:234–38).

42 These phrases are used in Ma'mun's letter to the 'Abbasid rebels in Baghdad (Madelung, "New Documents," 345). The *parousia* of the Mahdi was expected for the year 200 (815), and according to one apocalyptic tradition later excised from Nu'aym ibn Ḥammād's *Kitāb al-fitan*, the last of the Banu 'Abbas was called 'Abd Allah "and he is the last lord of the 'ayn among them . . . ; he will be the key to the tribulation and sword of perdition" (cited by Madelung, "New Documents," 345).

43 *Ibid.*, 343; translation of "*Kitāb al-dawla*" modified.

boundary made more rigid by the nascent hierarchy of the Imami ulema, and with the late imams being called Ibn al-Rida in evocation of Ma'mun's historic move—the Zaydis' renewed call for the Rida was to fall on deaf ears among Imamis.

En route to Marv, the eighth imam was enthusiastically received by the Shi'i community in Nishapur,⁴⁴ and his two-year stay at the capital, Marv, where he is reported to have presided over numerous disputations and conferences, must have given a tremendous boost to the spread of Imami Shi'ism in Khurasan.⁴⁵ Although some of his disciples disapproved of the historical compromise with the 'Abbasid Caliph, the designation of 'Ali ibn Musa al-Rida as the caliph's successor greatly enhanced his authority and increased the number of his followers from rival and splinter Shi'i groups.⁴⁶ However, he died suddenly in September 818 and was buried in Tus near the tomb of Harun al-Rashid. "It is said," reports the venerable Shaykh al-Mufid of his death, "that it was caused by the subtlest of poisons."⁴⁷ Be that as it may, 'Ali al-Rida was succeeded by a child of seven who was rumored to have been adopted and not his natural son.⁴⁸ Thus began the crisis of the imamate. Although the Caliph al-Ma'mun supported the young imam, who later became his son-in-law,⁴⁹ the effective control of the Imami hierarchy must have passed to the learned men of the community.

2 The Crisis of the Imamate, the Expansion of Shi'ism, and the Emergence of the Ulema: 818–74

Imami Shi'ism was prone to recurrent crises of succession upon the death of the imam. Explicit designation (*naṣṣ*) of a successor was institutionalized under the fifth and sixth imams, but this did not always work well in practice.

44 Ibn Bābūya, *Uyūn*, chaps. 36–67. His "stepping station" (*qadamgāh*) in a village near Nishapur is a popular place of pilgrimage.

45 As many pages of Ibn Bābūya's *Uyūn* are devoted to these two years as to the rest of 'Ali al-Rida's career. Although he was known as a teacher of traditions and law in the Hijaz, much of his legal teaching belongs to the vice-royal period. A considerable section (*Uyūn*, chaps. 34–45), for instance, is transmitted by Fadl ibn Shadhan, who was presumably introduced to the imam in Nishapur at a young age (*ibid.*, 2:119).

46 Many Zaydis, presumably including the failed rebels, were among these (Nawbakhtī, *Firaq*, 73; Ash'arī al-Qummī, *Maqālāt*, 94).

47 Mufid, *Irshād*, 316; English trans., 478.

48 Modarressi, *Crisis*, 63.

49 Ya'qūbī, *Ta'rikh*, 2:552–23; Nawbakhtī, *Firaq*, 27; Ash'arī al-Qummī, *Maqālāt*, 93.

The sixth imam's successor-designate predeceased him, as did the successor-designate of the tenth imam. But an even more serious threat to the survival of Shi'ism was the crisis of the imamate itself. This notion requires definition.

Knowledge (*'ilm*) had been made the cornerstone of the doctrine of the imamate as elaborated in the mid-8th century under Ja'far al-Sadiq's instructions. Muhammad al-Baqir and Ja'far al-Sadiq had made the authoritative teaching of the scripture and the law the central functions of the imamate. Ja'far al-Sadiq's disciple Hisham ibn al-Hakam had argued in addition for the imam's infallibility (*'isma*).⁵⁰ Apart from divinely ordained designation by the previous imam, the imams derived their authority from their knowledge and were at times designated as "the learned one" (*'ālim*)⁵¹ or even the jurist (*faqīh*).⁵² According to a tradition reported by 'Ali ibn Mahzyar (*Māzyār*), a disciple of the eighth imam, both the fifth and the sixth imams had confirmed that

the science that descended with Adam is not lifted. Science is inherited. . . . 'Ali was indeed the learned one (*'ālim*) of the community; and no learned one among us dies except when there is a successor after him who knows the like of his science.⁵³

The requirement of knowledge as an indispensable condition of the imamate was intimately tied to its crisis in the 9th century. During the seventy-day imamate of 'Abd Allah ibn Ja'far in 765 (between the imamates of Ja'far and Musa), many of his followers are reported to have repudiated his imamate because they found him wanting in the requisite knowledge.⁵⁴ During the first decade of the 9th century, there was good cause for anxiety among the Shi'is concerning the imamate of the eighth Imam, 'Ali ibn Musa, as he remained childless. But the problem caused by the succession of minors went to the heart of the doctrine of imamate. When the eighth imam died, many prominent figures in the Imami community asked how the new imam, a child of seven, could act as

50 *Encyclopedia of Islam*, 2nd ed., s.v. "ISMA" (W. Madelung).

51 E. Kohlberg, "Imam and Community in the Pre-Ghayba Period," in *Authority and Political Culture in Shi'ism*, ed. S. A. Arjomand (Albany, N.Y.: State University of New York Press, 1988), 25; Modarressi, *Crisis*, 29–91.

52 For example, Ṭūsī, *Ghayba*, 228.

53 Ibn Bābūya, *Kamāl*, 223. Another tradition by the same transmitter (on whom, see the next note) reports the sixth imam as saying: "The earth is not left in place except for a learned one who knows the permissible and whatever the people are in need of, while he does not need the people" (*ibid.*, 223; 224 for similar traditions).

54 Nawbakhtī, *Fīraq*, 65; Ash'arī al-Qummī, *Maqālāt*, 87.

the authoritative teacher of the scripture and the law. In fact, the problem of the knowledge of the seven-year-old imam became the issue over which the Imami community splintered into several groups, with each group proposing its own solution.⁵⁵

The same concern over the knowledge of a minor imam must have arisen once again when the ninth imam died in his twenties in 835 and was succeeded, in turn, by a seven-year-old son whose designation was reported by a servant but contested by a prominent witness present at the late imam's death bed.⁵⁶ This time, however, the leading members of the Imami hierarchy who were accustomed to directing the affairs of the community gathered immediately and reached a pragmatic decision. The witness swallowed his objection, and the child, 'Ali ibn Muhammad, was recognized as imam upon the formal documentation of his designation by his predecessor. For the first time a crisis of succession was avoided, and the Imami Shi'is did not split after the death of an imam.⁵⁷ The fact that the serious intellectual crisis due to the minority of the imam did not result in any significant splintering of the Imami community after the death of the ninth imam attests to the robustness of the hierarchical organization created by Musa al-Kazim a half-century earlier. His effective control now devolved upon an emerging independent group, the learned of the community, the ulema.

The neglected social context of the history of Shi'ism in this period is the massive conversion of the population of the 'Abbasid empire to Islam.⁵⁸ The wave of conversion, to which Imami Shi'ism contributed in competition with other proselytizing groups, created a new profession for the disciples of the imams—and one very different from that of the pro-'Alid tribal condottieri of the civil-war era such as Abu'l-Saraya. Ja'far al-Sadiq is considered a great traditionist, and most of his energy had been devoted to the training of a large number of his followers in the transmission of traditions and development of Shi'i law. However, he also sanctioned theological debates by his followers for the propagation of Shi'ism. The point needs emphasis, for theology was to

55 Nawbakhtī, *Firaq*, 74–46; Ash'arī al-Qummī, *Maqālāt*, 95–59.

56 Muhammad ibn Ya'qūb al-Kulaynī al-Rāzī, *Uṣūl al-Kāfi*, ed. J. Muṣṭafavi, (Tehran: 'Ilmiyya Islāmiyya, n.d.), 2:110–02; Modarressi, *Crisis*, 64.

57 This is the only case of succession to an Imam in which no schism is reported. Only a few Imamis are said to have proposed an even younger son of the deceased Imam but soon returned to the fold (Nawbakhtī, *Firaq*, 77; Ash'arī al-Qummī, *Maqālāt*, 99–900).

58 R. W. Bulliet, "Conversion to Islam and the Emergence of a Muslim Society in Iran," in *Conversion to Islam*, ed. N. Levtzion (New York and London: Holmes and Meier, 1979), 30–01.

play the decisive role in the eventual resolution of the crisis of the imamate. It should also be pointed out that four of the five prominent theologians of his generation were non-Arab clients (*mawālī*) from Kufa, while only one was an Arab.⁵⁹ In the 9th century, we begin to notice independent legal scholarship by some of the agents of the eighth, ninth, and tenth imams, such as Yunus ibn ‘Abd al-Rahman, an early supporter, close disciple, and agent (*wakīl*) of ‘Ali al-Rida, and ‘Ali ibn Mahzyar, who also transmitted the latter’s traditions and became the agent of the two subsequent imams.⁶⁰ Both of these agents of the imams were clients (*mawālī*). ‘Ali ibn Mahzyar from Ahwaz, an area of expansion of Imami Shi‘ism, was a convert from Christianity. Yunus, son of ‘Abd al-Rahman (a typical name for a convert) from Qumm, another center of missionary activity,⁶¹ was a client of the Persian vizier, ‘Ali ibn Yaqtin. Yunus was frequently called a Manichaean (*zindīq*) by the opponents of rational theology and by the eighth imam himself after Yunus fell out with him. More typically Persian still are the names of some of Yunus ibn ‘Abd al-Rahman’s disciples: Yunus ibn Bahman and Shadhan ibn al-Khalil of Nishapur, whose son Fadl ibn Shadhan became the most prominent theologian of the next generation. Though Fadl was a leading figure in the Imami community in Nishapur, an active proselytizer who had sought to win over the Tahirid ruler of Khurasan,⁶² he does not appear to have acted as an agent for the later imams and in fact challenged the authority of the eleventh imam.⁶³

The emerging hierarchy of agents survived the crises of succession to the eighth and ninth imams, and remained under the control of the holy seat of the imam (*al-nāhiya al-muqaddasa*). During the fifty years of the imamate of the ninth and tenth imams, the chiliastic political orientation prevalent under the seventh imam dissipated, while the hierarchical administration that he created was taken over by the new professional class of ulema. This

59 Iqbāl, *Khāndān*, 77–71. The proportion of *mawālī* to Arabs for the Imamīs is probably no different from that for the Sunni jurists and theologians in the same period.

60 Najāshī, *Rijāl*, 253–34; 446–68. Yunus appears to have provided regular legal advice as the agent of Imam ‘Ali al-Rida, who “instructed him . . . in giving legal opinions (*futyā*)” (*ibid.*, 446). He strongly disapproved of ‘Ali al-Rida’s decision to go to al-Māmun’s court, and must have infuriated the imam at this point. He was later rehabilitated by the ninth imam, Muhammad al-Jawād (Kashshī, *Rijāl*, 483–38, 493, 496–69).

61 A major Zoroastrian fire temple was located near Qumm. The city was also close to Daylam and Tabaristan, and was used by the Imami Shi‘is as an outpost for missionary activity in those regions (A. A. Faqīhī, *Tārikh-e Madhhabī-ye Qumm* [Qumm: ‘Isma‘īliyān, n.d.], 15, 63–35).

62 Kashshī, *Rijāl*, 539–91.

63 Modarressi, *Crisis*, 66.

hierarchical administration was used to expand the community of the faithful during a continuous wave of conversion to Islam.

One of the last acts of the ninth imam, Muhammad ibn ‘Ali al-Jawad, in the year of his premature death in 835, was to order the regular collection of *khums*.⁶⁴ His son, the tenth imam, ‘Ali ibn Muhammad (later al-Hadi) grew out of his minority to become an effective leader and organizer of the expanding Imami communities in Iraq and Iran. His secretariat at the holy seat, directed with considerable vigor by ‘Uthman ibn Sa‘id al-‘Amri, regularized the collection of *khums* for the imam and consulted regularly with various Imami communities on matters of law and ritual. *Khums* was now exacted from the believers as “an obedience to God that guaranteed lawfulness and cleanliness of their wealth and the protection of God for their lives.”⁶⁵

Two simultaneous letters of appointment by the tenth imam dated 232 (847–8) divide the presumably expanded “diocese” of a certain ‘Ali ibn al-Husayn ibn ‘Abd Rabbihi (‘Ali, son of al-Husayn, son of the servant of his Lord—could one ask for a better name for the son of a convert?) between two new agents. These decrees of investiture are carefully phrased, with a view to establishing the authority of the hierarchy on a firm normative basis. Another directive issued by the tenth imam orders two agents to confine their exercise of authority to their respective diocese and not to accept (collect) contributions from Baghdad, Mada’in, or any district other than their own.⁶⁶

The expansion of Shi‘ism in the mid-9th century prompted the Caliph al-Mutawakkil’s persecution. In 848, he ordered that Imam ‘Ali al-Hadi be brought to the capital so that he could be kept under close supervision. The secretariat at the seat of the imam also moved from Medina to Samarra’ in Iraq. For the next quarter-century, the imams resided in Samarra’ rather than in distant Arabia. Samarra’ was closer to Ahwaz, Qumm, and Nishapur in Iran, and gave the holy seat easier access to thriving Imami communities in those areas. There was a further eastward shift in the sociological center of gravity in Imami Shi‘ism when the decline of the old Shi‘i center of Iraq, Kufa, set in a decade or two later.

Mutawakkil had been put on the throne by Turkish slave guards who murdered him in 861. The Shi‘i martyrological account of the lives of the later imams⁶⁷ overlooks the fact that the subsequent ‘Abbasid caliphs were too

64 Ibid., 12.

65 Kashshī, *Rijāl*, 514; cited in Modarressi, *Crisis*, 14.

66 Kashshī, *Rijāl*, 513–34.

67 This account is uncritically accepted by A. A. Sachedina, *Islamic Messianism: The Idea of the Mahdi in Twelver Shi‘ism* (Albany, N.Y.: State University of New York Press, 1981), 28–89.

weak vis-à-vis the Turkish praetorian slaves, and too preoccupied with the rebellions of the Zaydis and the Zanj, to worry about the rivalry of the late imams who were their nonmilitant 'Alid cousins. One general, Salih ibn Wasif, did imprison the eleventh imam, Hasan al-'Askari, during the short reign of the Caliph al-Muhtadi (869–90),⁶⁸ but even so, the imam fared much better than did Muhtadi and the other caliphs at the hands of the Turkish praetorians during that turbulent decade. In other words, persecution of the Imami community must have abated after Mutawakkil. With an abortive uprising in Kufa by the Zaydi 'Alid, Yahya ibn 'Umar, which began in 864 with the call to “the Rida from the House of Muhammad”⁶⁹ and was followed by a successful Zaydi rebellion in Tabaristan in the same year, the 'Abbasid caliphs had reason to draw closer to the tenth and eleventh imams, who were called Ibn al-Rida, an appellation evocative of al-Ma'mun's 'Abbasid-'Alid pact. The brother of the Caliph al-Mu'tazz led the prayer on his behalf at the funeral of the tenth imam, 'Ali ibn Muhammad al-Hadi, in 868.⁷⁰ The eleventh imam frequented the caliphal court as an honored 'Alid cousin. When Hasan ibn 'Ali al-'Askari died in 874, the brother of the Caliph al-Mu'tamid led the funeral prayer.⁷¹

The imams, however, faced internal problems within the Imami community. The maintenance of sectarian religious discipline may not have been easy. The period, as has been noted, was marked by the expansion of Shi'ism in Iran, where chiliasm had strong Zoroastrian and Mazdakite roots. After the Muslim conquest, millennialist Zoroastrian beliefs were given sharpened political form in a number of oracles that variously predicted the return of the savior-king Vahram and that of Peshyotan son of Vishtasp from the legendary Kangdiz fortress.⁷² The Iranian masses were led by the *mawālī*, who had been courted and converted by missionaries from various Islamic

68 Mufid, *Irshād*, 344; English trans., 521–12.

69 Iṣfahānī, *Maqātil*, 639. It is also interesting to note that after the death of the eleventh Imam, one of the Waqifite splinter groups that had been agnostic concerning the Imamate considered that the differences among the Shi'a pending the manifestation of God's new Proof (*hujja*) should be referred to “the Rida from the House of Muhammad” (Iqbāl, *Khāndān*, 164 [source: Shahrastānī]).

70 Ya'qūbī, *Ta'rikh*, 2:625–56.

71 Nawbakhtī, *Firaq*, 79; Ash'arī al-Qummī, *Maqālāt*, 102. As had been the case with Musa al-Kazim, the 'Alid and 'Abbasid dignitaries, army chiefs, judges, and jurists inspected the body and bore witness that he had died a natural death (Ibn Bābūya, *Kamāl*, 43; Iqbāl, *Khāndān*, 107).

72 H. G. Kippenberg, “Die Geschichte der mittelpersischen apokalyptischen Traditionen,” *Studia Iranica* 7 (1978): 64–40.

movements, notably Kharijism, Murji'ism, and 'Abbasid Shi'ism.⁷³ Many of these recent converts remained prone to neo-Mazdakite and millenarian beliefs, became the followers of Abu Muslim and his partisans during the 'Abbasid revolution, and rebelled after his death in 755. They formed a host of Islamico-neo-Mazdakite religious-political movements in the second half of the 8th and the first half of the 9th century.⁷⁴ The sundry groupings that had followed Abu Muslim denied his death, maintaining that he was residing in a copper fortress with Mazdak and the Mahdi. The three of them would rise together. These groups later came to believe that Abu Muslim's grandson through his daughter, Fatima, was the Mahdi (Mahdi ibn Firuz, the learned child [*kūdak-e dānā*]).⁷⁵ The expansion of Imami Shi'ism in Nishapur, Qazwin, and Rayy in the 9th century can be assumed to have resulted from massive recruitment from these groups. In the latter part of the 9th century, many neo-Mazdakite areas became centers of expansion of the emergent Isma'ili Shi'ism.⁷⁶ The new converts brought their chiliastic propensities, which were satisfied in Isma'ili Shi'ism by the belief in the imminent manifestation of Ja'far al-Sadiq's grandson, Muhammad ibn Isma'il, as the Qā'im and Mahdi.⁷⁷ Imami Shi'ism, too, had to accommodate and contain the chiliasm of the new converts. The Persian Imami ulema played an important role in sublimating this chiliasm by relating a large number of traditions that projected it into the future reign of the Qā'im. A set of traditions reflecting the aspirations of the new Persian converts during and after the 'Abbasid revolution thus made their appearance in Imami literature, predicting that the companions of the Mahdi-Qā'im would be the non-Arabs (*'ajam*) who would fight the Arabs to avenge the wrong done to the imams.⁷⁸ More generally, the Persian tradition-

73 W. Madelung, *Religious Trends in Early Islamic Iran* (Bibliotheca Persica, 1988), chaps. 2, 5.

74 Gh.-H. Sadighi, *Les Mouvements religieux iraniens au II^e et au III^e siècle de l'hégire* (Paris, 1938). It is significant that the Abu Muslimiyya are identified with the Khurramiyya by the Imami heresiographers (Nawbakhti, *Firaq*, 41–12; Ash'arī al-Qummī, *Maqālāt*, 64). The neo-Mazdakite character of these movements is underlined by Yarshater, who considers them "the third stage of Mazdakism" (E. Yarshater, "Mazdakism," in *Cambridge History of Iran*, ed. E. Yarshater, vol. 3, 2: *Seleucid, Parthian and Sasanian Periods* [1983], 1001–1).

75 These indigenous beliefs are recorded by Nizam al-Mulk, who was eager to conflate the beliefs of the Abu Muslimiyya with those of the Isma'ilis. See Nizām al-Mulk (Abū 'Alī Ḥasan Ṭūsī), *Siyar al-Mulūk*, ed. H. Darke (Tehran, 1976), 280, 312, 320.

76 Yarshater, "Mazdakism," 1014–45.

77 F. Daftari, *The Isma'ilis. Their History and Doctrine* (Cambridge: Cambridge University Press, 1990), 140.

78 M. A. Amir-Moezzi, *Le guide divin dans le Shi'isme original* (Paris: Verdier, 1992), 44–45, citing references to Nu'mānī's *Kitāb al-Ghayba*. This set was expurgated by Ibn Bābūya a

ists in the 9th century played a key role in the reception of chiliastic traditions into the Imami corpus.⁷⁹ The learned Persian *mawālī* ‘Ali ibn Mahzyar and Fadl ibn Shadhan, for instance, figure prominently among the transmitters of apocalyptic traditions: a *Book of Calamities* (of the end of time, *malāḥim*) and a *Book of the Qa’im* are attributed to the former, and a *Book of Occultation* to the latter.⁸⁰ ‘Abbad ibn Ya‘qub al-Ufuri (d. 864), a Zaydi who converted to Imami Shi‘ism, reported a tradition which, despite its dissonance, made its way into the Imami canon among the “four hundred principles” (*uṣūl arba ‘u-mī’a*). According to the tradition cited by Ufuri in his “principle,” there would be eleven (*sic*) imams, who were not named, the last of whom would be the Qa’im.⁸¹

Serious trouble between the tenth imam and some of his Persian agents erupted toward the end of ‘Ali al-Hadi’s imamate. Faris ibn Hatim ibn Mahuya al-Qazwini had been active at the frontier-proselytizing city of Qazwin near Daylam and Tabaristan, and was in charge of the collection of the *khums* and contributions from western Iran (Jibal). He became the chief fiscal agent in Samarra’ in 862.⁸² Two years later, however, the tenth imam, ‘Ali al-Hadi, anathematized him. Faris broke away from ‘Ali al-Hadi and continued to receive the funds from certain communities which he controlled as his own splinter group. The imam was furious and took the unusual step of having him assassinated. The crisis was aggravated by the death of the imam’s first son, Muhammad, whom he had designated his successor.⁸³ When Imam ‘Ali al-Hadi died in 868, he left his chief agent at the holy seat, ‘Uthman ibn Sa‘id al-‘Amri, with a default candidate. The imam’s successor-designate was dead, and Faris’s group, now under the strong leadership of his sister, had picked ‘Ali’s younger son Ja‘far as its imam.⁸⁴ The group claimed that the deceased successor-designate Muhammad had sent Ja‘far the sacred objects and paraphernalia of the imam-ate. The servant who was said to have conveyed the sacred objects was found drowned in a pool,⁸⁵ but what was done could not be undone. ‘Amri and his supporters in the Imami hierarchy had to make do with the late imam’s middle

generation later (*ibid.*, 46). This work is now available in English under the title *The Divine Guide in Early Shi‘ism* (Albany, N.Y.: SUNY Press, 1995).

79 For a list of other unorthodox transmitters, see Modarressi, *Crisis*, 22 (n. 26).

80 Amir-Moezzi, *Guide divin*, 251.

81 *Ibid.*, 250.

82 Kashshī, *Rijāl*, 520–08; Modarressi, *Crisis*, 71–12. His name shows his father to have been a convert to Islam.

83 Modarressi, *Crisis*, 43 (n. 135), 71–15.

84 Iqbāl, *Khāndān*, 109.

85 Modarressi, *Crisis*, 73–35.

son, al-Hasan. The new imam, Hasan ibn ‘Ali, styled al-‘Askari, was a courtier in his twenties who was in regular attendance on the caliph.⁸⁶ His manner of life raised doubts about his moral character. He had also been found deficient in legal and religious knowledge by some of the Imami ulema, and Fadl ibn Shadhan, the prominent Shi‘i leader of Nishapur, became one of the most outspoken critics. When the tenth imam’s oldest son and successor-designate, Muhammad, had passed away, a group of ulema are said to have examined Hasan as a candidate for the imamate and, finding him deficient in the requisite knowledge, turned to his younger brother, Ja‘far, calling the faction that was prepared to accept Hasan’s imamate the party of the jackass (*himāriyya*).⁸⁷

Nevertheless, ‘Uthman ibn Sa‘id retained the loyalty of many, making a virtue out of the necessity of the imam’s lack of interest by further professionalizing the legal consultative service at the seat of the imam. Jurists were now clearly employed in drawing up rescripts at the seat of the imam. Furthermore, a manual purporting to contain the rulings of Imam Hasan al-‘Askari was put into circulation; it was later discovered to be the work of another jurist. Meanwhile, religious taxes continued to be justified and collected.⁸⁸ All of this was good preparation for carrying out the functions of the imamate from the holy seat without the participation of the imam.

Modarressi argues that the period of the crisis of the imamate witnessed the polarization of the Shi‘i positions on the nature of the imamate. An extremist position, whose proponents became known as the Mufawwida, considered the imams as supernatural beings to whom God had delegated (*fawwāda*) His powers of creation and command. The moderate position countered that the imams were authoritative teachers in religion and law but did not have the knowledge of the unseen, and many moderates did not even accept the “official” principle of the infallibility of the imam.⁸⁹ In Nishapur, for instance, the two groups were excommunicating each other.⁹⁰ The clash of the two tendencies was aggravated by the death of ‘Ali al-Hadi’s successor-designate, which greatly undermined the idea of the imam’s infallible knowledge of the unseen

86 Ibid., 68.

87 Abū Ḥātim al-Rāzī, *Kitāb al-zīna*, edited and published as a supplement to ‘Abd Allāh al-Sallūm al-Samarrā‘ī, *al-Ghuluw wa’l-firaq al-ghāliya fi’l-ḥadāra al-islāmīya* (Baghdad, 1972), 291–13; Muḥammad ibn ‘Abd al-Karīm Shahrastānī, *al-Milal wa’l-niḥal*, 2 vols., ed. A. A. Muḥannā and A. H. Fa‘ūr (Beirut, 1990), 1:200.

88 Kashshī, *Rijāl*, 577–71; Modarressi, *Crisis*, 70.

89 Modarressi, *Crisis*, chap. 2. The complex issue of the social and ethnic composition of the adherents of these rival doctrinal positions had not yet been seriously examined.

90 Ibid., 38.

and forced some Imamīs to resort once more to the notion of God's unexpected change of mind (*badā*),⁹¹ an idea they had borrowed from the Kaysaniyya a century earlier when Ja'far al-Sadiq's successor-designate had predeceased him.⁹² The crisis of the imamate and the breakdown of control from the holy seat after the death of the tenth imam resulted in an outbreak of "extremist" chiasm (*ghuluw*), led by a group of Qummīs identified with 'Ali ibn Hasaka, al-Qasim ibn Yaqtin, and Muhammad ibn Baba, whose aim was the deification of the deceased imam.⁹³

The eleventh imam's reported complaint that none of his forefathers had been as much doubted by the faithful as he was⁹⁴ sums up the culmination of the crisis of the imamate at the end of the five years and eight months of his tenure. Hasan ibn 'Ali al-'Askari's troubled imamate came to an end with his death on Friday, 1 January 874. "He died and no offspring (*khalaf*) [or vestige (*athar*)] was seen after him. As no apparent child for him was known, his inheritance was divided between his brother, Ja'far, and his mother."⁹⁵ This clear statement in our earliest sources that Hasan died childless is corroborated by his will, in which he bequeathed his property to his mother with no mention whatsoever of a son.⁹⁶

3 Hierocratic Authority after the Cessation of the Historical Imamate and the Dominance of the Nawbakhtis: 874–941

After the cessation of the historical imamate, the leadership of the Imami community can be seen to devolve onto two groups: a fledgling hierarchy of ulema and agents loyal to the seat of the imam, and the politically powerful Imami

91 Ibn Qiba al-Rāzī, *Naqḍ kitāb al-Ishhād li-Abī Zayd al-'Alawī*, reproduced in Modarressi, *Crisis*, 181; English trans., 216. Ibn Qiba, however, vehemently rejected the idea and considered those who advanced it infidels.

92 *Encyclopedia Iranica*, 3:354–45, s.v. "Bada" (W. Madelung).

93 Kashshī, *Rijāl*, 516–60.

94 Ibn Bābūya, *Kamāl*, 222; Modarressi, *Crisis*, 65.

95 *Khalaf* in Ash'arī al-Qummī, *Maqālāt*, 102; *athar* in Nawbakhtī, *Firaq*, 79. The wording is otherwise identical in the two sources.

96 The will was registered with the qadi and the government by the eleventh Imam's mother, and the division of his estate followed seven years of acrimonious litigation (Ibn Bābūya, *Kamāl*, 43; Tūsī, *Ghayba*, 75, 138; Iqbāl, *Khāndān*, 108). This division of the eleventh Imam's estate, which was later presumed to belong to the hidden Imam, echoed the division of the estate of Muhammad ibn al-Hanafiyya, which had left a strong impression on al-Sayyid al-Himyari, who had considered Muhammad in occultation (*Kamāl*, 35).

families in the service of the caliphal state. Given the serious difficulties in institutionalizing hierocratic authority, it is not surprising that the influence of the office-holding aristocracy became predominant, especially with the rise of this class's fortunes during the caliphate of al-Muqtadir (903–32) and al-Radi (934–41). In this period, the Shi'i viziers of the House of Furat intermittently controlled the caliphal bureaucracy, while the members of the Nawbakhti family and other Imami Shi'i served as tax farmers, officials, and lesser viziers. With the absence of the imam, these families, especially the Nawbakhtis, came to exercise a preponderant influence over the perplexed Imami hierarchy and community.⁹⁷

After the death of the eleventh imam, Hasan ibn 'Ali, in 874, his followers splintered into some fourteen groups. The 'Amri father and son, who had directed the secretariat of the tenth and eleventh imams, maintained their control over a number of agents. Unlike many of the Imamiyya,⁹⁸ they refused to accept the imamate of Hasan's rival brother, Ja'far, and instead opted for an allegedly minor son of the deceased imam who was said to be in occultation.⁹⁹ The father, 'Uthman ibn Sa'id, who carried out the funerary rites for the eleventh imam,¹⁰⁰ does not seem to have survived him by long, and in any event had by that time delegated his authority in the routine running of the secretariat at the seat of the imam to his son, Muhammad. Ibn al-'Amri, Abu Ja'far Muhammad ibn 'Uthman, overcame significant opposition to his succeeding his father as the chief agent of the imam,¹⁰¹ and appears to have remained in control of the holy seat for more than forty years, until he died in 917. At some point after the abandonment of Samarra' by the caliph at the end of the 9th century, the holy seat and the imam's secretariat also moved to Baghdad. Given the uncertainties surrounding the existence of an imam after the death of the eleventh imam, Ibn al-'Amri sought to draw legitimacy from having acted on behalf of the eleventh imam and on behalf of his own father after the latter's death.¹⁰² In the 860s and early 870s, decrees and letters of the tenth and eleventh imams had been sent to various Imami communities in Muhammad ibn 'Uthman al-'Amri's handwriting. For more than two decades after the death of the eleventh imam, community leaders continued to receive letters

97 V. Klemm, "Die vier *sufarā'* des Zwölfen Imam. Zur formativen Periode der Zwölfersi'a," *Die Welt des Orients* 15 (1984): 132–24.

98 Rāzī, *Kitāb al-zīna*, 290–03.

99 The name of the hidden Imam was kept secret on pain of anathema (Nawbakhtī, *Firaq*, 91; Ash'arī al-Qummī, *Maqālāt*, 104–4).

100 Ṭūsī, *Ghayba*, 216.

101 *Ibid.*, 245–56.

102 *Ibid.*, 216–67.

and decrees from the seat of the hidden imam in the same handwriting (i.e., Muhammad ibn ‘Uthman’s).¹⁰³ This handwriting later came to be considered that of the Lord of the House, alternatively identified as the Lord of the Age or the hidden imam.¹⁰⁴ At some point in the mid-890s, the issuance of decrees and letters from the hidden imam ceased, and the collection of the *khums* on his behalf was discontinued.¹⁰⁵ In the rescript that was probably the last to be issued in the hand of Ibn al-‘Amri, around 895, we find the remarkable admission that the previous imams could not rise against the caliphs because of their oaths of allegiance, coupled with the promise that the hidden imam would rise against a ruler to whom he owed no allegiance. The rescript then compares the hidden imam to the sun when hidden behind clouds, thus giving the first central element of the future Shi‘i theology of occultation—namely, that the benefits of the imamate as the continuous divine guidance of mankind continue despite the absence of the imam.¹⁰⁶

Despite the cessation of decrees and letters from the seat of the hidden imam in the 890s, Imami hierocratic leadership appears to have maintained its ties with the community in the region around Qumm into the first decades of the 10th century, with Ahmad ibn Ishaq and Muhammad ibn Ja‘far al-Asadi representing it in Qumm and Rayy, respectively.¹⁰⁷ To enhance the unity and authority of the Imami hierarchy, Ibn al-‘Amri and the Nawbakhtis may also have encouraged visits from the prominent Imami scholars of Qumm. ‘Abd Allah ibn Ja‘far al-Himyari al-Qummi, the “Shaykh of the Qummis,” came to Iraq around 903 to lecture to the Imami Shi‘a in Kufa. Among his writings (no longer extant) are a *Book of Occultation and Perplexity* and books on the transmission of traditions from the eighth and ninth imams, together with one on the correspondence of the scholars with the tenth imam. These are followed by tracts on *The Legal Questions Answered by Abū Muḥammad al-Ḥasan [the Eleventh Imam] by the Hand of Muḥammad ibn ‘Uthmān al-‘Amrī, Responsa and Decrees of Abū Muḥammad*, and the *Book of Transmitters of Traditions from the Lord of the Cause (ṣāḥib al-amr)*—that is, the hidden imam. These works clearly reinforce the sense of continuity in the teaching and authority of the hierarchy between the period of occultation and that of the historical

103 Ibid., 219–93; Modarressi, *Crisis*, 93.

104 Ibn Bābūya, *Kamāl*, 483; Ṭūsī, *Ghayba*, 176.

105 See S. A. Arjomand, “Imam *Absoconditus* and the Beginnings of a Theology of Occultation: Imami Shi‘ism around 900 CE/280–090 AH,” *Journal of the American Oriental Society* 117, 1 (1997), forthcoming.

106 Ibid. for the translation of the rescript and commentary.

107 Ṭūsī, *Ghayba*, 257–78.

imamate. The great traditionist Muhammad ibn Ya‘qub al-Kulayni (d. 941) also moved from Rayy to Baghdad some time in the era of the Nawbakhtis.

By the beginning of the 10th century, we find Abu Sahl Isma‘il ibn ‘Ali (d. 923), the head of the Nawbakhti family and a prominent and cultivated bureaucrat, the leader of the Imami Shi‘a in Baghdad. Abu Sahl al-Nawbakhti played a critical role in the darkest era of Imami Shi‘ism at both the practical and the intellectual level. To ensure the survival of Shi‘ism in the absence of an imam, he helped make the occultation of the imam a permanent feature of the Imami hierarchical organization. He also made occultation a central ingredient in the doctrine of the imamate, which, according to Iqbal, he was the first to cast into the framework of systematic theology.¹⁰⁸ At the practical level, the Nawbakhtis were close to Ibn al-‘Amri, whose forceful daughter, Umm Kulthum, had married a Nawbakhti. Abu Sahl endorsed Ibn al-‘Amri’s unique hierocratic authority as sole surviving member of the inner circle of the eleventh imam.¹⁰⁹ When Ibn al-‘Amri died in 917, the direction of the holy seat of the imam was taken over by a member of the Nawbakhti family, Husayn ibn Ruh, who is improbably said to have been active at the bureau even under the tenth imam.¹¹⁰

Abu Sahl al-Nawbakhti’s more crucial contribution to the resolution of the crisis of the imamate in the long run, however, was at the intellectual level. Mu‘tazilite theology, the main rationalist trend in medieval Islam, was a powerful element in the culture of 9th- and 10th-century Baghdad. Although there is no evidence that Nawbakhti studied at any Mu‘tazilite school, he was familiar with this group’s ideas and wished to equip Imami Shi‘is with the most advanced rational tools so that they could both withstand the extremist splinter groups (*ghulāt*) and the revolutionary Isma‘ili Shi‘ism of the Qarmatians, and vie with mainstream Sunnism. To this end, it is probable that it was he, as the leader of the Imami community of Baghdad, who commissioned Ibn al-Rawandi, a former Mu‘tazilite, non-Imami, practitioner of the *kalām* (rational theology) with whom he engaged in debate on other topics, to write a book for thirty dinars on the imamate from the Imami point of view.¹¹¹ The reason

108 Iqbal, *Khāndān*, chap. 6.

109 Ibn Bābūya, *Kamāl*, 93. Sayqal (or Saqil), the slave girl who was kept under surveillance by the caliph for two years to test the allegations that she was pregnant by Hasan al-‘Askari, moved thereafter to the house of a Nawbakhti and was maintained as the mother of the hidden Imam for more than twenty years (Iqbal, *Khāndān*, 108, 245).

110 Iqbal, *Khāndān*, 214–46.

111 *Ibid.*, 91, 120. Abu Sahl and his nephew also drew on the theological tract on the Imamate by Ibn al-Rawandi’s teacher, Abu ‘Isa al-Warraq (d. 861), a Mu‘tazilite convert from Manichaeism (*ibid.*, 102–2).

for this unusual measure appears to have been the paucity of trained theologians within an overwhelmingly traditionalist Imami community. Qumm, where the staunchest traditionalism prevailed, had become the major center of Imami learning in the last quarter of the 9th century. Consequently, as Madelung points out, Shi'ism and Mu'tazilism were poles apart at the end of the 9th century.¹¹² The picture was changing, however, and we know of two instances of individuals with theological training who had converted from Mu'tazilism to Shi'ism in central Iran using their skills to defend Shi'i beliefs by rationalist means.¹¹³ At this juncture, Abu Sahl al-Nawbakhti himself and his nephew Hasan ibn Musa (d. between 912 and 922) became leading proponents of theology in Imami Shi'ism.

The strategy chosen by Abu Sahl al-Nawbakhti and the former Mu'tazilites was to find a theological solution to the problems of imamate and occultation, using rational argumentation rather than adducing traditions. The rationale of any theological argument would tend to conjoin the occurrence of occultation and the nature of the imamate, thereby establishing the necessity of occultation. Nawbakhti's political orientation and hierocratic interests required that the idea of occultation be detached from its chiliastic matrix. His intellectual interests and Mu'tazilite sympathies suggested that the idea could be deapocalypticized only with the help of a *theology* of occultation.¹¹⁴

The first theological tracts on occultation appear some thirty years after the absence of the imam. The point made in the last rescript issued from the seat of the hidden imam—namely, that occultation does not obviate the benefits of divine guidance of mankind through the imamate—was taken up and developed by Muhammad ibn 'Abd al-Rahman ibn Qiba, a theologian from Rayy who was a convert from the Mu'tazilite school. Ibn Qiba insisted that the occultation of the imam was the logical conclusion of the doctrine of imamate.¹¹⁵ Although some of his rationalist arguments were rejected in the course of the subsequent development of Shi'ism, his linkage of the theories of the imamate and occultation proved definitive.

In three polemical tracts that Modarressi dates to the closing years of the 9th century, Ibn Qiba firmly places the discussion of the existence and occultation

112 Madelung, "Imamism and Mu'tazilite Theology," in *Le Shī'isme imāmīte*, ed. T. Fahd, (Paris: Presses Universitaires de France, 1979), 13.

113 These were Ibn Qiba al-Razi in Rayy, to be considered later, and Muhammad ibn 'Abd Allah ibn Mumallak al-Isfahani, who came from Gurgan and lived in Isfahan (*Najāshī, Rijāl*, 380–01).

114 The thesis that a viable solution to the crisis caused by the absence of the Imam required a nomocratic theology is developed in my "Consolation of Theology."

115 Modarressi, *Crisis*, 125.

of “the son of Hasan ibn ‘Ali” in the broader context of the theory of imamate. When rejecting the antinomianism of the contemporary Qarmatians, Ibn Qiba al-Razi insists that “the only need for an Imam is for religion and the establishment of the rule of divine law (*ḥukm al-sharī‘a*).”¹¹⁶ The imams are authoritative teachers in religion and law and proof of God and of His guidance of mankind. Therefore they must exist. The occultation of “the son of Hasan ibn ‘Ali” does not obviate the divine guidance of mankind any more than does the absence of a prophet in every community and every age.¹¹⁷ Ibn Qiba uses the analogy with prophecy to establish that such a person need not be present, but may well be in occultation. In addition, he formulates an argument for the existence of an imam in occultation that is destined to be incorporated into the Shi‘i theology of occultation. To establish the existence of an imam in occultation, Ibn Qiba assumes the truth of the doctrine of the imamate, which asserts that the imam is the Proof of God (*ḥujjat Allāh*)—or rather of his continued guidance for mankind; therefore, there must be an imam after the prophets. Furthermore, he modifies the condition in the doctrine—namely, that the imamate is made valid by the explicit designation (*naṣṣ*) of the previous imam—into the assertion that an imam does not pass away without explicitly designating a successor.¹¹⁸ This argument is then buttressed by the testimony as to the hidden imam’s designation by the inner circle, as with the previous imams, and by the fact that the close associates of the imam “communicate his existence, and his commands and prohibitions.”¹¹⁹

More or less at the same time that Ibn Qiba al-Razi was debating his opponents in Rayy, Abu Sahl al-Nawbakhti in Baghdad composed a *Kitāb al-tanbih*. No doubt Abu Sahl was implicitly dissociating Imami Shi‘ism from the revolutionary chiliasm of the contemporary Isma‘ili Qarmatians, as Ibn Qiba had done explicitly. Writing in or about 903, our Persian aristocrat was at pains to rebut the accusation that Shi‘i held quasi-Zoroastrian beliefs:

If they object to our holding the same claims [concerning ‘Ali] as the disciples of Zoroaster and other heretics, it would be said to them that the same objections apply to the miracles of the Prophet. . . . The position of the Shi‘a at this time is like that of the majority of Muslims. . . . Indeed the Shi‘ite traditions are stronger because the turn in power (*dawla*) is

116 *Naqd Kitāb al-Ishhād*, in Modarressi, *Crisis*, 178; trans., 212.

117 *Mas‘ala fīl-Imāma* in Modarressi, *Crisis*, 138; trans., 143.

118 *Ibid.*, 135; trans., 139.

119 *Ibid.*, 136; trans., 140–01.

not with them, nor is the sword, nor intimidation, nor eagerness [to seize power].

Abu Sahl correctly perceived that the problem of the absence of an imam can best be solved by rational theology:

The matter of religion in its entirety is known through reasoning. We know God through rational proofs and do not see Him. Nor does anyone who has seen Him report to us. We know the Prophet and his existence in the world through reports, and we know his prophethood and truth through reasoning.

The substance of Abu Sahl's argument was similar to Ibn Qiba's. He maintained that as the absence of a prophet does not invalidate his religious teaching or his legal rulings, so the absence of the imam does not impair the validity of religion or of the law. Finally, Abu Sahl adopts the chiliastic neo-Waqifite notion that there can be two occultations¹²⁰ in order to explain the breakdown of communication between the hidden imam and the community: "For him, there are two occultations, one of them harder than the other."

In the last paragraph of the *Tanbīh* that has been preserved for us,¹²¹ Abu Sahl brags that the claim of the Imami Shi'is regarding the occultation of the imam is not as implausible as that of the Waqifiyya, whose imam had died 105 years before. A decade or so later, however, as we have seen, Abu Sahl's nephew and fellow theologian wrote that the eleventh imam had died with no apparent successor.¹²² It is probably at this time that Abu Sahl gave up the nonchalant assertion of the existence of an actual imam in occultation. According to the testimony of Ibn al-Nadim:

He had an idea about the Qa'im of the family of Muhammad which no one had held earlier. This was what he used to say: "I say that the Imam was *Muhammad* b. al-Hasan but he died in occultation, and his son has assumed his authority during the occultation, and so it will be with his

120 The Waqifite position had been revived after the death of the eleventh Imam. See Arjomand, "Imam *Absconditus*."

121 The text from which the above passages were translated is preserved in Ibn Bābūya, *Kamāl*, 90–04.

122 See n. 96.

son's issue, until God consummates his dominion by causing him to appear."¹²³

Here Abu Sahl breaks the prohibition on naming the hidden imam, which had been backed by traditions attributed to several imams¹²⁴ and which he even mentioned in the *Tanbih*.¹²⁵ "The son of Hasan" is now named as Muhammad, possibly for the first time by an Imami authority, but only to assert his death.¹²⁶ Furthermore, not wishing to contradict the evidence of the senses, Abu Sahl propounds the view that there is a series of imams in occultation, only the last of whom would become manifest and rise. This was not a satisfactory solution, but it reveals the problem that had to be solved to ensure the survival of Imami Shi'ism. It suggests that a satisfactory non-chiliastic solution to the problem would require much greater abstraction from the historical context of succession and could take the form only of a *theology* of occultation.

Therefore it is hardly surprising that Nawbakhti's later opinion did not make it into the Shi'i canon. Nevertheless, there is no good reason to reject its authenticity.¹²⁷ It seems to be an adaptation of neo-Waqifite ideas, and is perfectly in line with our reconstruction of the development of the idea of occultation. The problem with this view is not that it is implausible, but that it is nontheological. Abu Sahl may have despaired of developing his theological arguments further in the face of immediate challenges by Imami chiliasts, and simply declared dead the person they were claiming to be in communication with. Yet, as the developments in the 11th century were to demonstrate, only a theological argument could sufficiently decontextualize the issue to constitute a permanent solution to the crisis of hierocratic authority.¹²⁸

Abu Sahl al-Nawbakhti's new view on occultation makes good sense in historical context. During the last decade of his life, Abu Sahl was having great trouble with extremists within the Imami community who were claiming to be direct representatives of the hidden imam. Sometime in the early 910s an

123 Ibn al-Nadīm, *Fihrist*, ed. G. Flügel (Beirut: Khayyat Reprints, 1964 [1871]), 176.

124 Kulaynī, *Kāfi*, 2:126–67; Ibn Bābūya, *Kamāl*, 648.

125 Ibn Bābūya, *Kamāl*, 92–23; English trans., Arjomand, "Imam *Absconditus*."

126 Muhammad was hardly an outlandish name. One of the splinter groups after the death of Imam Hasan al-'Askari believed that he had appointed as his successor an adult son, named Muhammad, who was under cover from fear of his uncle Ja'far. Another small splinter group in the Sawad of Kufa denied that the son's name was Muhammad and called him 'Ali (Ash'arī al-Qummī, *Maqālāt*, 114).

127 Iqbāl (*Khāndān*, 110–01) does not reject this report outright, but considers it a possible earlier opinion. If our analysis is correct, it is Abu Sahl's *later* view.

128 See Arjomand, "Consolation of Theology."

Imami mystic and millenarian who was to acquire great fame, Husayn ibn Mansur al-Hallaj, was distributing money to the poor in Ahwaz in the style of the chiliastic figure of al-Saffah (the generous one),¹²⁹ and challenged Abu Sahl as the leader of the Shi'i community by writing to him: "I am the agent (*wakīl*) of the Lord of the Age (*ṣāhib al-zamān*)."¹³⁰ Abu Sahl probably used his considerable influence as a high functionary of the caliphal state under al-Muqtadir and his close ties with the influential Zahirite school of law—which the Imami Shi'i accepted in court, because their own was not enforced—to suppress al-Hallaj and his movement.¹³¹ Furthermore, in 914–45, shortly after Hallaj's initial challenge, a man claimed to be the son of the eleventh imam, Hasan al-ʿAskari, returning from occultation in Baghdad.¹³² Caliph al-Muqtadir required little persuasion to put the pretender behind bars, but the episode was deeply disturbing for Abu Sahl and the Imami hierarchy. It is possible that Abu Sahl's later view that the son of Hasan had died in occultation was in part a response to this last pretender, though here we can only speculate. We are on firmer historical ground in putting forward the hypothesis that the trouble with the pretenders made Abu Sahl, the aged Ibn al-ʿAmri, and Ibn al-ʿAmri's energetic daughter Umm Kulthum think of strengthening the authority of the director of the holy seat. A new designation, *safīr* (intermediary), seems to have been put in circulation around this time in order to upgrade the office of the chief representative as the sole official intermediary between the imam and the Shi'is.¹³³

The opportunity to institutionalize the office of a sole intermediary with the imam presented itself when Muhammad ibn ʿUthman al-ʿAmri died in 917. The secretariat of the hidden imam was by now in Baghdad. Abu'l-Qasim Husayn ibn Ruh al-Nawbakhti¹³⁴ was established as the official intermediary (*safīr*) between the hidden imam and the community. Umm Kulthum testified that her father had designated Husayn ibn Ruh as his intermediary.¹³⁵ More

129 See Iqbāl's carefully documented account in *Khāndān*, 115–56.

130 Ṭūsī, *Ghayba*, 247.

131 Iqbāl, *Khāndān*, 113–34. Hallaj was eventually executed in 922.

132 Klemm, "Vier *sufarā*," 141–12.

133 *Ibid.*, 132–21.

134 Ibn Ruh al-Nawbakhti was, according to one report, a relatively junior figure, one of the ten representatives of Ibn al-ʿAmri in Baghdad. He must, however, also have worked for Ibn al-ʿAmri as a secretary at the bureau of the Imam because one of the decrees issued by the hidden imam to curse one of Ibn al-ʿAmri's opponents appeared in his hand (Ṭūsī, *Ghayba*, 245).

135 Ṭūsī, *Ghayba*, 227; Iqbāl, *Khāndān*, 215–56. As Klemm ("Vier *Sufarā*," 138, esp. n. 63) correctly observes, Umm Kulthum's grandson is the chief source for this period.

important than the new designation of the upgraded office was the decision of the Imami hierarchy to reopen official communication with the hidden imam after a quarter-century. On 9 April 918, the newly ensconced *safīr*, Husayn ibn Ruh al-Nawbakhti, produced the first new decree issued by the hidden imam.¹³⁶ The subject of the decree, it is interesting to note, was the confirmation of Ibn Ruh, the new head of the hierarchy. The issuance of decrees emanating from the hidden imam was thus resumed.

Ibn Ruh appears to have strengthened the holy seat's ties with its compatriots in Iran. He is reported to have spoken the Persian dialect of Avah with a woman from that area who was visiting him.¹³⁷ With the resumption of communication between the imam and his Shi'is, Ibn Ruh corresponded regularly with the Imami communities in Iran. In one decree issued under Ibn Ruh, intended no doubt to strengthen his ties with the community in Qumm, the hidden imam congratulated the traditionist 'Ali ibn Babuya on the birth of his son, whom he blessed.¹³⁸

4 Conclusion: The Crisis of Hierocratic Authority and the Declaration of the Complete Occultation

Abu Sahl died in a troubled period which resulted in the fall of the House of Furat. Ibn Ruh was imprisoned when his patrons, Abu'l Hasan al-Furat and his son Muhsin, were executed in 924. Ibn Ruh's deputy, Shalmaghani, another protégé of the Banu al-Furat in the caliphal bureaucracy, fled to Mosul. Until then, Shalmaghani had served Ibn Ruh in the secretariat of the hidden imam and had written many books dealing with legal matters for use by the Imami community.¹³⁹ Among these was a *Book of Duties* (*kitāb al-taklīf*) that Shalmaghani had composed in close consultation with Ibn Ruh and upon his request; the contents had been approved by the jurists of Qumm except for one ruling.¹⁴⁰ Shalmaghani then fell out with Ibn Ruh and claimed deputyship of the hidden imam for himself. Ibn Ruh's reaction from prison was to issue,

136 Ṭūsī, *Ghayba*, 227–78; Iqbāl, *Khāndān*, 216.

137 Ibn Bābūya, *Kamāl*, 504.

138 Ibid., 509; Ṭūsī, *Ghayba*, 195–56.

139 After Shalmaghani's defection, Ibn Ruh was asked what the Shi'a were to do with his books "as our houses are full of them" (Ṭūsī, *Ghayba*, 239). We know from a question answered by the Sharif al-Murtada that Shalmaghani's legal manuals were still in use a century later (*Rasā'il al-sharīf al-Murtaḍā* [Qumm: Dār al-Qur'ān, 198?] 1:279).

140 Ṭūsī, *Ghayba*, 239; Iqbāl, *Khāndān*, 230–04.

in March 926, a decree purporting to emanate from the hidden imam which excommunicated Shalmaghani.¹⁴¹ As an insider of the secretariat of the absent imam, Shalmaghani knew, as did Ibn Ruh, that everything was up for grabs—or, as he put it, “[W]e were wrangling over this matter like dogs over a corpse.”¹⁴²

Shalmaghani used his claim to be the gate of the hidden imam to push Hallajian heterodoxy to the utmost, creating a dualistic religion that was no longer recognizable as Islam and identifying the Qa’im of the House of Muhammad with Satan. Particularly alarming was Shalmaghani’s adoption of the late-Zoroastrian chiliastic oracles on the return of a Persian savior-king in connection with the idea of occultation as expressed in a poem by one of his followers:

Verily is He [i.e., God] a unity without qualification

Uniting with every unitarian,

Mixing with light and darkness.

O Seeker of the House of Hashim [Muhammad’s House]

And denier of the House of the Chosroes

Of non-Arab descent is he who is indeed in occultation [*ghāba*]

In the Persian is the agreeable merit

As Lu’ayy once appeared among the Arabs.¹⁴³

This follower of Shalmaghani, the jurist-turned-pantheistic-chiliast, omits all reference to the putative “son of Hasan,” and like many Iranian converts expects the return from occultation of a savior from the Persian royal house.

Upon his release from prison in 929, Husayn ibn Ruh came to terms with the agent in Mosul and brought the fiscal administration of the region back under the control of the holy seat.¹⁴⁴ He also used his return to political power and the favorable disposition of al-Radi, who became caliph in 934, to destroy his chiliastic enemy, Shalmaghani, as Abu Sahl before him had done with Shalmaghani’s inspirer, Hallaj. Shalmaghani was arrested and tried with his followers, and was eventually executed in November 935.¹⁴⁵

141 Ibid., 218.

142 Arjomand, *Shadow of God*, 43, citing Tūsī, *Ghayba*, 241.

143 Tūsī, *Ghayba*, 250. On the late Zoroastrian political oracles, see Kippenberg, “Mittelpersischen Traditionen,” 64–40.

144 Tūsī, *Ghayba*, 147–70.

145 Ibid., 220–01; Klemm, “Vier *Sufarā*” 133.

It is worth noting that during the seven decades of the crisis of the imamate and absence of the imam, women played a prominent role in the Shi'i community. The sister of Faris al-Qazwini became the leader of her brother's followers after his assassination, aligning them with Ja'far and against the eleventh imam. The eleventh imam's mother played an important role after his death, on the opposite side from Faris's sister, opposing Ja'far and claiming that the deceased Hasan al-'Askari had left behind a pregnant concubine. The eleventh imam's aunt and sister were also drawn into this struggle.¹⁴⁶ Finally, Umm Kulthum, the daughter of Muhammad ibn 'Uthman al-'Amri, played an important role in securing the succession of her husband's kinsman, Ibn Ruh al-Nawbakhti, to her father and thus creating the institution of *sifāra*. She also supported Ibn Ruh in the struggle against chiliasm and Shalmaghani.¹⁴⁷

Ibn Ruh did not survive his foe for long: he died in June 938. According to the official Shi'i history, which anachronistically counts the 'Amris as *safirs*, Ibn Ruh was the "third" *safir* to the hidden imam and was succeeded by 'Ali ibn Muhammad al-Samari as the fourth and last *safir*. As a historical figure, Samari is pale indeed. He is essentially on the record for performing a single task: the abolition of the short-lived institution of *sifāra* by the proclamation of the complete (*tāmma*) occultation to last until the end of time. As Ibn Ruh's claim to reopened communication with the hidden imam had generated disturbing counterclaims of the putative *abwābs* (gates), it is not unreasonable to regard Samari as a cipher for the failed project to institutionalize central hierocratic authority in the form of *sifāra*. Six days before his death in 941, Samari reportedly produced a decree from the hidden Imam:

In the name of God, the merciful, the compassionate. O, 'Ali ibn Muhammad al-Samari . . . you will die in six days. Settle your affairs, and leave no testament in favor of anyone to fill your office after your death. Indeed, the second [variant: the complete (*tāmma*)] occultation has occurred, and there will be no *parousia* save with God's permission.¹⁴⁸

Foreseeing trouble like that faced by the Nawbakhtis, the decree continues:

There will soon be among my Shi'a those who claim to have seen me. Indeed, whoever claims seeing me before the rising of the Sufyani and the cosmic battle cry (*ṣaiḥa*) is a slanderous liar.

146 Modarressi, *Crisis*, 78–89, 82–23.

147 Ṭūsī, *Ghayba*, 227, 248–80; Iqbāl, *Khāndān*, 215, 232–24.

148 Ibn Bābūya, *Kamāl*, 516. The editor notes (n. 1) that the variant *tāmma* (complete) is found in some copies of the manuscript. The latter variant is the one given in Ṭūsī, *Ghayba*, 243.

This declaration could not deter other claimants to gatehood, including a nephew of Ibn al-ʿAmri, from rising after Samari's death.¹⁴⁹ When reportedly asked whether he would appoint a successor six days later, Samari quipped: "The matter is God's; He will make it reach completion."¹⁵⁰ With these words he died, leaving behind no successor and no doctrine of occultation.

The multiplication of extremist claimants to the "gatehood" of the hidden imam, and the cessation of communication between the imam's holy seat and the Shi'i community for a second time,¹⁵¹ deepened the sense of trial (*miḥna*) in this period of perplexity (*ḥayra*), and many Imami Shi'is left the fold, threatening Imami Shi'ism with extinction.¹⁵² In the short run, the theoretical solution to the crisis of the imamate by Nawbakhti and Ibn Qiba al-Razi was not accompanied by a practical solution to the crisis of hierocratic authority and had little immediate effect on the morale of the Shi'i community. In the long run, however, a permanent solution required recovering these pioneering theological statements, as was done by Ibn Babuya in the latter part of the 10th century.¹⁵³ It was in fact upon the foundations that these statements had laid that the idea of occultation was detached from its chiliastic context during the 11th century, the period of the maximal Mu'tazilite impact on Imami Shi'ism. The 11th-century Imami doctors could then integrate the doctrine of the occultation of the last imam into their rational theology. The idea of occultation was deapocalypticized and transformed into a fixed component of the Shi'i theodicy and theology. At the same time, hierocratic authority became institutionalized in a manner consistent with the nomocratic theology of occultation.¹⁵⁴

149 Ṭūsī, *Ghayba*, 254–46.

150 Ibn Bābūya, *Kamāl*, 516; Ṭūsī, *Ghayba*, 243.

151 Ibn Bābūya, *Kamāl*, 3.

152 E. Kohlberg, "From Imāmiyya to Ilhnā'ashariyya," *Bulletin of the School of Oriental and African Studies* 39 (1976). Modarressi, *Crisis*, 97–78. The sense of doubt pervades the short sections on the Lord of the House (*ṣāhib al-dār*) and the occultation in Kulayni's *Kāfi* (1:117–70), and in dating one report, Kulayni uses the term perplexity (*ḥayra*) instead of occultation (*ghayba*) as the beginning of the period (2:470). A rescript issued by the secretariat at the holy seat in response to a certain Ibn Abi Ghanim similarly speaks of the believers' "doubt and perplexity (*ḥayra*) concerning those in authority" (Ṭūsī, *Ghayba*, 173).

153 Ibn Bābūya, *Kamāl*, 87–73.

154 See chapter 4 below.

Imam *Absconditus* and the Beginnings of a Theology of Occultation*

The last quarter of the ninth century is the most obscure in the history of Imami Shi'ism—bedeviled as it is by confused and tendentious documentation. Following the death of the eleventh Imam with no offspring, it represents a period of severe crisis and yet, within it, are found the beginnings of a number of far reaching doctrinal and institutional trends which shaped Shi'ism permanently. Two important documents are used as a window for viewing this critical period by focusing on the major rupture in the history of Shi'ism that marks its end: the cessation of communication between the Imam and his Shi'a and the formal acceptance of an Imam *absconditus*. From the historical point of view, this rupture is the decisive turning point that divides the historical Imamate from the era of occultation.

1

On Friday, January 1, 874/8 Rabī' I, 260, the eleventh Imam, Ḥasan al-ʿAskarī, died. “He died and no offspring (*khalaf*) was seen after him.”¹ His followers splintered into fourteen or more groups. Two of these took up the ideas of the Wāqifiyya, the group of followers of the seventh Imam, Mūsā al-Kāẓim (d. 799/183), which, after his death, considered the Imamate suspended in him, as he was the apocalyptic *qā'im* (redresser/riser) in occultation. The Wāqifiyya had also held that the *qā'im* would have two occultations, a short one followed by a longer one extending to his rising, a tenet whose origin can be traced to Mūsā al-Kāẓim's two periods of imprisonment.² One splinter

* Originally published as “Imam *Absconditus* and the Beginnings of a Theology of Occultation: Imami Shi'ism around 900 CE/280–290 AH,” *Journal of the American Oriental Society*, 117.1 (1997): 1–12.

- 1 Sa'd b. 'Abd Allāh al-Ash'arī al-Qummī, *Kitāb al-maqālāt wāl-firaq*, ed. M. J. Mashkūr (Tehran, 1963), 102 (henceforth *MF*). In Ḥasan b. Mūsā al-Nawbakhtī, *Kitāb firaq al-shī'a*, ed. H. Ritter (Istanbul, 1931), 79 (henceforth *FSh*). The word *athar* (vestige) is used instead of *khalaf*.
- 2 W. Madelung, “al-Mahdī,” *Encyclopedia of Islam*, 2nd ed. (1986), 5: 1236; H. Modarressi, *Crisis and Consolidation in the Formative Period of Shi'ite Islam* (Princeton: Darwin Press, 1993), 87.

group among Ḥasan's followers argued that, as a childless Imam cannot die and leave the world devoid of proof (*hujja*) of God, Ḥasan had not died but had gone into occultation. He was the *qā'im* and the *mahdī*, and would have two occultations.³ In the course of the next two decades, these neo-Wāqifite ideas were adopted in modified form by the leadership of the nascent Imami hierarchy.

Ḥasan b. 'Alī had become the eleventh Imam by default, as his older brother and the successor-designate of the tenth Imam, Muḥammad, had predeceased their father. Some of the Imamis had refused to accept his Imamate and had instead chosen his younger brother, Ja'far. Probably the majority maintained that the eleventh Imam had died childless and, considering this proof that they had been mistaken in accepting his Imamate in the first place, became followers of his rival brother, Ja'far, who survived him by some two decades.⁴ 'Uthmān b. Sa'īd al-'Amrī, the eleventh Imam's chief agent, who, assisted by his son, Muḥammad, had been in charge of the seat of the Imam (*al-nāḥiya al-muqaddasa*) in Sāmarrā' since the time of the tenth Imam, refused to come to terms with Ja'far. Instead, the 'Amrīs opted for an absent Imam whose name they refused to divulge "as the people believe that this lineage has come to an end."⁵ 'Amrī the elder died before long, and his son, Abū Ja'far Muḥammad b. 'Uthmān, assumed the direction of the seat of the Imam for over forty years until his death in 917/304.⁶

Some even saw his imprisonment as part of the occultation (Muḥammad b. Muḥammad b. al-Nu'mān, al-Shaykh al-Mufid, *al-Irshād* (Qumm: Baṣīratī, n.d.), 303; English tr. I. K. A. Howard, *Kitāb al-Irshād: The Book of Guidance* (London: The Muhammadi Trust, 1981), 456, assimilating it to Joseph's imprisonment which they also considered an occultation. (Ibn Bābūya, Muḥammad b. 'Alī, al-Ṣadūq, *Kamāl al-dīn wa tamām al-ni'ma fī ithbāt al-ghayba wa kashf al-ḥayra*, ed. 'A. A. Ghaffārī (Tehran, 1975/1395), 152–53 (henceforth *Kamāl*).

3 *FSh*, 79–80; *MF*, 106–7; *Kamāl*, 40; Kohlberg, "From Imamiyya to Ithnā-'ashariyya," *Bulletin of the School of Oriental and African Studies* 39 (1976): 531. The second neo-Wāqifite splinter group had similar beliefs, except for maintaining that Ḥasan had died but would return to life as the *qā'im* and the *mahdī*. (*FSh*, 80–81; *MF*, 107).

4 Abū Ḥātim al-Rāzī, *Kitāb al-zīna*, edited and published as a supplement to 'Abd Allāh al-Sallūm al-Samarrā'ī, *al-Ghulūww wa'l-firaq al-ghāliya fi'l-ḥadāra al-islāmiyya* (Baghdad, 1972/1392), 291–93. See also Modarressī, 81, nn. 141–43.

5 *Kamāl*, 442.2012.

6 There is an unresolved problem with the elder 'Amrī's name. Our oldest source, Kashshī, reports it as "Ḥafs b. 'Amr known as al-'Amrī," adding that his son, Muḥammad ibn 'Uthmān, was known as Ibn al-'Amrī. (Muḥammad b. 'Umar al-Kashshī, *Rijāl*, abridged by Muhammad b. al-Ḥasan al-Ṭūsī as *Ikhtiyār ma'rifat al-rijāl*, ed. H. Muṣṭafavī [Mashhad, 1970/1348], 530–31.) All subsequent sources, however, give the totally different name of 'Uthmān b. Sa'īd. The Shi'ite biographical science (*ilm al-rijāl*) has added the epithet *jammāl* (camel-driver) to

This immediate assumption of control cannot have been accompanied by any theological argument. Muḥammad b. ‘Uthman al-‘Amrī must simply have claimed to be acting on behalf of a son left behind by the eleventh Imam. This Imam in hiding was said to have been born circumcised, and Ibn al-‘Amrī reports on the authority of the Imam’s aunt that his mother gave birth to him without bleeding “as is the way of the mothers of the Imams.”⁷ The chief agent produced several decrees, purporting to emanate from this hidden Imam, to excommunicate his opponents and rival contenders. At some point the Imam in hiding was said to have been four years old at the time of his father’s death, and Ibn al-‘Amrī is reported to have insisted on his existence by swearing: “By God, the lord of this cause (*ṣāhib hādihā’l-amr*) is present every year during the Ḥajj season. He sees people and recognizes them, while they see him and do not recognize him.” Furthermore, the miracles of the Imam were said to become manifest through the chief agent’s hand.⁸ In the long run, however, Ibn al-‘Amrī and his associates, most notably the Nawbakhtī family in Baghdad, also adopted a modified form of the neo-Wāqifite notion of occultation to explain the continued absence of the Imam.

At least some of the fiscal organization of the Imami community survived the eleventh Imam and the defections to his brother, and agents loyal to Ibn al-‘Amrī in Sāmarrā’ continued to collect *khums* on behalf of the hidden Imam. In the 860s and early 870s, decrees and letters of the tenth and eleventh Imams were sent regularly to various Imami communities in Muḥammad b. ‘Uthmān al-‘Amrī’s handwriting. After the death of the eleventh Imam, community leaders continued to receive letters and decrees from the seat of the hidden Imam in the same hand.⁹ This handwriting gradually came to be considered that of the Lord of the House, alternatively identified as the Lord of the Age,

Ḥafs b. ‘Amr’s name, but has not been able to solve this problem. Acknowledging the improbability of two sets of fathers and sons with the same last name having been the agents of the hidden Imam, Khū’ī is disposed to doubt the existence of any Ḥafs b. ‘Amr, let alone a son of his. (Abū’l-Qāsim al-Mūsawī al-Khū’ī, *Muḥjam rijāl al-ḥadīth*, vol. 6 [Najaf, 1983/1403], see n. 34, vol. 1 [1970], 144–47.) However, given the length of the obscure period in which the holy seat was apparently run by Ibn al-‘Amrī (forty-five years by our count, fifty in some traditional reports) it could well be that other members of the ‘Amrī family, including some camel-driver, were involved not only in the fiscal administration of the Imami community but also in the chain of succession to the chief agency and wished to derive legitimacy from their relation to the elder ‘Amrī, the chief agent of the tenth and eleventh Imams.

7 *Kamāl*, 433.

8 *Kamāl*, 440; Abū Ja’far Muḥammad b. al-Ḥasan al-Ṭūsī, *Kitāb al-ghayba*, ed. Āghā Buzurg al-Tihrānī (Najaf, 1965/1385), 221 (henceforth *Ghayba*).

9 *Ghayba*, 219–23; Modarressi, 93.

or the hidden Imam.¹⁰ A notable purpose of the earliest decrees of the hidden Imam was the cursing and excommunication of opponents of the chief agent, Ibn al-‘Amrī.¹¹ Many of the decrees concern fiscal administration and the conveying of contributions to the seat of the Imam. Other major themes of the rescripts were pastoral care, cure of disease, provision of shrouds and ritual and legal advice.¹² The active supervision of the agents and the affairs of the community through this correspondence from the holy seat went on for some two decades. Then, probably in the mid-890s/early 280s, the bureau of the Imam suddenly ceased to issue decrees and letters, and its agents stopped collecting *khums* for remission to the holy seat. The cessation of all communication with the holy seat—was tantamount to the Imam absconding, and introduced a major rupture in the history of Imami Shi‘ism. A decade later, we witness the first sustained efforts to make sense of the Imam’s absconding. This is done by systematically relating the absence of the Imam to the central notions of the Imamate and Prophecy as institutions for the divine guidance of mankind. In other words, a *theology* of occultation emerged in the years immediately following the cessation of communication with the Imam *absconditus*.

As has been shown elsewhere,¹³ the serious challenges to hierocratic authority in the early tenth/fourth century caused the announcement, in 918/305, that communication with the Imam had been resumed. This measure proved a disastrous failure and only aggravated the perplexity (*ḥayra*) of the Imami community (which has given the era its name) and the Imami hierarchy was compelled to reverse it with a declaration of complete occultation (*ghayba tāmma*) in 941/329. This meant a return to the search for a theological solution to the problem of the Imam *absconditus*. The beginnings made in the last

10 *Kamāl*, 483; *Ghayba*, 176.

11 *Ghayba*, 244–45, mentions three such decrees. The first was issued against a certain Sharīfī, a disciple of the tenth and eleventh Imams who was reportedly the first to claim to be the gate (*bāb*) to the Hidden Imam. The other, better known claimant to the gatehood of the Imam of the age, Muḥammad b. Nuṣayr al-Numayrī, was cursed by Muḥammad b. ‘Uthmān, but apparently not by the hidden Imam himself. Two other opponents of Ibn al-‘Amrī—Aḥmad b. Hilāl al-Karkhī, a disciple of the eleventh Imam who had acknowledged ‘Amrī the elder’s authority but refused to accept the succession of his son, and Muḥammad b. ‘Alī b. Balāl, an agent who claimed independent authorization by the hidden Imam and refused to hand over funds collected on his behalf—were subjects of two excommunication decrees emanating from the hidden Imam.

12 *Kamāl*, 482–522.

13 S. A. Arjomand, “Crisis of the Imamate and the Institution of Occultation in Twelver Shi‘ism: a Sociohistorical Perspective,” *International Journal of Middle East Studies* 28.3 (1996).

decade of the ninth century thus proved invaluable to the rationalist doctors of the eleventh century, who were to develop a theology of occultation as a key element in making Imami Shi'ism into a doctrinally robust variant of Islam as a world religion of salvation.¹⁴ In short, the end of the historical Imamate and the theological response to it make the last decade of the ninth century a critical period in the history of Imami Shi'ism.

The two sections of this study are devoted to bringing two important documents from this period to light. The first is a rescript issued by the bureau of the Imam shortly after 894/281, which can be considered the last communication before the Imam *absconditus* is sealed off from the community of believers. The second is a tract that was written less than a decade later by a close associate of Ibn al-'Amrī and the leading figure among the Imami Shi'a in Baghdad, Abū Sahl Ismā'il b. 'Alī al-Nawbakhtī (d. 923/311). Nawbakhtī's attempt to make sense of what is said to be the Imam's occultation by rational arguments can be taken as the earliest extant representation of the interpretation of occultation by the Imami hierarchy. His position, it will be noted, was consonant with that of his contemporary, Ibn Qiba al-Rāzī, whose polemical tracts on occultation have recently been published by Modarressi.¹⁵

2

Of the decrees issued from the holy seat in the hand of the chief agent, Muḥammad b. 'Uthmān al-'Amrī, the most important, and probably the last, was a rescript issued in response to a set of questions by a certain Ishāq b. Ya'qūb at the closing decade of the ninth century (ca. 895/282).¹⁶ Nothing is known about Ishāq b. Ya'qūb from Shi'ite biographical sources. The connection implied between him and Muḥammad b. 'Alī b. Mahzyār in the rescript, however, suggests that he may have been an agent in or near the Ahwāz area. Here is the text of the rescript, "written in the hand of our master, the Lord of the Age [variant, Lord of the House]":¹⁷

14 See S. A. Arjomand, "The Consolation of Theology: The Shi'ite Doctrine of Occultation and the Transition from Chiliasm to Law," *Journal of Religion* 76.4 (1996).

15 Modarressi, *Crisis and Consolidation*, part two.

16 This approximate dating is based on the reference to Ja'far and his son.

17 The text of the decree is taken from Kamāl, 483–85. The version given in Ghayba, 176–78, is virtually identical. It gives, however, "Lord of the House" (*ṣāhib al-dār*) instead of "Lord of the Age" (*ṣāhib al-zamān*). I have numbered the paragraphs for the purpose of discussion.

1. As for your enquiry, may God guide and confirm you, regarding those from our family and our cousins who deny me, know that there is no kinship between God and any individual, and he who denies me is disassociated from me, and his way is the way of the son of Noah. As for the way of my uncle Ja'far and his son[s], it is the way of Joseph's brothers.
2. As for beer, its drinking is forbidden, but there is no evil in parsnip wine (*shalmāb*).
3. As for your contributions, we accept them only to cleanse you. Let whoever wishes send them and whoever wishes stop. What God has given me is better than what He has given you.
4. The *parousia* (*zuhūr*) is a deliverance; its announcement is with God alone; those who appoint a time (for it) are lying.
5. He who assumes Ḥusayn was not killed is guilty of infidelity, falsehood and error.
6. As for new occurrences, refer in their regard to the transmitters of our Tradition; they are my proofs upon you, and I am the Proof of God upon them.
7. As for Muḥammad b. 'Uthmān al-'Amrī—God is pleased with him and with his father before him—he is trusted by me and his writing (*kitāb*) is my writing.
8. As for Muḥammad b. 'Alī b. Mahzyār al-Ahwāzī, may God reform his heart for him and remove his doubt.
9. As for the contributions you have sent us, we accept only what is clean and pure; the earning of a (female) singer is forbidden.
10. As for Muḥammad b. Shādhān b. Na'im, indeed, he is a man of our Shi'a of the Household [of the Prophet].
11. As for the mutilated¹⁸ Abū'l-Khaṭṭāb, Muḥammad b. Abī Zaynab, he is accursed, and his companions are accursed. Do not associate with people of their discourse; I dissociate myself from them and my fathers—peace be upon them—are dissociated from them.
12. As for those who are in possession of our properties, if they consider any of it theirs and eat of it, they are verily eating fire.¹⁹
13. As for the *khums*, it is indeed made lawful for our Shi'a [to keep]; I have exempted them from it until the time of *parousia* so that their birth should remain clean and not illegitimate.
14. As for the repentance of those who had shown doubt in the religion of God concerning their contribution to us, let those who asked for the

18 By having had his nose cut off.

19 The fire of hell.

return of their goods have them back; we have no need of gifts from those who doubt.

15. As for the cause of what has occurred in the matter of occultation (*ghayba*), God Most High has verily said: “O, those who believe, question not concerning things which, if they were revealed to you, would vex you” (Qurʾān 5:101). There has not been a single one of any forefathers—peace be upon them—who has not borne the allegiance (*bayʿa*) to the despot (*tāghiya*) of his time on his neck; I will indeed rise when, at the time of my uprising, there is no allegiance to any of the despots upon my neck.
16. As for the way of benefiting from me during my occultation, it is like benefiting from the sun when it is hidden from the eyes by clouds. Indeed I am the security (*amān*) of the people of the earth, as the stars are security to the people of the skies. So close the gate of questions in what does not concern you. Do not burden yourself with knowing what is beyond your duty.²⁰ Increase your prayer for the expedition of deliverance (*faraj*); in this, indeed, is your deliverance.

This document is remarkable for encapsulating the life of the Shiʿite community during the decades following the death of the eleventh Imam. Paragraph 1 touches on the most critical issue for the survival of the sect, namely the rival claim to the Imamate by the eleventh Imam’s brother, Jaʿfar, from whom the hidden Imam dissociates himself. As was pointed out, Jaʿfar’s following was at first very substantial. Even the merchant of fat (*sammān*), as the elder ʿAmrī was sometimes referred to on account of his profession, is reported to have been in the entourage of Jaʿfar on the day of the death of the eleventh Imam.²¹ The break, however, must have come soon thereafter. The ʿAmrīs and a branch of the Imam’s family bitterly opposed Jaʿfar and resented his sharing in the eleventh Imam’s estate with the latter’s mother.²² They must have been responsible for producing traditions according to which the whole crisis of succession had been foretold by the fourth and the tenth Imam, both of whom had called the false pretender “Jaʿfar the liar (*kadhdhāb*),”²³ a designation used in the subsequent Imami literature. The reference to Jaʿfar *and his son* suggests that the

20 This injunction reinforces the suggestion of the Qurʾanic verse cited in the previous paragraph that the believers cease to be inquisitive about the matter of occultation.

21 *Kamāl*, 475.

22 Modarressi, 77–84.

23 *Kamāl*, 319–20.

rescript was written after his death, most probably in 894–95/281,²⁴ and the succession of his son, ‘Alī, as the Imam of his followers, the Ja‘fariyya.

Two of the paragraphs concern the agents of the holy seat in important Shi‘ite centers. Muḥammad b. Shādhān b. Na‘īm, confirmed in paragraph 10, was the Imam’s agent (*wakīl*) in Nishāpūr. He appears to have succeeded Ibrāhīm b. ‘Abduh, who had been the agent of the eleventh Imam and had remained loyal to the ‘Amrīs. One of the early decrees issued for the hidden Imam by the central bureau had aimed at rallying the community in Nishāpūr behind him, and at assuring the transmission of collected taxes.²⁵ Nishāpūr was subordinate to the region of Qumm and Rayy in fiscal administration,²⁶ and Muḥammad b. Shādhān b. Na‘īm transmitted contributions collected on behalf of the *qā’im* to his superior in the fiscal hierarchy, Muḥammad b. Ja‘far al-Asadī, the agent in Qumm.²⁷ Ibn al-‘Amrī must have had considerable organizational skill and must have concentrated his efforts on winning over the fiscal agents, and/or retaining their loyalty. One tradition names over twenty agents (*wukalā’*) in various districts, including two Nawbakhtīs.²⁸

The exact identity of the agent mentioned in paragraph 8 is more problematic, as was evidently his loyalty to the holy seat. Before considering these problematic aspects, however, it should be pointed out that the term doubt (*shakk*) occurs very frequently in the documents of this period, and is often coupled with perplexity (*ḥayra*) of the believers about the Imamate. A number of traditions transmitted in Qumm and Nishāpūr use the terms perplexity (*ḥayra*) and occultation (*ghayba*) synonymously.²⁹ In dating one report, Kulaynī uses the term perplexity (*ḥayra*) instead of occultation (*ghayba*) to indicate the beginning of the period.³⁰ In fact, this whole period is often referred to as the era of perplexity. With the adoption of the neo-Wāqifite idea of occultation and pending the development of a distinctively Imami theology of occultation, the hierarchy could counter perplexity only with the promise of *parousia* and deliverance. To this end, Ibn al-‘Amrī reported that his father had heard the eleventh Imam say that his successor was my son, Muḥammad. . . . For him

24 Ja‘far was still alive according to a tradition dated Sha‘bān 278/Nov.–Dec. 891 (*Kamāl*, 40–42). The year 271/884–85 has been given in a source, but 281/894–95 is the most likely date for Ja‘far b. ‘Alī’s death, as he is said to have died at the age of forty-five (Modarressi, 83, n. 161.).

25 Kashshī, 575–80.

26 *Ibid.*, 579.

27 *Kamāl*, 442, 485–86, 509.

28 *Kamāl*, 442–43.

29 *Kamāl*, 287–89, 304.

30 Muḥammad b. Ya‘qūb al-Kulaynī al-Rāzī, *Ūsūl al-kāfī*, ed. J. Mustafavī (Tehran, n.d.), 2:470.

there is an occultation during which the ignorant are perplexed... and the predictors of the Hour lie until he rises; and it is as if I [already] see the white banners flying above his head in Kūfa.³¹

Paragraph 8, however, is far more specific and speaks of the doubt of one particular individual. The man in question is identified as Muḥammad, the son of ‘Alī b. Mahzyār, an old agent of the ninth, tenth, and eleventh Imams in Ahwāz, who had taken over his father’s office. He is said to be having doubts, presumably not accepting the authority of the holy seat. But the central hierarchy was evidently hopeful of winning him back. The old agent in Ahwāz, ‘Alī b. Mahzyār, who had been a prominent figure under the late Imams, is on record for transmitting a tradition in support of occultation and the absent Imam,³² and is commended in the decrees emanating from the latter.³³ His brother, Ibrāhīm, had also been a disciple of the ninth and tenth Imams, and, as we shall see, is said to have been dear to the hidden Imam.³⁴ This Muḥammad b. ‘Alī b. Mahzyār al-Ahwāzī must be the same person as the Muḥammad b. Ibrāhīm b. Mahzyār al-Ahwāzī who is mentioned in several other traditions. If Muḥammad’s father was in fact Ibrāhīm, he would be ‘Alī b. Mahzyār’s nephew; he would have been confirmed in his uncle’s office. Accepting this identification, another tradition helps us infer that the conciliatory tone of the rescript was indicative of an imminent reconciliation and Ibn Mahzyār’s acknowledgment of the authority of the holy seat. According to this tradition, Ibn Mahzyār had had doubts about the existence of an Imam and had traveled to Baghdad with funds collected by his father on behalf of the Imam. His doubt had been overcome when a miraculous note from the bureau of the Imam described the collected funds and contributions in precise detail. When he handed over the funds, the hidden Imam issued a decree appointing him to his father’s

31 *Kamāl*, 409. The one problematic feature of this tradition is the naming of the hidden Imam. See below.

32 ‘Alī b. Mahzyār reported that he had asked the tenth Imam about the time of deliverance (*faraj*) and that the latter replied: “Expect deliverance when your lord (*ṣāhib*) becomes absent from the realm of the tyrants.” (‘Alī b. al-Ḥusayn b. Bābūya, *al-Imāma wa’l-tabṣira min al-ḥayra*, ed. M. R. al-Ḥusayni (Beirut, 1987), 234, no. 83; *Kamāl*, 380–81, nos. 2–3). This response seemed to be echoed later in the answer given by the holy seat in the name of the lord (*ṣāhib al-amr*) himself to the same inquiry by another agent of the tenth Imam, Ayyūb b. Nūḥ (*Kamāl*, 381, no. 4).

33 Najashī, *Rijāl*, 253.

34 See Khū’ī, *Mu’jam*, vol. 1 (1970/1390), 166–70, for a discussion of the contradictory traditions in this regard.

(or uncle's) office.³⁵ Furthermore, we can arrive at an approximate date for the rescript as a different tradition relates that, in 893–94/280, Muḥammad b. Ibrāhīm al-Ahwāzī came to Ibn al-ʿAmrī and recognized his supreme authority as his father's successor.³⁶ Together with the probable date of succession of Jaʿfar b. ʿAlī suggested by paragraph 1, this last reference points to the mid-890s/early 280s as the date of issuance of this rescript, which is consistent with Abū Sahl al-Nawbakhtī's testimony that the rupture of communications from the seat of the Imam came more than twenty years after the death of the eleventh Imam.³⁷

One particular set of traditions on the Mahzyār family, though very confusing, can nevertheless throw some light on the nature of Ibn Mahzyār's doubt before reconciliation with Ibn al-ʿAmrī at the holy seat. According to these traditions, either Ibrāhīm or his son ʿAlī b. Ibrāhīm b. Mahzyār met the hidden Imam secretly in a valley near Mecca.³⁸ One very interesting feature of these traditions is that the hidden Imam, who is presented as the *qāʾim* and is named Muḥammad, is not the only child of the eleventh Imam but also has a younger brother, Mūsā, in his company.³⁹ More pertinent to our subject is the unmistakable chiliastic tone of these traditions which runs counter to the view of occultation adumbrated in the last paragraph of the rescript, and

35 *Kamāl*, 487; *Ghayba*, 170–71. It should also be noted that the earlier version of the tradition recorded by Kashshī (*Rijāl*, 531–32) mentions no doubt on the part of the young nephew of ʿAlī b. Mahzyār, who is identified as Muḥammad b. Ibrāhīm, and places the episode during the chief agency of ʿAmrī the elder. According to this earlier version, Muḥammad had been taught the secret sign (*alāma*) whereby he could recognize the agent acting for the hidden Imam. ʿAmrī the elder showed him the sign, in addition to describing in detail the collected funds he had brought from Ahwaz. Ibn al-ʿAmrī is simply mentioned as the agent for the district of Baghdad. This earlier version indicates that Ibn Mahzyār had carried collected funds for his uncle or father as the fiscal agent of the Ahwāz district to ʿAmrī the elder, almost certainly during the Imamate of Ḥasan al-ʿAskarī. The later version suggests that he began to doubt the existence of an Imam, and to withhold transmission of the collected *khums*, when the eleventh Imam died and Ibn al-ʿAmrī became the head of the bureau at the holy seat in succession to his father.

36 *Ghayba*, 220.

37 See below, section III.

38 According to one tradition in the edition of the *Kamāl* we have used (pp. 465–70), which is also reported with some variation in Ṭūsī's *Ghayba* (pp. 160–63), Muhammad b. Ibrāhīm b. Mahzyār is the narrator. Another edition of *Kamāl al-Dīn* (ed. Āyatullāh Kamaraʿī [Tehran, 1960/1378], 2: 140–44), however, names Ibrāhīm b. Mahzyār in the same tradition. In any event, in both editions of the *Kamāl* (pp. 445–51; Kamaraʿī ed., vol. 2, pp. 120–26) the same basic story of the meeting is earlier related from Ibrāhīm b. Mahzyār.

39 *Kamāl*, 447, 467. This jarring feature is omitted by Ṭūsī in the *Ghayba*.

was to be developed into a theology of occultation under the sponsorship of the hierarchy. As Ibn Mahzyār leaves the meeting with the *qā'im*, he is told to prepare the brethren for the uprising and to look for the “signs of the *parousia*” (*imārāt al-ẓuhūr*).⁴⁰ When he asks about the time of the uprising, in one version, the *qā'im* tells Ibn Mahzyār the year of the appearance of Behemoth (*dābbat al-arḍ*) who carries the staff of Moses and the seal of Solomon, and herds the people into the place of Resurrection (*maḥshar*).⁴¹ According to another version, he is simply told “the Hour has drawn near: the moon is split.” (Qurʾān 54: 1)⁴² The association of Ibn Mahzyār with this apocalyptic tradition may explain his doubt concerning the authority of the Imami hierarchy. He is shown to share the chiliastic tendency among the Imami Shiʿa whom the hierarchy had to discipline in the absence of the Imam, as the historical Imams themselves had had to do in their presence. Acceptance of the authority of the holy seat by Ibn Mahzyār in the closing decade of the ninth century must have meant his giving up the chiliastic position and acceptance of routine hierocratic authority during the inevitable absence of the Imam.

No similar speculation is needed for asserting that the object of three of the rulings in the document is the containment of chiliasm. Paragraph 11 is a condemnation of the founder of the extremist sect of the Khaṭṭābiyya, who had been massacred with his followers by the ʿAbbasid governor of Kūfa, ʿĪsā b. Mūsā, in 756/138;⁴³ moreover, paragraph 4 contains a categorical rejection of all claims to knowing the appointed time of *parousia*. The affirmation of the death of the Imam Ḥusayn (in 680/61) in paragraph 5 suggests that some people might have considered him in occultation and expected his manifestation. Modarressi has argued that the period of crisis of the Imamate witnessed the polarization of the Shiʿite positions on the nature of the Imamate. An extremist position, whose proponents became known as the Mufawwiḍa, considered the Imams supernatural beings to whom God had delegated (*fawwāḍa*) His powers of creation and command. The moderate position countered that the Imams were authoritative teachers in religion and law, but did not have the knowledge of the unseen; and many moderates did not even accept the “official” principle of the infallibility of the Imam.⁴⁴ The Mufawwiḍa tended to deduce from God’s delegation of His powers to the Imams that the latter, especially ʿAlī and Husayn, had not died, presumably also deducing, from the same belief, their return (*rajʿa*). The rescript indicates that the nascent hierocratic

40 *Kamāl*, 451.

41 *Ghayba*, 162.

42 *Kamāl*, 470.

43 Kashshī, 290–308.

44 Crisis and Consolidation, ch. 2.

leadership at the seat of the Imam discouraged the Mufawwiḍa extremist tendencies in the name of the hidden Imam.

Paragraph 2 conveys the resolution of a very concrete question in dietary law of the kind other rescripts had often addressed. In paragraph 9, the Imam spurns the gift of a woman singer as impure. Fiscal concerns are the subject of four of the rulings. Paragraph 3 justifies taxation by the Imam who has the power of making the contributions of his Shi'a a means of purification. Paragraph 12 shows the difficulty of controlling fiscal agents and preventing them from appropriating collected funds, and paragraph 14 gives evidence of the doubts of some believers about continuing the payment of religious dues in the absence of the Imam. Paragraph 13 grants the Shi'a a major fiscal concession. The primary aim seems to be to retain the loyalty of the Shi'ite community by removing a major financial burden, but the measure would also incidentally undercut the agents who were collecting funds for themselves. Be that as it may, the indefinite rebating of the *khums* was the important correlative of the cessation of communication with the Imam. It is significant that its suspension until the reappearance of the *qā'im* remained in effect in Shi'ite law for some centuries.

Two items in the rescript are concerned with hierocratic authority. Paragraph 6 refers the believers to the transmitters of the traditions of the Imams in emergent matters. The ruling was a very important step in legitimizing the authority of the nascent hierocracy. Although its full development required a more elaborate framework of theology and jurisprudence than was then in place, the ruling was pregnant with implications, and did form the basis of the juristic authority of the Shi'ite *'ulamā'* in later periods. Paragraph 7 is the confirmation of the authority of Ibn al-ʿAmrī, the chief agent at the holy seat, as the head of the Imami hierarchy. His letters are validated as those of the hidden Imam.

The final paragraphs of the rescript explain the occultation of the Imam. Paragraphs 15 and 16 both seek to dissuade the believers from probing into the vexing questions of occultation.⁴⁵ Paragraph 15 contains the remarkable admission that the previous Imams could not rise against the Caliphs because of their oaths of allegiance, and promises that the hidden Imam will rise against a ruler to whom he owes no allegiance.⁴⁶ Last, but not least, paragraph 16 compares the hidden Imam to the sun when hidden under clouds. We are thus

45 Curiosity was to be discouraged and secrecy reaffirmed during subsequent crises, such as the one caused by claimants to direct communication with the hidden Imam in the ninth century (*Ghayba*, 197).

46 The assertion that only the *qā'im* could rise because (unlike the other Imams) he does not bear the allegiance to anyone on his neck is conspicuous in the traditions adduced to explain "the cause of occultation" in *Kamāl* (479–80; see also pp. 303, 316, 322–23).

given the first central element of the future Shi'ite theology of occultation—namely, that the benefits of the Imamate as the continuous divine guidance of mankind obtain despite the absence of the Imam.

3

The cessation of communication with the seat of the Imam must have intensified discussion of the nature of the concealment of the Imam *absconditus*, and acted as a stimulus toward making sense of it not as a contingency but in theological terms—that is, with reference to God's will and design for mankind. In three polemical tracts that Modarressi dates to the 890s/280s, Ibn Qiba al-Rāzī, an ex-Mu'tazilite convert to Imami Shi'ism, about whom our information is very scant, developed the position that the occultation of the Imam was the logical conclusion of the doctrine of the Imamate,⁴⁷ thus placing the discussion of the existence and occultation of “the son of Ḥasan b. 'Alī” firmly in the theoretical context of a theology of Imamate. Ibn Qiba maintained that “the only need for an Imam is for religion and the establishment of the rule of divine law (*ḥukm al-sharī'a*).”⁴⁸ In sharp opposition to the Mufawwiḍa extremists, Ibn Qiba considered the Imams authoritative teachers in religion and law, who did *not*, however, have the knowledge of the unseen.⁴⁹ They are the proofs of God and of divine guidance of mankind, and therefore must exist. He does state that the Imamate is established by widely transmitted (and therefore authoritative) traditions,⁵⁰ but his main argument in support of occultation is not traditional but rational and theological. The occultation of “the son of Ḥasan b. 'Alī,” he argues, does not obviate the divine guidance of mankind any more than the absence of a prophet in every community and every age.⁵¹

Among the proofs that Ḥasan b. 'Alī did designate [a successor] are the following: that the truth of his Imamate was explicitly established; . . . and that the Shi'ites have quoted from proven authorities that an Imam does not pass away without designating another Imam, as did the Messenger of God. . . . This is because people in every age need someone whose transmission [of traditions] is constant and consistent . . . ; someone who is not negligent and does

47 Modarressi, 125.

48 *Naqd kitāb al-ishhād*, in Modarressi, text, p. 178; tr., p. 212.

49 This latter idea was, however, rejected in the course of the subsequent development of Shi'ism.

50 *Naqd*, text, p. 185; tr., p. 221.

51 *Mas'ala fī'l-imāma* in Modarressi, text, p. 138; tr., p. 143.

not err, and is learned so that he may inform the people of what they do not know, and who is just, so that he may judge by truth.⁵²

Ibn Qiba then resorts to an analogy with prophecy to establish that such a person need not be present, but may well be in occultation. If occultation were not part of the divine order of things, why did God Most High not send many times more prophets than He has sent? Why did He not send to every community a prophet or in every age a prophet until the Hour? Why did He not clarify the meaning of the Qurʾān beyond any doubt, but instead left it open to different interpretations?⁵³

More or less at the same time as Ibn Qiba was debating his opponents in Rayy, closer to the center of the Imami hierocracy in Baghdād, Abū Sahl al-Nawbakhtī, about whom we are much better informed, composed his *Kitāb al-tanbīh*, whose conclusion has been preserved. Abū Sahl, who was the head of the Persian aristocratic Nawbakhtī family, played a critical role in this darkest era of Imami Shiʿism both at the practical and intellectual levels.⁵⁴ At the intellectual level, he took the initiative in making occultation a central ingredient of the beliefs about the Imamate which, according to Iqbāl, he was the first to cast into the framework of systematic theology.⁵⁵ Writing in Baghdād in 903/290 or shortly thereafter, Nawbakhtī affirms the Imami belief in the explicit designation (*naṣṣ*) of ʿAlī from the Prophet [and then of Imam after Imam] until al-Ḥasan b. ʿAlī [the eleventh Imam], and then of the absent Imam (*al-ghāʾib al-imām*) after him. Indeed, the disciples of his father al-Ḥasan, all of them trustworthy, have testified to his Imamate, and to the fact that he went into hiding (*ghāba*) as the ruler had been looking for him conspicuously and had sent agents to his abodes and house for two years.⁵⁶

Abū Sahl's reference here is to the episode in which Ṣayqal (or Ṣaqīl), a slave-girl, was kept under surveillance by the Caliph for two years to test the allegations that she was pregnant by Ḥasan al-ʿAskarī. The surveillance was ordered as a result of the legal suit brought by the eleventh Imam's mother, Ḥudayth.⁵⁷ Ṣayqal did not deliver and the surveillance ended. She then moved to the house

52 Ibid., text, p. 135; tr., p. 139, somewhat modified.

53 Ibid., 138; tr., p. 143, somewhat modified.

54 For his practical contribution, see Arjomand, "Crisis of the Imamate," section III.

55 ʿA. Iqbāl, *Khāndān-i Nawbakhtī* (Tehran, 1932/1311), ch. 6.

56 Abū Sahl al-Nawbakhtī, *Tanbīh* as reproduced in *Kamāl*, 89–90.

57 Ibid., 107–8; Modarressi, 78–83.

of a Nawbakhtī and was maintained as the mother of the hidden Imam for over twenty years.⁵⁸

An important concern of Abū Sahl was to uphold and strengthen the authority of the ‘Amrīs as the successive intermediaries between the hidden Imam and Shi‘ite community. He mentions an individual who had served the eleventh Imam and his son without discontinuity, and who had died after leaving a testament in favor of “a man from the Shi‘a under cover” to take over his office.⁵⁹

Ḥasan [the eleventh Imam] appointed a group of trusted men from those who reported traditions from him concerning the permissible and the forbidden, and who conveyed the letters of his Shi‘a and their donations to him and brought out the answers when they were under cover. . . . When he passed away, they all agreed that he had appointed a son who is the Imam, and *they ordered the people not to ask about his name. . . .* The epistles of his [Ḥasan’s] son who succeeded after him, containing orders and prohibitions, were issued in the hands of the trusted men of his father for over twenty years. Then communication was broken, and most of Ḥasan’s men, who were witnesses in the matter of the Imamate after him, passed away and only one man among them remained. They were all in agreement on the probity and trustworthiness of this man. He ordered the people to secrecy, so that they would divulge nothing in the matter of the Imamate. *Then all communication was broken.*⁶⁰

The order not to name the Imam is affirmed in several rescripts purportedly issued by the hidden Imam himself at his bureau.⁶¹ This order must have been reaffirmed several times, as reflected in the appearance of traditions attributed to the first, sixth, eighth, and eleventh Imams which forbid the naming of the *qā’im*.⁶²

Alongside this prohibition, Abū Sahl affirms the authority of Ibn al-‘Amrī as the sole surviving member of the inner circle of the eleventh Imam after the cessation of communication with the latter’s absconded son.

Nawbakhtī’s main objective in this treatise, however, was not practical but theoretical. Abū Sahl had been asked whether the absence of the Imam for thirty years is not tantamount to the removal of the Imamate from the world. The removal of the Imamate means the removal of the Proof of God from the

58 Iqbāl, 108, 245.

59 *Kamāl*, 90.

60 *Ibid.*, 92–93, emphasis added.

61 *Kāfi*, 2: 126, no. 2; *Kamāl*, 482–83, 509, also p. 511.

62 Kulaynī, 2: 126–27; *Kamāl*, 648. The tradition attributed to the sixth Imam goes so far as to declare anyone who names the lord of the cause an infidel. It was presumably fabricated alongside a rescript which considered searching for the hidden Imam as complicity in the possible shedding of his blood and thus as infidelity (*Kamāl*, 509).

world, and the collapse of the sacred laws (*sharā'i*) which are left without a guardian. But this would be impossible because proof exists in the hidden Imam, and his deputy (*bāb*) and intermediary are well known. There are precedents in this matter in the form of the disappearance of prophets:⁶³

The Proof [of God] is standing, established and necessary even if he does not issue legal opinions, and does not explain [texts]. . . . Even if a prophet or an Imam does not engage in explaining, teaching, and the issuing of legal opinions, his prophethood or Imamate or proof are not invalidated. . . . This is how it is permissible for the Imam to remain under cover for a long time when he is afraid; and God's Proof is not thereby invalidated.⁶⁴

Here, Abū Sahl states concisely that as the absence of a prophet does not invalidate either his religious teaching or his legal rulings, so the absence of the Imam does not impair the validity either of religion or of the law. The occultation of the Imam does not affect the validity of religion and law any more than does the absence of the prophet. In any event, Abū Sahl adds, the juridical needs of the Shi'a are fulfilled by the hidden Imam through those who have access to him, can present the faithful's questions and get the Imam's answers. This is important because "the traditions (*sunan*) of all the Imams is in science; they are asked questions about what is permissible and what is forbidden, and they give concordant answers."⁶⁵

In this passage, we have the affirmation of religio-legal science as basic to the function of the Imamate and "the traditions of all the Imams." Abū Sahl clearly implies that the tradition continues under a hidden Imam. He was also asked, if "the son of Ḥasan does not appear in complete manifestation to the elite and the common people, how can we know his existence in the world?" His answer pointed firmly toward rational theology:

The matter of religion in its entirety is known through reasoning. We know God through rational proofs and do not see Him. Nor does anyone who has seen Him report to us. We know the Prophet and his existence in the world through reports, and we know his prophecy and truth through reasoning. And we know that he appointed 'Alī b. 'Abī Ṭālib his successor. . . . From this, it is necessary that the Imam should not pass away until he had appointed one of his children to succeed him as the

63 Kamāl, 90.

64 Ibid., 90–91.

65 Ibid., 91.

Imam. If the Imamate of Ḥasan is valid, if his death is established, and it is recorded that he appointed an Imam from his children, then we have the required proof.⁶⁶

To explain the breakdown of communication between the hidden Imam and the community, Abū Sahl adopts the chiliastic neo-Wāqifite notion of the two occultations:

For him, there are two occultations, one of them harder than the other.⁶⁷

This idea allows Nawbakhtī to announce the beginning of a new stage, that is, the second and the harder occultation in Imami Shi'ism.

The Wāqifiyya, whose idea is thus appropriated without acknowledgment, are immediately put down. Abū Sahl brags that the claim of the Imami Shi'a regarding the occultation of the Imam is not as implausible as that of the Wāqifiyya, whose Imam had died 105 years before:

There is nothing contrary to the senses, nothing impossible or contrary to reason and outside of the ordinary in this claim of ours—namely, the occultation of the Imam. There is at this time a man among his trusted Shi'a under cover who claims to be the gate (*bāb*) to him, and the intermediary who takes his command and prohibition from him to his Shi'a, and the length of the period of occultation for the one who is absent is not out of the ordinary. The acceptance of the traditions predicting the occultation requires belief in the Imamate of the son of Ḥasan . . . , since the traditions that have been transmitted on the occultation are well known and widely attested (*mutawātir*), and the Shi'a expected it and hoped for it, and we hope after it for the rising of the redresser (*qā'im*) to truth and to the expression of justice.⁶⁸

This bravado proved difficult to sustain as time went on, and in his latest view, Abū Sahl may well have despaired of elaborating rational arguments and declared the son of Ḥasan dead in occultation.⁶⁹ But the future was not with his later despair but rather with his earlier hope in the power of rational theology.

66 Ibid., 92.

67 Ibid., 93.

68 Ibid., 93–94.

69 For this hypothesis, see Arjomand, "Crisis of the Imamate," section III.

4

For decades, the Wāqifite identification of the *qā'im* with the *mahdī* had been resisted by the mainstream Imami Shi'a, prompting an inquisitive believer to ask the ninth Imam, Muḥammad al-Jawād, if the *qā'im* was in fact the *mahdī* or someone else.⁷⁰ The *mahdī* traditions had sprung up from the historical experience of the anti-Caliph 'Abd Allāh b. al-Zubayr during the second civil war,⁷¹ and acquired apocalyptic significance by the time of the 'Abbasid revolution and the rebellion of Muḥammad b. 'Abd Allāh, the Nafs al-Zakiyya, in 762/148.⁷² The corpus of Imami Shi'ite traditions, by contrast, still overwhelmingly referred to the *qā'im*. Many of the Wāqifite leaders, notably Ḥasan b. 'Alī b. Abī Hamza al-Batā'inī, who had originally considered the seventh Imam, Mūsā al-Kāzīm, the *qā'im-mahdī* and is the transmitter of many apocalyptic traditions on the occultation, eventually returned to the Imami fold under the eighth Imam, 'Alī b. Mūsā al-Riḍā.⁷³ Madelung and Halm have noted the importance of the Wāqifiyya in the transmission of the apocalyptic traditions.⁷⁴ But it may well be that the floodgates for reception of the *mahdī* traditions were opened after the death of the eleventh Imam by the refusal of Ibn al-'Amrī and the agents loyal to him to recognize the Imamate of Ja'far and their opting for an absent Imam.⁷⁵ In any event, many of the *mahdī* traditions were eventually absorbed into the collections of Imami traditions, being assimilated to or compounded with the *qā'im* traditions.⁷⁶ Among these were traditions about the

70 *Kamāl*, 377; Modarressi, 91. According to another tradition, the sixth Imam had been asked if the *qā'im* would be one of the Imams, and had replied that he would be an Imam and the son of an Imam (*Kamāl*, 224).

71 W. Madelung, "Abd Allāh b. al-Zubayr and the Mahdi," *Journal of Near Eastern Studies* 40.4 (1981): 291–305.

72 G. van Vloten, "Zur Abbasidengeschichte," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 52 (1898): 218–26; 'A. al-Dūrī, "Al-Fikrat al-mahdiyya bayn al-da'wat al-'abbāsiyya wāl-'aṣr al-'abbāsī al-awwal," in *Studia Arabica & Islamica: Festschrift for Ihsān 'Abbās*, ed. W. al-Qādī (Beirut, 1981), 123–32.

73 *Ghayba*, 34–48.

74 Madelung, "al-Mahdī," 1236; H. Halm, *Die Schia* (Darmstadt, 1988), 38–39.

75 Modarressi (p. 89, n. 194), who considers the introduction of the idea of the *mahdī* to have taken place after the death of the eleventh Imam, gives some illustrations of later insertions of the term *mahdī* into the *qā'im* traditions.

76 This penetration was acknowledged by the medieval doctors such as Shaykh al-Ṭusi. For example, among the 109 transmitters of the earliest canonical Shi'ite collection, *The Four Hundred Principles*, whose names are listed by Kohlberg, nine are well known chiliasts. (E. Kohlberg, "Al-Uṣūl al-'Arba'umīa," *Jerusalem Studies in Arabic and Islam* 10 (1987): 149. For a list of other unorthodox transmitters, see Modarressi, 22, n. 26.

qā'im that had been circulated by the followers of the Nafs al-Zakiyya, the most notable being the one attributed to the Prophet: "The name of the [divinely] guided redresser (*al-qā'im al-mahdī*) is my name, and his father's name, the name of my father."⁷⁷

The definitive identification of the *qā'im* and the *mahdī* was undoubtedly facilitated by the adoption of the neo-Wāqifite position by the Imami hierarchy by the beginning of the tenth century. The *mahdī* traditions were selectively accepted, and with them came a name for the absent Imam. This step, however, involved one major difficulty, and the later architects of the theory of occultation may well have regretted it. Many of the *mahdī* traditions, including the one produced for the Nafs al-Zakiyya, give the *mahdī* and his father the same name as the Prophet and his father. Naming the absent Imam "Muḥammad" was not problematic, but renaming his father was not feasible. The Kaysānī *mahdī* tradition, tailored for Muḥammad b. al-Ḥanafīyya, was easier to adopt since it specified only Muḥammad's name and *kunya*.⁷⁸ This tradition separated the naming from the known facts about the eleventh Imam, and is in fact the one conveniently adopted by the Shaykh al-Mufid.⁷⁹ As we have seen, the naming of the hidden Imam was prohibited, and Ibn Qība al-Rāzī⁸⁰ and Abū Sahl al-Nawbakhtī used the formula, "the son of Ḥasan b. 'Alī," instead of a name in their writings around 900/290. A prayer for the hidden Imam, which was said to have been composed by 'Amrī and issued for ritual use by the holy seat, does not name him either.⁸¹ In the tenth century, however, we come across an interesting set of traditions related by Muḥammad b. Ya'qūb al-Kulaynī (d. 940–41/328–29) in which the name of the hidden Imam is tran-

77 MF, 76 (= FSh, 54). The fuller version is a widely attested tradition, attributed to the Prophet on the authority of 'Abd Allāh b. Mas'ūd, which the Shaykh al-Ṭūsī cites as follows: "Even if there remains for the world but one single day, God will lengthen it until he sends a man from the people of my House, whose name will be the same as mine, and the name of his father will be that of my father. He will fill the world with justice as it is filled with oppression" (*Ghayba*, 112).

78 W. al-Qādī, *al-Kaysāniyya fī'l-ta'rikh wāl-adab* (Beirut, 1974), 122.

79 *Irshād*, 346; English tr., p. 524. Shaykh al-Mufid also cites the better known tradition reported by the Shaykh al-Ṭūsī (n. 68 above) but simply leaves out the inconvenient "and his father's name will be that of my father" (*ibid.*, 346; English tr., p. 525).

80 The name "Muḥammad" was inserted by a later copyist into the manuscript used as the basis of the edited version (Modarressi, 136; tr., p. 141). Professor Modarressi has kindly informed me that the other manuscript copies he has since consulted do not contain this later insertion.

81 He is referred to as *al-ḥujja al-qā'im al-mahdī* (*Kamāl*, 512). This prayer is not the same as the one reported in *Ghayba*, 169–70.

scribed as MĤMD.⁸² This is the earliest documented name of any sort for the hidden Imam, “the son of Ḥasan b. ‘Alī,” made into the *qā’im* and the *mahdī*.⁸³ A generation later, Ibn Bābūya reported the MĤMD form⁸⁴ and the form lingered on into the subsequent centuries.⁸⁵ As Amir-Moezzi points out, according to one numerological procedure, the two M’s in MĤMD cancel each other out in order to produce the number 12 as the added value of Ḥ and D.⁸⁶ We know the Imami traditionists of the era of perplexity sought assurance for the existence of the hidden Imam in the number twelve.⁸⁷ Numerology may have thus reinforced the suggestion of the *mahdī* traditions; in any event, the name of the Imam in occultation became fixed as Muḥammad. However, the chief theologians of the occultation, from the Shaykh al-Ṣadūq Ibn Bābūya to the Shaykh al-Ṭūsī, preferred the formula, “the son of Ḥasan,” for referring to the absent Imam, and avoided naming him insofar as possible.

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- 82 Kulaynī, *Kāfi*, 2: 119. Abū’l-Mufaḍḍal al-Shaybānī also relates a tradition on the authority of Kulaynī according to which, when his concubine was pregnant, the eleventh Imam predicted that the offspring would be male “and his name is MĤMD, and he is the *qā’im* after me” (Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār* (Beirut, 1983/1403), 51: 161, no. 13). This very tradition is reported (or copied) by another student of Kulaynī but with “Muḥammad” written out in full (*Kamāl*, 408).
- 83 At this juncture, Kohlberg’s assertion that ‘Alī b. Ibrāhīm al-Qummī (d. 919) names the twelfth Imam should be corrected. (E. Kohlberg, “From Imamiyya to Ithnā-‘ashariyya,” *Bulletin of the School of Oriental and African Studies* 39 [1976]: 523.) The twelfth Imam is not named in the cited text, but is referred to anonymously as “the legatee (*waṣṣīyy*) of al-Ḥasan b. ‘Alī, the *qā’im*.” (*Tafsīr al-Qummī*, ed. Ṭayyib al-Mūsawī al-Jazā’irī [Qumm, 1967–68/1387], 2:45). In a later view attributed to Abū Sahl al-Nawbakhtī, the son of Ḥasan is named Muḥammad, but only to assert that he had died. (See Arjomand, “Crisis of the Imamate, Section III.)
- 84 *Kamāl*, 334 (= Karama’ī ed., 2: 103), 430. In some manuscripts, the MĤMD form also appears in another tradition. (Kamara’ī ed., 2: 96).
- 85 It is found in one manuscript of the Shaykh al-Mufīd’s eleventh-century creed, where he names “the awaited *qā’im* and *mahdī*, MĤMD b. al-Ḥasan al-‘Askarī.” (*Muṣannafāt al-shaykh al-mufīd* [Tehran, 1992/1413], vol. 4: *Nukat al-I’tiqādiyya*, p. 44, n. 7.) Later copyists must have written out the letters continuously as “Muḥammad.” The version “MĤMD *mahdī*” is repeated twice in a thirteenth-/seventh-century Persian work. (‘Abd al-‘Azīz b. Muḥammad Nasafī, *Kashf al-haqāyiq*, ed. A. Mahdavi-Dāmghānī (Tehran, 1965/1344), 82.)
- 86 M. A. Amir-Moezzi, *Le Guide divin dans le Shi’isme originel* (Paris: Verdier, 1992), 259, 263–64.
- 87 ‘Alī b. Bābūya, *al-Imāma*, 142, 151; Muḥammad b. Ibrāhīm b. Ja’far al-Nu’mānī, *Kitāb al-ghayba* (Beirut, 1983), 60–62.

5

The issue of the relation between history and theology can be broached in this final section. The earliest theological arguments for occultation by Rāzī and Nawbakhtī were grounded too well in the inconvenient historical circumstances of their births for immediate (cosmo-)logical self-sufficiency. This can be illustrated by examining an argument formulated by Ibn Qiba al-Rāzī as proof of the existence of an Imam in occultation that was destined to be incorporated into the Shi'ite theology of occultation. To establish the existence of an Imam in occultation, Ibn Qiba assumes the truth of the doctrine of the Imamate, which asserts that the Imam is the Proof of God (*ḥujjat allāh*)—or rather, of his continued guidance of mankind, and therefore, there must be an Imam after the prophets. Furthermore, he modifies the condition in the doctrine—namely, that the Imamate is made valid by the explicit designation (*naṣṣ*) of the previous Imam—into the assertion that an Imam does not pass away without explicitly designating a successor.⁸⁸ This argument is then buttressed by the testimony of the hidden Imam's designation by the inner circle, as with the PREVIOUS IMAMS,⁸⁹ and by the fact that the close associates of the Imam “communicate his existence, and his commands and prohibitions.”⁹⁰

He then tries to find a common ground between himself and the followers of Ja'far “the liar” to prove the point:

Ḥasan passed away and, according to both us and you, there must necessarily be a man from the offspring of Ḥasan through whom the proof of God can be established; then Ḥasan must have had a living son by absolute necessity (*bi'l-iḍṭirār*).⁹¹

The major premise of this argument is that God must appoint an Imam (a universal category) for the guidance of the believers. If an Imam is not present, it follows that he must be absent. But Ibn Qiba wants to go further, and uses the

88 *Mas'ala*, in Modarressi, p. 135; tr. p. 139. Rāzī's traditionalist contemporary, 'Alī b. Bābuya, was moving in the same direction by adducing a tradition in which the seventh Imam affirms that the designation of a successor by an Imam before his death is “a duty imposed by God” (*farīdatun min allāh*) (*al-Imāma*, p. 165, no. 17). Ibn Qiba wishes to go further and argue that such designation is a rational necessity.

89 *Mas'ala*, 136; tr., pp. 140–41.

90 *Ibid.*, 136; tr., p. 140.

91 *Al-Naqd 'alā 'Alī b. Aḥmad b. Bashshār fī'l-ghayba* in Modarressi, 151; tr., p. 162, somewhat modified.

requirement of designation by a predecessor in order to validate the Imamate of particular Imams to prove that the Imam in occultation is a particular person, the son of Ḥasan b. ‘Alī, whose very existence is in dispute. Here he converts the condition of explicit designation into a (cosmo-)logical necessity to “prove,” simultaneously, that contrary to appearances, Ḥasan *must* by necessity have designated a son, and that the necessity of this designation entails the existence of a particular son in the material world. This specious argument was to be incorporated into the Imami Shi‘ite canon.⁹²

It is interesting that Ibn Qiba quotes his opponent’s response concerning a Shi‘ite elder’s mocking characterization of the proponents of the circular argument as the *Lābuddiyya* (the must-inevitably-be-so folk), those who have no recourse and supportive argument except to say “that this person, who cannot be found anywhere in the world, must inevitably exist.”⁹³ Rhetoric apart, however, Ibn Qiba was not able to rebut the charge, nor to overcome the fallacy of an argument that was both logically redundant (for establishing the reality of the Imam as a universal category) but also necessary (for establishing the contingent fact of the birth and existence of a particular individual).

As time went on and this contingent historical fact receded in memory, however, the secondary fallacious argument proving the existence of the “son of Ḥasan” as the twelfth Imam lost its practical relevance. This freed the major premise of the theory of occultation from the burden of establishing a contingent fact as self-evident. The major premise had all the (cosmo-)logical power that was needed. The proposition, “the earth cannot be devoid of the Proof of God,”⁹⁴ means that an Imam is necessary for the divine guidance and salvation of mankind; and it follows logically that, if none is present, the Imam must be absent. The particular Imam *absconditus*, the cause of so much immediate bafflement and perplexity, would become the universal hidden Imam by God’s design. The occultation, once instituted and theologically justified, had to last to the end of time.

92 The Shaykh al-Tūsī reconstructs this argument by using the concept of infallibility (*‘isma*), another element of the Imami doctrine of the Imamate, instead of designation (*naṣṣ*). See Arjomand, “Consolation of Theology,” section III.

93 *Naqd*, 148; tr., pp. 157–58.

94 Predictably, ‘Alī b. Bābūya (*al-īmāma*, ch. 3) and his son the Shaykh al-Ṣadūq (*Kamāl*, ch. 33) each devote a key chapter to this fundamental Shi‘ite tenet.

The Consolation of Theology: Absence of the Imam and Transition from Chiliasm to Law in Shi'ism*

According to a central tenet of Imami or Twelver Shi'ism,¹ the twelfth Imam disappeared in the year 874 CE, and his absence or occultation (*ghayba*) will last until his *parousia* (*zuhūr*) at the divinely guided Mahdi at the End of Time. The development of the doctrine of occultation has not received any systematic treatment as such in modern historical and critical scholarship.² Henri Corbin, it is true, has offered a general interpretation of its significance,³ but his analysis is phenomenological rather than historical, and it draws inordinately on the mystical and theosophical trends in Shi'ism after the Mongol invasion, at the expense of addressing the formative era. The idea of the occultation of an apocalyptic leader from the eyes of mankind had chiliastic origins and was adopted in a desperate effort to resolve the immediate problems of Imamate and succession in the second half of the ninth century.⁴ This idea, however, underwent a series of subtle modifications and developed into a doctrine that resulted in a basic transformation of the Imamate from a legitimist theory of authority of the descendants of 'Ali into a principle of salvation. This

* Originally published as "The Consolation of Theology: The Shi'ite Doctrine of Occultation and the Transition from Chiliasm to Law," *Journal of Religion*, 76.4 (1996): 548–571.

- 1 The Twelver or Imami Shi'ism represents by far the largest surviving Shi'ite sects. It is the religion of the majority of the population of Iran, Iraq, Azerbaijan, and Bahrain and is widespread in Lebanon, Pakistan, India, and elsewhere.
- 2 The important works that touch on the issue, however, are 'A. Iqbal, *Khāndān-e Nawbakhtī* (Tehran, 1932/1311); M. G. S. Hodgson, "How Did the Early Shi'a Become Sectarian?" *Journal of the American Oriental Society*, vol. 75 (1955) (hereafter cited as "Early Shi'a"); E. Kohlberg, "From Imamiyya to Ithnā-'ashariyya," *Bulletin of the School of Oriental and African Studies*, vol. 39 (1976); H. Modarressi, *Crisis and Consolidation in the Formative Period of Shi'ite Islam* (Princeton, N.J.: Darwin Press, 1993); M. A. Amir-Moezzi, *Le guide divin dans le Shi'isme originel* (Paris: Verdier, 1992). The last work is now available in English translation as *Divine Guide in Early Shi'ism* (Albany: State University of New York Press, 1995).
- 3 Henri Corbin, "L'Imām caché et la rénovation de l'homme en théologie shi'ite," *Eranos Jahrbuch*, vol. 28 (1959), "Pour une morphologie de la spiritualité shi'ite," *Eranos Jahrbuch*, vol. 29 (1960), and *En Islam iranien*, 4 vols. (Paris: Gallimard, 1971–72).
- 4 See Chapter 2 above.

transformation was of critical importance to the long-term survival of Imami Shi'ism and its expansion as the major variant of Islam.

The development of the Shi'ite doctrine of occultation, furthermore, illustrates important aspects of Max Weber's notion of rationalization when applied to the world religions of salvation. It can be viewed as a case of the rationalization of a fairly common religious theme of disappearance-*parousia* through specific theological elaboration. The elaboration consisted in the containment of the chiliastic notion of occultation through its absorption into a nomocratic theology. The most fundamental step in this process of absorption, and one that gave it the character of rationalization, was the acknowledgment of the pertinence of "rational proof" to occultation, as to all fundamental tenets of religion. This acknowledgment came with the rejection of chiliastic sectarian withdrawal, willingness to engage in rational dialogue to promote the Shi'ite faith, and the acceptance of the surrounding world, which entailed accommodation to the pluralistic religious universe of tenth- and eleventh-century Islam.

1 The Historical Background

Islam is quintessentially a prophetic religion, and the Qur'an presents Prophecy—that is, the progressive mission of a chain of Prophets from Adam to Muhammad—as God's primary instrument for the guidance (*hudā*) of mankind. According to the *shī'a* (party) of 'Ali as organized into the Imami Shi'ite sect by his descendants Muhammad al-Baqir (died 733) and Ja'far al-Sadiq (died 765), the divine guidance of mankind continued after the death of Muhammad, the Seal of the Prophets, through a line of Imams. The Imams as the charismatic leaders of the community of believers and its authoritative teachers in religion thus became the pillars of the Shi'ite faith and the central figures in its economy of salvation through divine guidance. This centrality of the Imams to Shi'ite Islam made the inevitable crisis of succession caused by the Imam's death a chronic threat to the survival of the community. The crises of succession also militated against the institutionalization of a stable system of authority. The most serious crisis of succession began on January 1, 874, when the eleventh Imam, Hasan ibn 'Ali al-'Askari died "and no offspring (*khalaf*) was seen after him."⁵ A nascent hierocracy of the learned (*ulema*) of the community had to assure the survival of Imami Shi'ism despite the removal of its

5 Sa'd ibn 'Abd Allah al-Ash'ari al-Qummi, *Kitāb al-Maqālat wa'l-Firaq*, ed. M. J. Mashkur (Tehran, 1963), p. 102.

main pillar, the Imam. To make sense of this crisis while retaining its control, the Imami leadership had little choice but to borrow the idea of occultation from the chiliastic extremists and asserted its authority on behalf of “the son of Hasan ibn ‘Ali,” who was said to be in hiding and was eventually identified as the Qa’im (apocalyptic redresser) and the Mahdi (rightly guided, messianic leader). Resort to this chiliastic notion, however, was soon counterbalanced by the adoption of the tools of rational theology from the Mu‘tazila who were its pioneers in Islam.

The chiliastic idea of the occultation of an Imam who would soon reappear as the Qa’im to lead the armed uprising had made its appearance in Islamic history before the end of the seventh century and was maintained by a variety of “gnostic revolutionaries” in the early eighth century.⁶ Chiliasm and the apocalyptic mood prevalent during the ‘Abbasid revolution (744–63) also affected Imami Shi‘ism and resulted in the definitive reception of the idea of occultation. The bearers of the apocalyptic and chiliastic early Shi‘ism in eighth-century Iraq were disprivileged natives, Mandeian, Persian, and other non-Arab clients (*mawālī*) and followers of the aristocratic Qurayshite Imams who descended from ‘Ali and the daughter of the Prophet (who had no surviving son).⁷ To these were added the ninth-century converts in Iran, the Persian clients, many of whom must have come from the frustrated neo-Mazdakite millenarian groups that had followed Abu Muslim during the ‘Abbasid revolution. For the Imams, the problem was one of religious discipline and social control of “extremist” (*ghālī*), chiliastic tendencies. This control was partial, and quite a few extremist ideas concerning the charismatic and superhuman status of the Imams penetrated the Shi‘ite orthodoxy as a result of the pressure from below. An extremist position, whose proponents became known as the “Mufawwida,” considered the Imams supernatural beings to whom God had delegated (*fawwāḍa*) His powers of creation and command.⁸

6 The term used S. Wasserstrom, “The Moving Finger Writes: Mughira b. Sa‘id’s Islamic Gnosis and the Myths of Its Rejection,” *History of Religions* 25, no. 1 (1985): 27.

7 Wasserstrom, pp. 4–5, 8–11. This picture of the social background of the early extremist Shi‘ite sects emerges clearly from the articles by W. F. Tucker, notably, “Rebels and Gnostics; al-Muḡira ibn Sa‘id and the Muḡiriyya,” *Arabica* 22, no. 1 (1975): 33–37, and “Bayan b. Sam‘an and the Bayaniyya: Shi‘ite Extremists of Umayyad Iraq,” *Muslim World* 65, no. 4 (1975): 241–53, and “Abu Mansur al-Ijli and the Mansuriyya: A Study in Medieval Terrorism,” *Der Islam* 54 (1977): 66–76.

8 Modarressi, chap. 2. The terminology of the careful description of the delegationist tendency in Qummi, *Maqālāt*, pp. 60–61 (German trans. with commentary in H. Halm, *Die islamische Gnosis* [Zurich and Munich: Artemis, 1982], pp. 231–32), suggests the influence of the gnostic neo-Platonic idea of the Word of God as a second creator or Demiurge (I. Friedlaender,

The organization of Imami Shi'ism into a sect by the sixth Imam, Ja'far al-Sadiq, in the mid-eighth century required serious disciplining of chiliastic extremism.⁹ The seventh Imam, Musa ibn Ja'far (died 799), greatly consolidated the organization and fiscal administration of the Imami Shi'ite community by appointing agents in various districts. The agents began to display marks of increasing independence from the later Imams and constituted a nascent hierarchy of the learned (*ulema*), which survived the disappearance of the Imam and completed the sectarian transformation of Shi'ism in the tenth century. Paradoxically, the absence of the Imam enabled this hierarchy to find a solution to the chronic crisis of succession in the long run and to evolve a stable system of authority.

In the last years of the ninth and the first years of the tenth centuries, the leader of the Imami community in Baghdad, Abu Sahl Isma'il ibn 'Ali al-Nawbakhti (died 923), and his contemporary in central Iran, Ibn Qiba al-Razi, took the first steps to detach the idea of occultation from its chiliastic matrix by recasting it in a theological framework.¹⁰ Although containing the kernel of later developments, these early theological statements were too closely tied to the concrete circumstances of the succession of "the son of Hasan ibn 'Ali"¹¹ and, in any event, had little immediate effect on the morale of the Shi'ite community, which was devastated by the fact of the disappearance of the Imam in the period of perplexity (*hayra*) it had inaugurated.

Muhammad b. Ya'qub al-Kulayni's (died 940 or 941) monumental compendium of Imami traditions, *al-Kāfi*, is the most important product of the era of perplexity and can serve as the backdrop to the developments we wish to study. It is a work of staunch traditionalism, striking in its theological naiveté and innocence of philosophy.¹² Its topical arrangement of traditions conveys a

'Jewish-Arabic Studies. 3," *Jewish Quarterly Review*, n.s., 8 [1912-13]: 254-46). The nameless Eternal One delegates the creation and management of the world to a single person who is incarnated in Muhammad, 'Ali, and the Imams to whom the divine names pertain. For the parallel Jewish delegationism, where the role of the Demiurge is played by the chief angel Metatron, "the lesser YHWH," see P. Schäfer, *The Hidden and Manifest God*, trans. A. Pomerance (Albany: State University of New York Press, 1992), pp. 132-34.

9 Hodgson, "Early Shi'a."

10 See Chapter 3 above.

11 This is the mode of reference to the hidden Imam, who is not named in these early statements.

12 It was the fruit of Kulayni's studies with the traditionists of the region of Qumm and Ray but was committed to writing during Kulayni's residence in Baghdad and fell flat in the rationalist circles of the Caliphal capital (W. Madelung, "kulayni," *Encyclopedia of Islam*, 2d ed. [Leiden: Brill, 1986], 5:362-63).

picture of the place of humanity in a sacred cosmos that we can accept as the underlying mythopoetic constitution of the universe in early tenth-century Shi'ism and one close to its original solution to the problem of the meaning of life. This picture mingles the natural and the supernatural but is coherent as a solution to the problem of meaning and therefore architectonically rational. Its book on the Imamate, *Book of the Proof (ḥujja) [of God]*, shows the Imams as the preeternal pillars of the sacred cosmos. They are the proofs of God to humankind and His instruments of guidance (*hudā*) or salvation, incarnations of light and reason (*ʿaql*), and are supported in this world by “the army of reason” in their combat against the forces of darkness embodied in their enemies, “the army of ignorance (*jahl*).” The world could not be without an Imam in any age.¹³

A number of significant developments in making sense of the disappearance of the Imam occurred during this era of perplexity. The mythical number twelve, the number of the tribes of Yahweh and the disciples of Christ, had had its appeal for the Shi'ite scholars.¹⁴ Ali ibn Babuya (died 940–41), a rich merchant who was among the learned of the Shi'ite community in Qumm, stumbled on the set of traditions by Sunni transmitters from the time of the 'Abbasid revolution that predicted the number of the Imams or Caliphs from the Quraysh (Muhammad's tribe) would be twelve and used them as a step toward the solution of the perplexity surrounding the question of the Imamate, arguing that there had to be twelve Imams and the successor of the eleventh must therefore be in occultation.¹⁵ Kulayni was probably following his example when incorporating some traditions fixing twelve as the number of the Imams into the later editions of his compendium,¹⁶ as was Muhammad ibn Ibrahim al-Nu'mani in the *Book of Occultation*, written in the middle of the tenth century.¹⁷ In his despair in this time of “trial” (*miḥna*), tribulation, and sedition (*fitna*), Nu'mani, like the other traditionists, ignored the earlier steps taken toward a theology of occultation by Razi and Nawbakhti and seems to offer only an apocalyptic consolation: “Know that God revives the earth after its death . . . (Qurān 30:18). Indeed God revives it by the justice of the Qa'im

13 For details, see Amir-Moezzi.

14 U. Rubin, “Prophets and Progenitors in the Early Shi'a Tradition,” *Jerusalem Studies in Arabic and Islam* 1 (1979): 54.

15 Modarressi (no. 2 above), p. 102, citing 'Ali b. Babuya, *al-Imāma wa'l-tabṣira min al-ḥayra* (Beirut, 1987), pp. 142, 151.

16 For this hypothesis, see Modarressi, pp. 100–103.

17 Modarressi, p. 103, n. 259; Nu'mani (n. 18 below) probably did so independently of Kulayni.

upon his *parousia* after its death due to the injustice of the Imams of error [i.e., illegitimate rulers].”¹⁸

2 Theology: Hidden God, Sealed Prophecy, and the Hidden Imam

The beginnings of the theological understanding of occultation belong to the decade around 900 CE. From the sociological point of view, this was a period of dominance of the Shi‘ite office-holding aristocratic families, notably the Nawbakhtis, who had risen to prominence in the service of the Sunni Caliphal government.¹⁹ The recovery of the early theological statements and the full development of a theology of occultation, however, took place during the long “Shi‘ite Century,”²⁰ from the 930s to 1055. In the latter period, the Imami theologians enjoyed the protection of the Shi‘ite rulers and viziers and rose to the task of putting an end to the period of perplexity by equipping Imami Shi‘ism with a rationalized legal and theological system that obviated the need for the presence of an Imam. By doing so, they completed the transition of Imami Shi‘ism from chiliasm to law.

The Buyid brothers, sons of Buya the fisherman, came from the region of the Daylam, which was probably converted to Islam by the missionaries of the Zaydi branch of Shi‘ism in the ninth century. They established an empire in Iran in the second quarter of the tenth century and seized power in Baghdad in 945 while maintaining the ‘Abbasid Caliph as a puppet figurehead. The Buyids strengthened the corporate organization of the descendants of ‘Ali as a privileged estate in major cities. The Sharif (honorific title of the descendants of the Prophet) Abu Ahmad Husayn ibn Musa, a descendant of the seventh Imam Musa ibn Ja‘far, was appointed their chief alderman (*naqib al-nuqabā*) in 965, with a mandate for the reorganization of the ‘Alid estate.²¹ He remained a powerful presence in Baghdad for over four decades, as did his sons, the Sharifs

18 Muhammad b. Ibrahim b. Ja‘far, Ibn Abi Zaynab al-Nu‘mani, *Kitāb al-ghayba* (Beirut, 1983), p. 14. The words are attributed to the sixth Imam.

19 Arjomand, “Crisis of the Imamate” (n. 4 above), sec. 3.

20 The expression “the Shi‘i Century” is Hodgson’s. See his *Venture of Islam* (Chicago: University of Chicago Press, 1974), 2:36–39.

21 Strictly speaking, the Talibid estate—that is, the descendants of Abu Talib, ‘Ali’s father and Muhammad’s uncle. Rukn al-Dawla’s Mu‘tazilite viziers, ‘Abbad ibn al-‘Abbas and his famous son Sahib ibn al-‘Abbad, were favorably disposed toward the ‘Alids and appointed descendants of a son of the ninth Imam, Musa ibn Muhammad al-Mubarqa‘, as their aldermen in Qumm; see A.-A. Faqihī’s *Tārīkh-i Qumm* (Qumm: Hikmat, [1972/1350]), pp. 106–7, 139, and his *Āl-i Būya* (Tehran: Saba, 1978/1357), pp. 376–79.

al-Radi and al-Murtada who succeeded him and, enjoying the support of several Shi'ite viziers and rulers, presided over the considerable growth and far-reaching legal and theological rationalization of Imami Shi'ism.

The great traditionalist Shaykh al-Saduq, Abu Ja'far Muhammad (died 991), son of 'Ali ibn Babuya, visited Baghdad in the 960s but returned to spend the last decades of his life at the Buyid capital of Rayy near his native city of Qumm. Other scholars, however, such as Muhammad ibn Ahmad ibn Dawud (died 978), another "Shaykh of the people of Qumm in his time," moved to Baghdad permanently. Muhammad ibn Ahmad appears to have been the first jurist to develop what might be termed the "political ethic" of the era of occultation, with a tract on working with the state (*'amal al-sultān*), which was to be developed by the Imami jurists of Baghdad in the subsequent generations.²² What concerns us here more than such lateral ethicolegal implications of the acceptance of occultation is its theological understanding, which became definitive in this period.

It is interesting to note that the first major theological elaboration of the issue of occultation in this period comes not from a rational theologian in Baghdad but from the leading traditionalist of Qumm. With the Buyids in power, the Shaykh al-Saduq, Ibn Babuya took a firm stand in accepting the pluralistic world of Islam and engaging in competition with its other mainstream and sectarian proponents. He is the first major figure to break with a fundamental premise of sectarian world rejection in Imami Shi'ism. Departing from the widespread belief among his coreligionists that the true Qur'an was in the possession of the Imams, Ibn Babuya accepted the official version of the Qur'an in the recension of the third Caliph, 'Uthman, affirming categorically in his creed that the Qur'an as revealed by God to Muhammad was identical with what is found "between the two covers."²³

Although an outspoken critic of rational theology, Ibn Babuya nevertheless defensively appropriated important aspects of the rationalist theological approach, which he rejected in principle. When he set out to rectify the situation that his father had found so perplexing, the Shaykh al-Saduq inadvertently synthesized the pioneering rational arguments Nawbakhti and Razi

22 Ahmad b. 'Ali al-Najashi, *Rijāl al-Najāshī* (Qumm, 1986–87/1407), pp. 384–85. For the subsequent development of the political ethic of the era of occultation, see W. Madelung, "A Treatise of the Sharif al-Murtada on the Legality of Working for Government (*mas'ala fī l-'amal ma'a-l sultān*)," *Bulletin of the School of Oriental and African Studies* 43, pt. 1 (1980): 18–31; S. A. Arjomand, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984), pp. 62–65.

23 A. A. A. Fyzee, *A Shi'ite Creed* (Oxford, 1942), p. 85; Amir-Moezzi, p. 222.

had grasped onto ad hoc or polemically two generations earlier. In the long introduction to the book significantly entitled *The Perfection of Religion and Completion of the Blessing in Demonstrating the Proof of Occultation and the Removal of Perplexity*,²⁴ Ibn Babuya formulated his own explanation of the cessation of historical Imamate and occultation, which clearly amounted to a *theology* of occultation.

In the preface, he tells us how he found the Shi'ite ulema of eastern Iran and Transoxania in doubt and perplexity because of the length of the occultation and the cessation of all news from the absent Imam. While preoccupied with this matter, the hidden Imam appeared to him in a dream and ordered him to "write at once a book about the occultation, and mention in it the occultation of the Prophets, peace be upon them."²⁵

This reference to prophetic parallels must have suggested to Ibn Babuya the solution to the crisis caused by the absence of the Imam. According to the Islamic doctrine, Prophecy was the link between the hidden God and humanity, to assure the latter's salvation. The link is in no way broken by the absence of Prophets, or the fact that Muhammad was the last of them and their Seal. Similarly, a theological doctrine of occultation could obviate the need for the presence of the Imam without invalidating the idea of the Imamate as the continuation of Prophecy. A hidden Imam could be the perfect link between the hidden God and humanity in a new stage of the history of salvation. What was needed was to make sense of the cessation of the historical Imamate and occultation in terms of theology and theodicy.

"I woke up in panic to prayer and weeping, and to grief and suffering, until dawn broke. When I rose in the morning, I began composing this book, obeying the order of God's appointee (*walī allāh*) and His proof [i.e., the hidden Imam]." Thus begins Ibn Babuya's theological introduction, which has the quality of translation from a dream in the form of a string of extended comments on the intermittently invoked Verse 2:28 of the Qur'an: "And when thy Lord said to the angels, 'indeed, I am setting a viceroy (*khalīfa*) in the earth.'"²⁶

24 Ibn Babuya, Muhammad ibn 'Ali, al-Saduq, *Kamāl al-dīn wa tamām al-ni'ma fī ithbāt al-ghayba wa kashf al-hayra*, ed. 'A. A Ghaffari (Tehran, 1970/1390) (henceforth *Kamāl*). The title alludes to Qur'an 5:5 "Today I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for your religion," which the author, on the authority of Salman al-Farsi, takes as a reference to the day of designation of 'Ali by the Prophet as his successor (pp. 276–67).

25 *Ibid.*, p. 3.

26 *Ibid.*, p. 4. It should be pointed out that Ibn Babuya's interpretation of Qur'an 2:28 (and of the other verses cited below) is original and cannot be found in 'Ali b. Ibrahim

Central to his theological commentary is the construction of a parallel system between Prophecy and the Imamate as divine institutions for the intermittent guidance of mankind, “If the Qur’an had not revealed that Muhammad was the Seal of the Prophets, it would have been necessary to have a Messenger in every period. But as this is certain, the possible meaning that there would be a Messenger after him is eliminated, and the remaining rational possibility is that the invoked image pertains to the viceroy.”²⁷ After confirming that the selection of the viceroy is God’s exclusive prerogative, that the viceroy must exist, be unique, and be infallible,²⁸ Ibn Babuya explicitly affirms that in Qur’an 2:28 “is a strong proof for the occultation of the Imam.”²⁹ He also sees God’s vicereignty implied in the Qur’anic Verse 11:17: “And before him is the book of Moses for an Imam and a mercy,” and affirms that “the Imams are all a single *shar‘* (divine norm).”³⁰

In Ibn Babuya’s system of salvation of humankind, the presence of the Prophets and the Imams is only intermittently required, since their function as the agency of the divine guidance can be fulfilled during their absence. The occultation of the Imamate is thus the strict parallel of the termination or sealing of Prophecy with Muhammad’s mission.

The interval between the appearances of the prophets are in fact presented as periods of occultation. Moses is thus said to have appeared as “the *qā’im* (riser)³¹ from the offspring of Levi, son of Judah,” after a long occultation when the Israelites had expected the rising of the *qā’im* for four hundred years.³² Jesus appeared from his occultation to appoint Simon, but the subsequent proofs of God went into occultation for two hundred and fifty years, and Salmān the Persian heard of the birth of Muhammad as the new *qā’im* yet four hundred years later.³³

al-Qummi’s (died 919) commentary on the Qur’an, *Tafsīr al-Qummī*, 2 vols., ed. Tayyib al-Musawi al-Jaza’iri (Qumm, 1967–68/1387).

27 Furthermore, “as is customary practice when a king appoints an oppressor, one can infer the oppression of the appointer from that of his appointee, and when [the appointee] is just, one can infer from his justice the justice of the appointer. It is therefore established that the vicereignty of God (*khalāfat allāh*) requires infallibility, and the viceroy (*khalīfa*) can only be infallible. . . . The case with the viceroy [of God] remains until the Day of Resurrection” (Ibn Babuya, *Kamāl*, pp. 5–6).

28 Ibid., pp. 9–10.

29 Ibid., pp. 10, 12.

30 Ibid., pp. 13–14.

31 This term is explained in Chapter One.

32 *Kamāl*, 145–46.

33 Ibid., 160–61.

Ibn Babuya returns to comment further on implications of the Qur'anic Verse 2:28 for God's friends, the believers, who are "guided to honorable obedience, which is conducive to the attestation of the oneness of God and to the denial of God Most High's default, tyranny and violation of rights": "Through a just Imam the ants, mosquitoes and animals from the first to the last attain happiness, as proven by this saying: 'We have not sent thee, save as a mercy unto all beings.' (Qur'an 21:107) . . . We therefore say there is a need for the Imam for the world to remain in the state of well-being (*ṣalāh*)."³⁴

The Imam as the proof of God is thus required by the cosmic constitution. This proof need not be manifest but could equally be absent from the senses. To reaffirm this point, Ibn Babuya draws on the Qur'anic verses that speak of the Unseen (*ghayb*) from the same root as *ghayba* [occultation] as a divine sign posted for the guidance of mankind. He cites the sixth Imam's comment on Qur'an 2:1–2: "the indubitable Book, a guidance to the God-fearing who believe in the Unseen":

The Unseen is the absent proof (*al-hujjat al-ghā'ib*). This is proven by the words of God Most High (10:21): "They say, 'Why has a sign (*āya*) not been sent down upon him from his Lord?' Say: 'The Unseen belongs only to God. Then watch and wait; I shall be with you watching and waiting.' Thus the Most High tells us that the sign is the Unseen, and the Unseen is the proof." This is confirmed in God's saying (23:52): "and We made the son of Mary and his mother, to be a sign," meaning a proof.

God's revelation of the tidings of the Unseen (*ghayb*) to Joseph (Qur'an 12:103) is similarly cited to reinforce the conviction of the existence of the hidden Imam as the unseen Proof of God.³⁵ Having thus moved to a high level of abstraction far above the actual existence and succession of an individual, "the son of Hasan ibn 'Ali," Ibn Babuya can end with the flourish that the enemies of the Shi'a who deny the existence of the Imam in occultation ignore God's wisdom and miss the manifestation of truth.³⁶

34 Ibid., pp. 8–9.

35 Ibid., p. 18. Elsewhere in the book, Ibn Babuya points out that God assigned his greatest name to the realm of the Unseen (pp. 639–41).

36 Ibid., p. 20. In the same vein: "the case of he who believes in the Qa'im in his occultation is like that of the angels who obeyed God Most High in prostrating before Adam [God's first viceroys], and the case of he who denies the Qa'im in his occultation is like that of Satan in his refusal to prostrate before Adam" (p. 13).

This theological introduction is backed by a massive compilation of traditions, reports, and attestations that fall into two categories. Those in the first category report the occultation of prophets³⁷—including Abraham, Noah, Moses, Ezra, Khidr, Jonah, Joseph, and Jesus—who, like the Imams, were proofs of God,³⁸ and other figures such as monks and kings, followed by a section on the longevity of biblical and mythical figures, all of which aim at making the long occultation of the hidden Imam plausible. It is interesting to note that, along these lines, Ibn Babuya transmits an extensive life of the Buddha.³⁹ Muhammad's temporary absences, too, are cited as precedents for the occultation of the twelfth Imam.⁴⁰

The second and more important category of traditions consists of the Shi'ite reports and predictions of the occultation of the Qa'im. These constitute the traditional proof of his existence—that is, proof on the basis of transmitted authority. There follow attestations to the birth of the son of Hasan ibn 'Ali and, finally, a collection of decrees issued by the hidden Imam from the holy seat. Ibn Babuya thus amasses all the available “traditional proofs” of occulta-

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- 37 Among the numerous traditions reported to this end, one of the most interesting is attributed to the sixth Imam: “For the Qa'im is a tradition (*sunna*) from Moses, a tradition from Joseph, a tradition from Jesus and a tradition from Muhammad. As for the tradition of Moses, he is afraid and expectant, as for Joseph's, his brothers paid him homage and talked to him without knowing him; Jesus' tradition is peregrination and Muhammad's the sword” (*ibid.*, p. 28).
- 38 *Ibid.*, p. 26. To strengthen the parallel further, Ibn Babuya refers to the followers of each prophet as his Shi'a. Thus, for instance, the Shi'a of Noah (p. 133), of Abraham (p. 141), of Moses (p. 146), and of Jesus (p. 160).
- 39 The moral drawn from this life is that the Buddha as the king was often absent from his kingdom and eventually took off garments of kingship and handed them to his vizier in order to devote himself to teaching his subjects the wisdom of God, to awakening their minds to differentiating between truth and error, and to guiding them to the true religion revealed by God's prophets and messengers (*ibid.*, pp. 636–37). The legend of the Buddha had been translated from Middle Persian into Arabic, presumably in the early 'Abbasid period, and thence, via a Georgian rendition, into the Greek as the story of Barlaam and Joasaph. Ibn Babuya's version contains three stories not found elsewhere. These additional stories have been published, with an English translation, by S. M. Stern and S. Walzer as *Three Unknown Buddhist Stories in an Arabic Version* (Oxford: Bruno Cassirer; Columbia: University of South Carolina Press, 1971).
- 40 Muhammad's occultations are said to have occurred during his lifetime. Here Ibn Babuya cites as an example of misplacement of occultation the well-attested assertion by the future second Caliph, 'Umar ibn al-Khaṭṭāb, immediately after Muhammad's death that he had gone into occultation, as Moses had done from his nation, and would reappear. 'Umar withdrew this assertion upon being admonished by the first Caliph, Abu Bakr (*Kamāl*, p. 31).

tion. Yet in his theological introduction, inspired by the vision of the hidden Imam, he can only make sense of occultation rationally: occultation is made intelligible by rendering the salvation of mankind through divine guidance independent of the presence of the Imam.⁴¹

Enjoying the patronage of the Buyid ruler, Rukn al-Dawla,⁴² Ibn Babuya engaged in the promotion of Imami Shi'ism in competition with other religious groups, notably with the revolutionary Shi'ism of the Isma'ilis who drew their line of Imams not through Musa but through Isma'il, another son of Ja'far al-Sadiq. It was in a disputation concerning the absence of the Imam with an Isma'ili,⁴³ in the presence of Rukn al-Dawla, that Ibn Babuya put his theology of occultation in a nutshell:

You do not need proof of God Most High [just] because you do not see Him, and you do not require proof of the Prophet, peace be upon him, because you do not see him.

The opponent was quick to draw the correct inference:

This Shaykh says: Indeed the Imam is absent (*ghāba*) and cannot be seen, just as God Most High cannot be seen.⁴⁴

A hidden Imam can serve the hidden God's purpose perfectly. This is how Ibn Babuya made sense of occultation. Although his rational arguments were minimal and there is little technical theological sophistication, Ibn Babuya has taken the fundamental step of ending the Shi'ites' perplexity by rationalizing the idea of occultation—that is, by making sense of the fact of the Imam's absence as a coherent element of the Shi'ite sacred cosmology and history of salvation.

By the time of Ibn Babuya, the question of the birth and succession of the son of Hasan ibn 'Ali had lost its practical urgency and was receding in historical memory. This released the basic (cosmo-)logical Shi'ite tenet—that no age could be without an Imam—from the burden of proving the birth and existence of a particular individual, thus freeing it to assume the quality of

41 Ibn Babuya (*ibid.*, pp. 6–7) also addressed the issue of occultation from the viewpoint of theodicy. He affirmed the validity of divine law independently of the presence of the Imam, but left the full implications of this affirmation to be drawn by his rationalist opponents a generation later.

42 Faqihī, *Āl-i Būya* (n. 21 above), pp. 278–79, 462–81.

43 The opponent is referred to as a *mulhid* (apostate), which in the period usually means a revolutionary Isma'ili Shi'ite.

44 Ibn Babuya, *Kamāl*, p. 88. Rukn al-Dawla is made to say this is a distortion the Shaykh's words and proof of defeat. In truth, however, the opponent's perception reaches the heart of the matter.

self-evidence. An Imam is necessary for the divine guidance and salvation of mankind, and if none is apparent, there must be an Imam in occultation.

3 Theodicy: The Hidden Imam and the Law

In the year of Ibn Babuya's death, 991, the Persian Shi'ite vizier of the Buyid ruler, Baha' al-Dawla, Sabur (Shapur) ibn Ardashir, founded a great Shi'ite library in Baghdad, which became the scene of a brilliant Shi'ite intellectual activity in an intense dialogue with the Mu'tazilites. The resumption of the dialogue with the Mu'tazila after decades of perplexity gave the new generation of Imami theologians the instruments Ibn Babuya and the traditionalists of Qumm had lacked for the construction of a systematic theology of occultation. The most brilliant figure in the generation after Ibn Babuya was Muhammad ibn Muhammad ibn Nu'man, the Shaykh al-Mufid (948–1022), who received his theological training from a student of Abu Sahl al-Nawbakhti and from the Mu'tazila of Baghdad.⁴⁵ He, in turn, trained the rationalist doctors of the next generations, most notably the Sharif al-Murtada (died 1044) and the latter's leading student, Muhammad ibn al-Hasan, the Shaykh al-Tusi (died 1067).

The Buyid era is a period of remarkable religious pluralism and intellectual conversation and competition among different religious and philosophical groups⁴⁶ in which our rationalist doctors participated vigorously. The Shaykh al-Mufid, known as "Ibn al-Mu'allim" (son of the teacher), was an intellectual par excellence. He had enjoyed the patronage of the powerful Buyid ruler 'Adud al-Dawla (died 983),⁴⁷ and was a prominent figure in the pluralistic intellectual milieu of Baghdad. The Sharif al-Murtada, although he succeeded his father as the alderman (*naqīb*) of the 'Alids and held such important offices as the judgeship of the ruler's court (*mazālim*), was also primarily an intellectual and a man of *adab* (literary culture) as well as of the religious sciences. The Shaykh al-Tusi was a prolific scholar and teacher with a rich library. In the Baghdad of their era, Shi'ites and Sunnis, Mu'tazilite rationalists and Hanbalite traditionalists lived side by side and engaged in polemical debates that increasingly gave way to factional violence and urban riots in the course of the eleventh century. It was in this milieu that the eleventh-century doctors remolded the sectarian outlook of Imami Shi'ism and created its nomocratic theology of occultation.

45 W. Madelung, "mufid," *Encyclopedia of Islam*, 2d ed. (Leiden: Brill, 1990), 7:312.

46 J. L. Kraemer, *Humanism in the Renaissance of Islam: The Cultural Revival during the Buyid Age* (Leiden: Brill, 1986).

47 Faqihī, *Āl-i Būya*, p. 306.

The Shaykh al-Mufid initiated the systematic displacement of chiliasm by law. Building on an antichiliastic tradition of interpretation that saw each Imam as the redresser (*qā'im*) of the cause (*amr*) of the previous Imam,⁴⁸ he applies the term *al-imām al-qā'm* selectively to the sixth, seventh, eighth, and eleventh Imams.⁴⁹ The effect of the coupling of the terms "Imam" and "Qa'im" is clearly to de-apocalypticize the latter. The hidden Imam is the redresser (*qā'im*) (by implication, of the cause of Imamate) after the eleventh Imam whom God has "appointed an Imam in the condition of apparent childhood as he appointed Jesus, son of Mary, a Prophet in the cradle."⁵⁰ Mufid's continued reliance on recorded traditions as transmitted proof, however, preserved the chiliastic substratum of the notion of occultation: "Tradition about his occultation was established before his existence, and that about his turn in power was spread before his occultation. He is the Lord of the Sword among the Imams of guidance and the Qa'im (redresser) of truth, awaited for the reign of faith. There are two occultations for him; . . . at the end of [the second] he will rise with the sword."⁵¹

The traditional proof of occultation thus remained inescapably chiliastic, but not so the rational proof. The fundamental rational proofs of "the existence in every age of an Imam who is infallible and perfect, a resource for his subjects concerning the commandments of the law and the sciences in every age," is that without him "the duty-bound believers would lack an authority (*sultān*) by whose existence they could approach righteousness and steer away from corruption." This proof is the (cosmo-) logical proof with which we concluded Section II but restated in terms of a new theodicy to be discussed presently. It has all the formal logical power needed to establish the existence of an Imam *absconditus*. Mufid could and should have rested his case with it and have immediately inferred his final conclusion, "This is a principle which obviates the need for transmission of texts . . . as it stands on its own as a rational case, and its correctness derives from the firmness of reasoning." In other words, the Imamate of the hidden Imam can be established by rational proof, and

48 Muhammad b. Ya'qub al-Kulayni, *Uṣūl al-Kāfi*, ed. J. Mustafavi (Tehran: 'Ilmiyya Islamiyya, n.d.), 2:469. 'Ali b. Ibrahim al-Qummi, *Tafsīr* (n. 26 above), 2:45. Ibn Babuya similarly refers to the hidden Imam as "the twelfth Qa'im among the Imams" (*Kamāl*, p. 639).

49 Muhammad b. Muhammad b. al-Nu'man, al-Shaykh al-Mufid, *al-Irshād* (Qumm: Basirati, n.d.), pp. 220, 288, 304, 334.

50 Ibid., p. 346; English trans. by I. K. A. Howard, *The Book of Guidance* (London: Muhammadi Trust, 1981), p. 524.

51 Ibid., p. 36; trans. pp. 524–45 modified. On the two occultations, see Arjomand, "Crisis of the Imamate" (n. 4 above).

traditional proofs for it are not strictly necessary. For rhetorical purposes, however, Mufid added as a further rational proof the lack of the necessary qualifications in anyone other than the son of the eleventh Imam, Hasan ibn ‘Ali, who is the Mahdi.⁵² This assertion shows the limits of Mufid’s rationality, which is reached when he has to affirm that the hidden Imam is a real person. Mufid was clearly on the defensive against the Mu‘tazila. “They are always reviling us,” he complained, “for our doctrine of the occultation (*ghayba*) and for the fact that time has passed without the appearance of our Imam.”⁵³ When his Mu‘tazilite opponent pushes him into a corner by asking, “How is it possible for you, a proponent of Justice and Unity [of God], to believe in the Imamate of a man whose birth is not certain, to say nothing of his Imamate; and whose existence is not certain, to say nothing of his occultation? And now so many years have passed that those of you who believe say he is a hundred and forty-five years old! Is this possible in reason or revelation?” Mufid’s reply is a modified form of a fallacious argument used by Ibn Qiba al-Razi a century earlier. No ‘Abbasid Caliph, nor anyone else from the Quraysh is infallible, “so I know, by rational demonstration, that the Proof [of God] must be someone else, even though he is not apparent. For the Proof [of God] can only be someone who is protected from sin and error. . . . So he must be in hiding.”⁵⁴

The pivotal concepts taken from the Mu‘tazila for Mufid’s ethicotheological rationalization of Imami Shi‘ism were those of the divine Justice (*‘adl*) and Grace (*lutf*). The first concept makes it unjust for God to command the impossible, while according to the second concept, Grace is *wājib* (necessary or incumbent) on God in that he is obliged to order the world and to provide mankind with guidance. This means that God is morally obliged to send prophets to communicate His law to mankind. According to some of the Mu‘tazila, the necessity of the Imamate could be established by rational arguments,

52 *Irshād*, p. 347; cf. faulty translation, pp. 525–26.

53 M. J. McDermott, *The Theology of al-Shaykh al-Mufid (d. 413/1022)* (Beirut: Dar el-Machreq, 1978), pp. 130–31; translation (from *Khams rasā’il fi ithbāt al-ḥujja* [Najaf, 1951], pp. 3–4) slightly changed. The Sharif al-Murtada, too, later admitted that occultation was a weak point in Shi‘ite doctrine: “It is difficult for us to discuss the occultation (*ghayba*), while it is easy for them [our opponents] to disprove it” (A. Sachedina, “A Treatise on the Occultation of the Twelfth Imamite Imam,” *Studia Islamica* 48 [1978]: 117).

54 McDermott, pp. 130–31. Mufid modifies Ibn Qiba’s argument (Modarressi [n. 2 above], pp. 157–62) by substituting, as its major premise, the necessity of the Imam’s infallibility for the necessity of his designation (*naṣṣ*). This argument is in turn repeated by Murtada (Sachedina, “A Treatise,” p. 120) who concludes that, as neither the manifestation (*zuhūr*) nor the actual dominion (*taṣarruf*) of the Lord of the Age (*ṣāḥib al-zamān*) obtain, we are forced to concede his occultation.

which would make Imamate a rational necessity. In addition, the Mu‘tazilite school of Baghdad maintained that God must work in the best interests of the majority of mankind. In his concisely formulated creed, Mufid integrates the idea of occultation into the Shi‘ite rational theology systematically by linking it to the fundamental Mu‘tazilite tenet of Grace, and to the Shi‘ite principle of Infallibility (of the divinely appointed Prophet and Imams), which acquires very different connotations in the new context.

The proof of the election of the prophets for the guidance of mankind is divine Grace, “because Grace is rationally necessary (*wājib fīl-ḥikma*).”⁵⁵ The Prophet must be infallible because “Infallibility is Grace vouchsafed by God Most High to the one bound in duty (*mukallaf*) to prevent the occurrence of sin and abandonment of obedience.”⁵⁶ As the Imam’s function is “the general leadership in the affairs of religion and the world on behalf of the Prophet,”⁵⁷ he too must be infallible: “He is the guardian of the Sacred Law (*shar‘*); if he were not infallible, there would be no security that it would not be added to or subtracted from.”⁵⁸ In short, the existence of an infallible hidden Imam is a consequence of the Grace of God that inheres in the divine normative order instituted for the guidance of mankind.

Two years before his death, Mufid wrote a short tract refuting the objections to the Shi‘ite belief in the occultation of the Imam, the most significant being that the occultation resulted in the abeyance of divine law. Mufid counters, “This occultation does not disturb anything that is needed for the preservation

55 Shaykh al-Mufid, *Muṣannafāt al-shaykh al-mufid* (Tehran, 1992/1413), vol. 4, *Nukat al-I‘tiqādiyya*, p. 35.

56 *Ibid.*, p. 37.

57 *Ibid.*, p. 39.

58 *Ibid.*, p. 40. Mufid goes on to state that “the Grace that is incumbent upon God in the matter of the Imamate is to appoint an Imam and make Imamate his duty. God Most High has done this, and has not disturbed what is incumbent. The disturbance of what is incumbent is the doing of the subjects. God has made it incumbent on these subjects to follow the Imam, obey his commands and prohibitions, and make him their master. If they do not do so, they have disturbed what is incumbent, and their perdition is their own doing” (p. 45). This argument was later repeated by Tusi as a rebuttal to a Sunni critique of Murtada’s argument from *lutf* (Muhammad b. al-Hasan al-Tusi, *Kitāb al-ghayba*, ed. A. B. al-Tihirani [1385; Najaf, 1965], pp. 7–8 [hereafter cited as *Ghayba*]). Elsewhere, Mufid elaborates the argument that the believers are dependent on the Imam of every age in matters of the Sacred Law. His presence is therefore needed “for establishing such obligations as prayer, almsgiving, *hajj*, and holy war—in all these God would be morally obliging them to do what they cannot fulfill.” And it is impossible for God the Merciful to command the impossible (McDermott, p. 121).

of the Sacred Law (*sharʿ*) and the community (*milla*), . . . which [the Imam] delegated to his Shiʿa. . . . There is no need for him to undertake this himself, as the mission of the prophets, peace be upon them, is manifest through their followers and confessors to their truth . . . and the same is upheld by their followers after their death." In both cases, those invested with authority can undertake this function, and there is no need for the prophet or the Imam to do so in person.⁵⁹ Furthermore, Mufid drew on the Muʿtazilite doctrine of best interest to justify occultation as being in the interest of the believers. The Imam "is actually obliged to hide himself from us so that we may come to know and obey him in a way that merits us a greater reward, greater than our knowledge and obedience would have gained were he visible and the obligations and uncertainties of the occultation removed. . . . Thus the Imam is prohibited from appearing when he knows that obedience to the Imam in his occultation is nobler than obedience done with him apparent."⁶⁰

With the ethicotheological rationalization of Shiʿite beliefs by Mufid in dialogue with the Muʿtazila, the concept of occultation is detached from its apocalyptic context. The Grace of God obtains during the occultation as during the time of the presence of the Imam because the instrument of divine guidance is the law and the correct interpretation of the scripture. The occultation of the Imam simply means the devolution of (unmediated) responsibility for its observance on the duty-bound individual. The theology of occultation thus makes the law effective independently of the presence of an Imam. It is no accident that the first half of the eleventh century is also the period of the development of the science of jurisprudence (*uṣūl al-fiqh*) in Imami Shiʿism; nor that our three doctors, Mufid, Murtada, and Tusi, are the chief architects of the Shiʿite legal science.⁶¹

Mufid's student, the Sharif al-Murtada made the Muʿtazilite idea of Grace the cornerstone of the Shiʿite theology of the Imamate. In his *Kitāb al-shāfiʿī fī l-imāma*,⁶² he argues that the rational necessity (*wujūb*) of the Imamate entails

59 Shaykh al-Mufid, *al-Fuṣūl al-ʿashara fī l-ghayba* (Najaf, 1951/1370), p. 28. In practice it is possible for the law to fall into abeyance, but "if the Imam goes into occultation (*ghāba*) from fear of a group of oppressors for his life, and because of this the punishments are forfeited and commandments neglected, and corruption on earth results from it, the cause of this is the oppressors, not God" (p. 29).

60 Ibid., pp. 80–81; trans. McDermott, *Theology*, p. 125, somewhat modified.

61 R. Brunschwig, "Les *uṣūl al-fiqh* imāmīte à leur stade ancien (X^e et XI^e siècle)," reprinted in *Études d'Islamologie* (Paris: Maisonneuve et Larose, 1976), 2:323–34.

62 Shaykh al-Taʿifa Ali Jaʿfar al-Tusi, *Talkhiṣ al-Shāfiʿī*, ed. H. Bahr al-ʿUlum (Najaf, 1963/1383) (hereafter cited as *Shāfiʿī*). The treatise was a rebuttal to Qadi ʿAbd al-Jabbar's (died 1025) Muʿtazilite critique of the Shiʿite theory of Imamate.

that “it is necessary under any condition so long as ethical obligation remains in effect,” while its traditional proof establishes that “it is necessary that there be an Imam who is a protector for the Sacred Law and who upholds the legal rules of the community (*ahkām al-milla*).”⁶³ The first is “an argument for the necessity of the Imamate based on reason, not tradition, which establishes it as a prerequisite for the completion of what is demonstrably an instance of Grace in rationally-established [moral] obligation.”⁶⁴ The second argument is traditional—that is, based on transmitted authority (*samʿ*).⁶⁵ However, even when Murtada purports to deal with the traditional proof based on transmission, his thesis is entirely a rational proposition and can be stated as “the Sacred Law needs a guardian against incorrect interpretation, and *therefore* its guardian has to be infallible.”⁶⁶ Traditions such as “The world will not remain empty of the proof of God [i.e., the Imam]” can be adduced to support it, but the thesis itself is a rational construct at a considerable distance from them.

In a short tract written specifically on occultation, Murtada represents the infallible Imam as a symbol of theodicy and his occultation as the confirmation of moral responsibility (*taklīf*) of the believers.⁶⁷ Murtada adds an interesting sociological dimension to the familiar Imami reasoning with regard to the identity of the hidden Imam. As the false view of the chiliastic sects, “our fellow Shiʿites who disagree with us,” “has been nullified by their becoming extinct or few in number, . . . there remains no alternative but [to accept] our doctrine (*madhhab*). . . . It follows then that the Imam is the son of Hasan and no one else, and we find him hidden from our eyes.”⁶⁸

By 1040, the last of our rationalist doctors, the Shaykh al-Tusi, had reached the conclusion that a systematic theory of the Imamate was essential to a legal and moral philosophy that could serve as a foundation of the Shiʿite legal science. The topic of Imamate was intimately linked to ethics; moral obligation

63 Ibid., p. 68.

64 Ibid., 1:69.

65 Ibid., 1:113.

66 Or in his words: “As it is established that the Sacred Law of our Prophet is eternal, and the interest in it unchanging for all bound in duty until the coming of the Hour, it follows by necessity that there should be a protector for it. . . . Therefore it is necessary that there be an infallible protector for it to make it secure from change, alteration and mistake for those bound in duty (ibid., pp. 133–34).

67 Sachedina, “A Treatise” (n. 50 above), pp. 122–24. It is also interesting to note that Murtada does not consider the knowledge of the *rationale* of occultation is a moral duty; his own attempt to demonstrate it rationally is only “an act of supererogation” (ibid., pp. 122–24).

68 Ibid., pp. 119–20.

(*taklīf*), he asserted, “is not completed without the Imamate.”⁶⁹ “If the duty-bound individual (*mukallaḥ*) does not know the Imamate as being rationally established Grace, he is led to doubt concerning the justice of God Most High, and this disturbs the condition of moral obligation.”⁷⁰ In 1055–56, at the very end of the Shi‘ite century in the East with the coming of the Saljuqs to Baghdad, and just two years before the sacking and burning of the great Shi‘ite library of Shapur b. Ardashir,⁷¹ the Shaykh al-Tusi produced the *Book of Occultation*, whose first chapter, “On the Theology of Occultation” (*al-kalām fī’l-ghayba*), systematically integrated the conceptions of theodicy, Imamate, and occultation. Tusi asserts that the necessity (*wujūb*) of the Imamate is proven under all circumstances, and given that the people are not infallible, and . . . there is no certainty about the infallibility of all for whom apparent Imamate is claimed, but to the contrary, their deeds and circumstances belie infallibility,⁷² *we know that he whose infallibility is certain is absent (ghā’ib) and under cover . . . We have no need for further argument to prove his birth and the cause of his occultation, as truth is indeed not permitted to leave the community (umma).* [Furthermore,] the argument for the occultation of the son of al-Hasan is derivative from the proof of his Imamate.⁷³

Here we have a remarkable affirmation of Mufid’s earlier assertion that occultation is the logical consequence of the necessity of infallible Imamate, and that concrete testimonies to the birth of the son of Hasan are, strictly speaking, redundant. Nevertheless, Tusi’s rational theology of occultation is supplemented by the “traditional proofs” for the occultation of the twelfth Imam in the form of historical precedents of prophets in occultation, those who have enjoyed extraordinary longevity, and especially the predictive traditions of the Prophet and the Imams concerning the occurrence of the occulta-

69 *Shāfi*, 1:59.

70 Furthermore, “as the Sacred Law institutes deeds that are instances of Grace (*alṭāf*) to duty-bound individuals until the coming of the Hour, if one does not know that the Sacred Law has a protector and a guardian who preserves it . . . , one does not feel secure to attain what is an instance of Grace for him, which again results in doubt concerning the justice of God” (*ibid.*, p. 60). Tusi, who abridged Murtada’s *Shāfi* on the Imamate while the latter was still alive, evidently did not think that his teacher’s statements on occultation were emphatic enough (*ibid.*, pp. 91–108, esp. p. 98, n. 1), and complied when a colleague pressed him to write a special book on occultation (Ghayba [n. 55 above], p. 2).

71 *Shāfi*, 1:11–12.

72 Tusi’s reference is to the false assertions of the chiliastic sects (the Kaysaniyya, the Nawusiyya, the Fathiyya, and the Waqifiyya) “concerning all persons for whom they claim infallibility and occultation.”

73 *Ghayba*, p. 3; emphasis added.

tion, the identity of the Imam with the Qa'im-Mahdi, and the fixation of the number of Imams at twelve. The chiliastic, apocalyptic traditions are thus preserved alongside the theology of occultation but contained by it.

Tusi's attitude toward the apocalyptic traditions he reports on the Qa'im and the Mahdi is at times ambivalent. Their considerable influence on him notwithstanding, Mufid had rejected one cardinal Mu'tazilite position—namely, that the principles of religion can be discovered by reason alone—and had insisted instead on the indispensability of transmitted authority (*sam'*) as well. In this, he was followed by his disciples, including Tusi. The traditions on the Qa'im and the Mahdi and those predicting the occultation, therefore, constituted Tusi's proof of the existence and occultation of the Imam by transmitted authority. He was of course selective in his reporting of traditions. Rare are those, for instance, in which the hidden Imam is given the name Muhammad,⁷⁴ a name that is avoided in Tusi's own text where the formula "the son of Hasan" is regularly used. Nevertheless, when contradiction among the traditions is unavoidable, as in the case of the traditions reporting the death and resuscitation of the Lord of Time, Tusi recommends allegorical interpretation (*ta'wīl*) of "the singly reported traditions" (*aḥād*) in the light of the multiply reported (*mutawāṭir*) ones.⁷⁵

The Shaykh al-Tusi represents the systematic theology of occultation as a set of three principles: "the necessity (*wujūb*) of leadership (*riyāsa*); the necessity of certitude concerning Infallibility; and [the principle] that truth (*ḥaqq*) does not leave the community."⁷⁶ As for the proof of the necessity of leadership, Tusi follows Murtada in claiming that it is to be an entailment of Grace and therefore among the rational necessities (*wājibāt 'aqlīyya*). "It therefore becomes incumbent, as is the knowledge [of divine norms], whose incumbency upon the duty-bound individual (*mukallaf*) is inescapable."⁷⁷ Divine Grace is upheld through the Imam whether he is present or absent.⁷⁸ The existence of the Imam is incumbent on God, because it is incumbent on God to remove obstacles to the fulfillment of moral obligations; but if the Imam chooses to remain in occultation, the fault is not with God but with the people, especially those

74 For a revealing instance, see *Ghayba*, p. 139.

75 Ibid., pp. 260–61. The Shaykh al-Tusi also supplies a valuable history of the period of occultation from the death of the eleventh Imam to the cessation of all communication with the hidden Imam with the death of his last agent in 941.

76 Ibid., p. 4.

77 Ibid.

78 Ibid., p. 7.

who have caused the Imam to go into hiding.⁷⁹ As for the second principle: “The status of the Imam requires the certainty of his Infallibility. The reason for our needing an Imam is our fallibility, because if the people were infallible, they would not need an Imam. . . . We are forced to conclude that whoever is not infallible needs an Imam; otherwise the need would be obviated, and if the Imam were not infallible, he would need another Imam.”⁸⁰ Finally, the third principle states: “Truth cannot leave the community: We and our enemies are agreed upon this; our difference concerns its cause. For us, the age is not devoid of an infallible Imam for whom, as was pointed out, no error is permissible. Therefore truth does not leave the community because the infallible one is within it.”⁸¹

The last two principles are really amplifications of the same principle of infallibility of the Imam as the Shi‘ite source of the *certitudo salutis*. The infallibility of the Imam is in reality the expression of the certainty of divine guidance of mankind through Grace. Taken in conjunction with the obvious fallibility of the rulers and other claimants, it “proves” that the *infallible* Imam, the symbol of the certainty divine guidance, and the guardian of the immutable divine normative order, must be *absent*. The *occultation* of the infallible Imam is the logical corollary of God’s guarantee of salvation through His Grace. Tusi’s coupling of the Shi‘ite idea of Infallibility with the Mu‘tazilite idea of Grace enables him to argue that, as the claims for the infallible Imamate put forward by other groups are false, we are left with the belief of the Imami Shi‘a in the Imamate of the son of Hasan; “and if this belief were also false, it would imply that truth would have to leave the community, and this meaning is false.”⁸²

Note the alchemy of theological rationalization at work here. Two extreme notions are made to neutralize one another by combination. The idea of the infallibility of the living Imam, which was originally contested by many moderate Imamis but was linked with the Imams’ knowledge of the unseen and became central to the Mufawwida extremist position,⁸³ is rendered harmless by its combination with the chiliastic notion of occultation, and vice versa. The trick is done by the principle of Grace. As the present rulers and contenders are fallible, divine Grace requires that there be an infallible Imam *in occultation*. Infallibility of the hidden Imam as the symbol of theodicy, and of the

79 Ibid., pp. 10–11, 64–65.

80 Ibid., p. 15.

81 Ibid. Later (pp. 65–66), Tusi confirms that the occultation of the Imam does not prevent the attainment of truth, which can be reached by reason or by transmitted authority.

82 Ibid., p. 57.

83 Modarressi (n. 2 above), pp. 9–11, 46–47.

certainty of divine guidance through the law, is neither extreme nor chiliastic. It has become theological.

The consequence of the Shaykh al-Tusi's systematic integration of the idea of occultation and the theory of the Imamate into a nomocratic theology is to make the Islamic normative order effective independently of the Imam and despite his absence. Tusi accordingly affirms Murtada's contention that the occultation, too, is an act of Grace toward the Imam's followers who observe divine norms and carry out their moral obligations because they expect the Imam's appearance. What is more, a hidden Imam makes the believers *more* constantly watchful of fulfilling moral duties and avoiding evil than a present Imam in a distant seat, who would be unable to monitor their behavior.⁸⁴ An actual Imam could make the Sacred Law effective by policing his followers, while a hidden Imam makes for self-policing and hence the more constant prevalence of the divine normative order.

4 Rationalization and the Transformation of Shi'ite Islam

Max Weber's conception of the world religions remains fundamental to our analytical understanding of the history of religions, yet his key concept of rationalization has not been sufficiently refined for application to concrete cases. Weber himself may be held partly responsible for this. On the one hand, his tendency to separate magical religion from the world religions along some evolutionary path militated against a sharp distinction between "rationalization" and "disenchantment." On the other hand, the architectonic notion of rationalization as construction of a system of meaning that is implicit in his treatment of the world religions of salvation corresponds neither to the well-known distinction between value-rationality and the instrumental rationality in his discussion of types of social action nor to that between formal and substantive rationality in his sociology of law.⁸⁵

Three general conclusions regarding rationalization in religion can be drawn from our study. The first is that theological rationalization is imposed on a non-rational—in this case, chiliastic—layer of belief. The superimposed rational layer contains the older one in both the senses of preserving it and placing it in a quarantine. But both layers continue to coexist. Second, our study suggests that the process of rationalization should not be viewed as the generic

84 *Ghayba*, p. 72.

85 M. Weber, *Economy and Society*, ed. G. Roth and C. Wittich (Berkeley and Los Angeles: University of California Press, 1978), chap. 6, as compared to pp. 24–26 and chap. 8.

unfolding of universal reason. Rather, the direction of rationalization is determined by (a) the means conceived for the attainment of salvation as the ultimate goal of life in the soteriology of the religion under consideration—in this case of the Shi'ite economy of salvation, (b) the general character of the religious tradition itself—in this case, by the nomocratic tradition of Islam, and (c) the ideas of the opponents in the dialogue—in this case the Greek philosophical rationalism as transmitted by the Mu'tazila.

The third conclusion in part follows from the second. Rationalization in religion is an architectonic enterprise consisting in the construction of a coherent system of meaning. Value-rationalization (casuistic derivation of specific norms from general principles) and instrumental rationalization (pursuit of efficient means for generalized purposes) are secondary aspects of the process. Our study suggests that the primary motive force of religious rationalization as the construction of a coherent system of meaning is rather the drive for consistency. If so, discourse among different religious schools and groups, and dialogue between religion and philosophy (and, by extension, other secular belief systems), supply the contents of the beliefs and principles to be made consistent, and thus determine the substance of rationalization.

Fourth, we have studied a case of rationalization within a world religion of salvation that was not accompanied by any significant disenchantment of the world. The first stage of this process of rationalization began by the Shi'ite doctors in dialogue with the Mu'tazila at the beginning of the tenth century and was completed by Ibn Babuya in its latter part. Considerable light is thrown on the dynamics of mutual articulation by the fact that this process was completed by a traditionalist who was drawn into rational dialogue with a strong school of rational theology by the acceptance of a world marked by religious pluralism. Nevertheless, it should be remembered that Ibn Babuya's achievement had relatively little to do with technical reasoning. Instead, it was guided by an original vision of the meaning of the absence of the Imam in the Shi'ite cosmology and consisted in the locating of occultation within a coherent economy of salvation. It is interesting to note that we can find parallels for all the four aspects of rationalization in Hengel's noted study of the dialogue between Judaism and Hellenism.⁸⁶

Let us now turn to the transformative consequences of rationalization. The mode of rationalization of the originally chiliastic notion of occultation by Ibn Babuya had permanent consequences for the development of distinctive Shi'ite piety. The hidden God had made his greatest name as a means to

86 Some of the consequences of this dialogue are explicitly termed "rationalization." See esp. Martin Hengel, *Judaism and Hellenism* (Philadelphia: Fortress, 1974), 1:169–75, 230–05, 253.

salvation a secret comprehensible only through gnosis. Why should his proof and the key to divine wisdom also not be a hidden Imam? The occultation of the Imam was indeed a necessary part of God's design for cosmic constitution. As was the case with the intertestamental "Merkavah mysticism," where God had hidden his countenance (*pānīm*) from the children of Israel and could be invoked by magicotheurgical adjuration,⁸⁷ the occultation of the last Imam made all other Imams other-worldly mediators and intercessors to be invoked by prayer and at their shrines. The belief in the science (*ilm*) and miraculous power (*qudra*) of the Imams had always gone hand in hand for the Mufawwida (the proponents of the supernatural power and status of the Imams). According to the traditions reported in the *Kāfī*, the Imams, the Proofs of God were "carriers of God's throne (*'arsh*)" and "the carriers of [His] science and religion."⁸⁸ Their names, written on the divine throne, could be invoked by prayer. After the occultation, there was no obstacle to the spread of this belief as the power of the Imams was transferred to the other world; intercession in the other world becomes their main function. The belief that the Imams intercede for those who invoke them at their tombs was defended even by the rationalist Shaykh al-Mufid, though he had been told that the Nawbakhtis had rejected it. While considering the Imams natural human beings with normal bodies, Mufid maintained that their state changes altogether in the Garden of God: "They hear the words of those who address and invoke them in their magnificent, celebrated shrines. This is by a favor from God which . . . conveys their invocations from afar."⁸⁹ The doctrine of occultation thus radically changed the conception of the Imamate itself. The Imamate was transformed from a theory of authority to a topic in theology, and the Imams became otherworldly mediators and saviors in the Shi'ite economy of salvation.⁹⁰

The second stage of the process, achieved by the three great Imami doctors of the eleventh century, was clearly driven by technical reasoning, but it built on Ibn Babuya's fundamental sense-making construction and drew its force and credibility from it. Needless to say, the rational superstructure gave a modified meaning and new implications to the notion of occultation. The change consisted in the integration of the belief in occultation into a theodicy in which Grace is incumbent on the just God who is obligated to provide guidance for mankind through the divine Law. The occultation of the infallible Imam thus

87 Schäfer (n. 8 above).

88 Kulayni (n. 45 above), 1:179–80; Amir-Moezzi (n. 2 above), pp. 80–81.

89 McDermott, *Theology*, p. 113, citing Mufid's *Awā'il al-maqālāt*.

90 S. A. Arjomand, "Religion, Political Action and Legitimate Domination in Shi'ite Iran," *Archives européennes de sociologie* 20 (1979): 106–9.

acquires a meaning very different from the hiding of the apocalyptic Qa'im, the Lord of the Sword, and comes to signify the categorical validity of the normative order and its immediate incumbency on the duty-bound believer of the new Shi'ite nomocratic theology. The era of perplexity was definitively ended. The absence of the Imam was no longer cause for perplexity, because every believer knew what to do.

In short, the rationalist doctors of the second stage not only completed the task of establishing the theological necessity of occultation and the soteriological value of an Imam *absconditus*, but they also reconciled the idea of occultation of the Imam with a stable system of hierocratic authority based on rational jurisprudence. Their project became the reforming of Shi'ism into a competitive variant of Islam as a world religion in a situation of religious pluralism. By integrating the theories of Imamate and occultation into a nomocratic moral theology, which supported a vigorous science of jurisprudence, they laid the normative foundations for the hierocratic authority of the Shi'ite jurist-theologians who acted as the carriers of Imami Shi'ism in subsequent centuries, to the establishment of the Safavid empire in 1501, and beyond it to the present.

The next three centuries were a period of enormous growth of Imami Shi'ite law in which chiliasm remained firmly contained. Only in the latter part of the fourteenth and throughout the fifteenth centuries, and under very different political circumstances, would the chiliastic Qa'im-Mahdi of the traditions burst through the rationalized integument of the theology of divine Grace and push aside the nomocratic order for millennial activism under the leadership of Mahdistic incarnations of divine charisma.⁹¹ The same period also marked the beginning of the impact of Sufism on Imami Shi'ism that opened yet a third possibility, Corbin's favorite, the innerworldly hidden Imam as the symbol not of theodicy and nomocracy, but of spiritual perfection and mystical union.⁹² However, the Safavid revolution that was set in motion by Mahdistic chiliasm at the very end of the fifteenth century resulted in the transformation of sectarian Shi'ism into the national religion of Iran. This transformation swung the pendulum once more from chiliasm to law and to the hierocratic system of authority whose foundation was the nomocratic theology of the rationalist doctors of the eleventh century.

91 S. A. Arjomand, *The Shadow of God and the Hidden Imam* (n. 22 above), chap. 2.

92 See n. 6 above.

Shi'ite Theodicy, Martyrdom and the Meaning of Suffering

An important feature distinguishing the Shi'ite Islam from the Sunni mainstream is its theodicy of martyrdom as quintessential human suffering. According to his definition of Sociology as the study of meaningful social action, Max Weber considered the world religions of salvation as grand solutions to the problem of meaning of life. As such, they had to make sense of human suffering by reconciling it with the justice of God. In other words, they had to answer the question of theodicy: if God is good and just, what is the meaning of the suffering of the innocent? According to Weber (1978, 1:518–22) the problem of theodicy is particularly acute in the most strict of monotheistic religions, Judaism and Islam.

Weber (1978, 1:519) further noted a very interesting possible linkage between theodicy and messianic revolution: “One solution [to the problem of theodicy] is to assure a just equalization by pointing, through messianic eschatologies, to a future revolution in this world.” Half a century later, Peter Berger (1967) called the fundamental Christian belief that the Son of God endured crucifixion—the ultimate suffering—to redeem humankind a grandiose theodicy of suffering, further asserting that its collapse due to secularization ushered in an era of world revolutions. The Shi'ite theodicy of suffering, which has no equivalent in Sunni Islam, was constructed on the basis of the tragic death or martyrdom of the grandson of the Prophet, Husayn in 680 CE. Not only has it not collapsed in modern times, but it continues to serve as a powerful idiom of world revolution against tyranny and oppression.

The very origin of the Shi'ite sects is in fact the movement of the Penitents (*tawwābun*) in 684–85. The penitents were the Kufans who accused themselves of abandoning Husayn after inviting him to take over the caliphate and of thus being responsible for his death in the desert of Karbala. (Halm 1997) Their sense of guilt was undoubtedly what called for penitence and self-abasement in the procession which later became an annual ritual of commemoration in the month of Muharram culminating in the 'Āshurā on its tenth day. The seventh-century penitents' emphasis on sin and repentance, however, developed into an elaborate theodicy of martyrdom and the suffering of the Shi'a as (innocent) victims. The guilt for the martyrdom of Husayn and his family, together with usurpation of the rights of the subsequent Imams (and

their alleged poisoning), came to be placed squarely on the shoulders of the usurpers and tyrannical governments. It was not the wronged Shi'ite sect but the wrongdoing usurpers who were guilty and sinful. Later development of the theodicy also postulated compensation in the hereafter for Husayn, Lord of the Martyrs, who could intercede for his oppressed Shi'ite flock and obtain salvation for them in the other world. As the Shi'a considered themselves the saved sect (*firqa nājiya*), the salvational value of Husayn's intercession came to the foreground.

The Shi'ite Buyids who established themselves as Sultans in Baghdad under the caliph's suzerainty in the mid-tenth century, introduced the Muharram procession in the capital of the caliphate itself within two decades, apparently restricting participation at first to wailing women with uncovered, disheveled hair. (Rahimi 2012:207–08) Although the Buyids were overthrown by the Seljuqs who are credited with the so-called Sunni restoration, Shi'ite notables in the cities of central Iran, many of whom served in the Seljuq government bureaucracy in the twelfth century (Arjomand 1984:56–57) generously supported public recitals in the marketplace extolling the virtues (*manāqib*) of 'Ali and other Imams, especially Husayn which highlighted his martyrdom. (Mahdjoub 1988) It is clear from the detailed account of the Sunni-Shi'ite rivalry in the cities of central Iran in the second half of the twelfth century in 'Abd al-Jalil Rāzi's *Kitāb al-naqd* that these eulogy recitals were part of sectarian rivalry in the public space, and were as such mixed with slanderous rigmaroles on the Prophet's wife and 'Ali's foe, 'Āyisha, and the first three caliph. The theodicy of Husayn's suffering, therefore, did not stand out in its full starkness. It was with the eminent Imami scholar of the Hilla, Razi al-Din 'Ali Ibn Tāwus (d. 1266), who endorsed the overthrow of the 'Abbasid caliphate by the Mongol Hülegü, that the theodicy of Husayn's death was canonized in *al-Luhuf 'alā qatli al-tuhuf* (Grief on the Killing of [God's] Gifts [to mankind]).

The very broad popularization of the recitals on the martyrdom of Husayn and his family, however, did not derive from the spread of Imami theology but rather from that of antinomian Sufism in Iran and Anatolia during the Il-Khanid domination. The Islamicization and Turkification of Anatolia and northwestern Iran in the fourteenth and fifteenth centuries was particularly important for ecstatic popular devotion to 'Ali and Husayn. Anatolia was thus a fertile region for the growth of unorthodox millenarian movements, beginning with the Bābā'i uprising in the thirteenth century. Various groups of antinomian dervishes—Akhis, Qalandars and Abdāls mushroomed in the region. (Karamustafa) Alongside this Shi'ite-tinged popular Sufism, there grew a genre of folk epic had developed in Anatolia, including several *Abu Muslim-nāmas*,

a *Mukhtār-nāma* and a *Junayd-nāma*, which claimed sundry quasi-historical heroes devotees of the Imams rising on their behalf, and with popular devotion to Husayn came the theodicy of suffering and martyrdom. Thus Fazlallāh Astarābādi, the leader of the Hurufiyya, the most important Sufi, cabalistic movement of period who was executed in 1396, evoked it thus:

Husayn of the Age am I, and each worthless foes a Shimr and a Yazid
My life is a day of mourning, and Shervān my Karbalā.

He accordingly extolled deliverance through martyrdom:

He who rememberth me loveth me; and he who loveth me passionately
desireth me; and him who passionately desireth me I passionately desire;
and whom I passionately desire I slay; and of him whom I slay, I am the
blood-wit. (Both passages cited in Arjomand 1984:73)

This theodicy of suffering stimulated messianic hope and the reactivation of the mahdistic tenet: there would be a second coming (*raj'a*) of Fazlallāh as the Mahdi and the "Lord of the Sword" (*sahib-e sayf*). (Arjomand 1984:73–47)

The Hurufiyya movement spread in the Timurid empire through much of the fifteenth century but ultimately failed. At the end of this era of religious eclecticism, the second half of the fifteenth century, the martyrdom of Husayn figured largely in popular religion of the Sunnis and Shi'a alike, and was in fact taken up and developed in eastern Iran by the Naqshbandi philosopher and moralist, Mullā Husayn Vā'iz Kāshifi (d. 1504–5/ 910).

The Safavid millennial Sufi movement that gathered momentum in the latter part of the fifteenth century in northwestern Iran and Anatolia similarly drew on the idiom of the popular devotion to Husayn. The Safavids recruited among Turkman tribesmen and some of the survivors of the millenarian movement of Shaykh Badr al-Din, son of the kadi of Samawna, and their offspring (Sohrweide, pp. 119–23), doubtless including some of the Abdāl. Badr al-Din's rebellion had been suppressed in 1416, but antinomian, Shi'ite-inflected Sufism remained widespread. The missionaries (*khalifas*) of the Safavid Sufi order found in the topoi of his martyrdom in Karbalā by Yazid and his henchmen the symbolic arsenal for mass mobilization of the Turkman nomadic tribesmen dispossessed by the centralizing Ottoman imperial state. The songs of their Qizilbash (redhead) reciters (*ozans*) identified the Ottoman governors as oppressors (*zālīm*). (Yildirim 2008:148–49) This poem, recited by one such *ozan*, Pir Sultān Abdāl, around 1500, presents the youthful charismatic leader

of the Safavid movement, Shah Esmā'il, as the avenger of his putative ancestor, Husyan, against the evil Yazid, with whom the Ottoman oppressors are identified:

Lānet olsun sana, ey Yezid Pelid, Kızılbaş mı dersin söyle bakalım! Biz ol âşıklarız ezel gününden,	Curse you, o evil Yezid Say, you call us Kizilbash! We are bards, since time immemorial
Rāfizī mi dersin söyle bakalım. Ey Yezid geçersen Şah'ın eline,	Say, you call us Rafizi! O Yezid, if you are ever caught by the Shah
Zülfikārın çalar senin beline.	He will strike you with the Zulfiqār ['Ali's sword]
.....	
Muhammed sizleri taş ile eze,	May Muhammad crush you with stones,
Rāfizī mi dersin söyle bakalım. Pir Sultan'ım eder lānet Yezid'e, Müfteri yalancı yezidler size,	Say, you call us Rafizi! Pir Sultan [the bard] curses you, All you unbelieving, liar Yezids. ¹

(Cited in Yildirim, p. 354n168)

Husayn's martyrdom was furthermore given a millennial inflection by being presented as his uprising (*khoroj*), and their youthful Shaykhoghlu Ismā'il similarly called the Lord of Uprising (*sahib-e khoroj*) and presented as his messianic avenger of the blood of Husayn. As such, he would lead a world revolution against oppression (*zolm*) and to avenge Husayn's martyrdom. (Yildirim 2015) The self-inflicted vengeance of the Penitents could easily turn other-directed and become channeled against present-day tyrants and usurpers, and with much greater violence.

In the subsequent decades of the sixteenth century the popular songs of the Safavid revolution were introverted into haphazard forms of penitence and self-inflicted violence. The cursing of the first three caliphs was separately ritualized in the Safavid periods and the Muharram rituals become more differentiated and distinct and thus gained increasing coherence. The Shi'ite theodicy of suffering thus became an important element in popular religion. In the closing decade of Shah Tahmasp's long reign (1524–1576) and under the patronage of his powerful daughter, Pari Khān Khānum, it also found powerful literary expression in the poetry of Muhtasham Kāshāni (d. 1587). The affliction

1 I owe the English translation to Can Ersoy.

and martyrdom of the house of the Prophet—the quintessential prototype of senselessly unjust suffering in the world—is endowed with cosmic significance and finds an other-worldly resolution:

When they summoned mankind to the table of sorrow, they first issued the summons to the hierocracy of the Prophets.

When it came to the turn of the Friends of God, Heaven trembled at the blow which they smote on the head of the Lion of God [i.e. 'Ali]

.....

Then they tore up from Madina and pitched at Karbalā those pavilions to which even the angels were denied entrance.

Many tall palm-trees from the grove of the 'Family of the Cloak' did the people of Kufa fell in that plain with the axe of malice

.....

And the Trusted Spirit [Gabriel] laid his head in shame on his knees, and the eye of the sun was darkened at the sight

.....

That company whose ranks were broken by the strike of Karbalā, at the Resurrection in serried ranks will break the ranks of the uprisen

.....

Then [finally] they raise on a spear-point that Head [i.e., the head of Imam Husayn] from whose locks Gabriel washes the dust with the water of Salsabil [a river in paradise]. (Browne, 4:173–7, translation slightly modified)

Under Shah 'Abbās I, the Great (1587–1629), the haphazard earlier forms of Muharram mourning were transformed into carnevalesque rituals of transgression promoted by the Safavid "theatre state." (Rahimi 2012:217–34) 'Abbās I's state-building by counter-balancing the Qezelbāsh tribal contingents with a standing army of musketeers under royal slaves, who, in imitation of the Ottoman regime, were also employed in provincial administration, went hand in hand with the building of a Shi'ite nation in the core of his empire that long preceded the birth of modern Iranian nationalism. The territorialization of the Muharram cult by state-directed transformation of penitence and self-inflicted violence into carnivalesque battles among city guilds and youth organization of "urban moieties" (Perry 1999) was a significant element in what we may somewhat anachronistically call Shi'ite nation-building by Shah 'Abbās I. The pattern for Muharram combat rituals was set in his new capital, Isfahan and under his supervision. Other ceremonies, such as a camel sacrifice and

its ritual ingestion led by Isfahan's chief constable, were also instated. (Rahimi 2012:216–34)

Theatrical representation of the events of Karbalā appear decades after the fall of the Safavid empire. Fath 'Ali Shah (1797–1834) gave considerable impetus to the development of passion plays (*ta'ziyeh*) on the martyrdom of Husayn and the tragedy of Karbalā. These were at first performed in the houses of notables as a part of the ceremonies of the month of Muharram alongside long recitations of the afflictions of the house of the Prophet, known as *rawza-kh'wāni*. During Fath 'Ali Shah's reign a small number of fixed *takiyehs* (theaters) were built specifically for *ta'ziyeh*, most notably that of his foreign minister, Hājjī Mirzā Abu'l-Hasan Khan. Under Muhammad Shah, the prime minister, Hājjī Mirzā Āqāsi, built a sumptuous *takiyeh*, which was attended regularly by the crown prince, the high officials of the state, and the high ranking diplomats. Mindful of the hostility of the hierocracy, the Sufi prime minister was eager to establish a measure of control popular religion and to that end greatly encouraged the development of the Muharram passion plays. *Takiyehs* built by the notables mushroomed in Tehran and the n cities: A French diplomat wrote that during his stay, in Tehran in 1842–43, fifty-eight *takiyehs* were built. The process culminated in the erection of the famous Dawlat (state) *takiyeh* under Nāsir al-Din Shah (1848–96). On the literary plane, Qā'āni and Yaghmā Jandaqi produced variations in verse of the themes of the Karbalā tragedy, and, with the advent of printing, the scripts of s eighty of the passion plays were produced and sold to an avid public. (Arjomand 1984:240)

The elegy (*marthiyeh*) by Qā'āni (d. 1853) is particularly interesting for the contrast it offers to the above quoted one from the sixteenth century Muhtasham:

What rains down? Blood! Who? The Eye! How? Day and night! Why?
 From Grief! What grief? The Grief of the Monarch of Karbalā!
 What was his name? Husayn! Of whose race? 'Ali's!
 Who was his mother? Fatima! Who was his grandsire? Mustafā [the
 elected, i.e., Muhammad]!
 How was it with him? He fell a martyr! Where? In the plain of Māria!
 ...
 Was he an innocent martyr? Yes! Had he committed any tort? No!
 What was his work? Guidance! Who was his friend? God!
 Who wrought this wrong? Yazid! Who was Yazid?
 One of the children by Hind! By whom? By semen of bastardy!
 ...
 Was the dagger ashamed to cut his throat?

It was! Why then did it do so?

....

In order that he would become an intercessor for mankind!

What is the condition of his intercession? Lamentation and weeping!

Where any of his sons also slain? Yes, two!

Who else? Nine brothers! Who else? Kinsmen!

Had he no other son [surviving]? Yes, he had! . . .

Alone? No, with the women of the household! What were their names?

Zaynab, Sakina [Sukaina], Fatima and the poor hapless Kulthum!

(Browne, 4:178–81; translation modified slightly)

While still offering the other-worldly power intercession given to Husayn as the deep reason for his martyrdom, Qā'āni is less interested in its cosmological significance than in the personal suffering of Husayn and his family, notably his sisters and daughters (Aghaie 2005), and in highlighting the tyranny of Yazid and the other bastards who killed the Imam at his bidding. Theatre had put the focus on personalities, including the evil men who killed Husayn and the humiliated women of his family, rather than on theological explanations.

It is important to note that the vigorous development of the *ta'zieh* took place despite the opposition of the jurists in the upper echelons of the hierarchy. However, the hierarchy could not curb the development of *ta'zieh* because of its organizational amorphousness. The disapproving *mujtahids* had no disciplinary machinery for controlling the clerics who took part in them. The *ta'zieh* and *rawza-kh'wāni* conjoined with it became the source of livelihood for a new type of religious professional, typically drawn from among the dispossessed real putative *sayyids*: the *rawza-kh'wān*, who was modestly paid and had a low status.

The *ta'zieh* became tremendously popular among the people. Not only were they affected as audience, but they actively participated in the flagellant processions accompanying the ceremonies. We also know that the guilds of the bazaar competed in the preparation of the feast of Husayn and the decoration of the *takiyeh* of Hājjī Mirzā Āqāsi. The *ta'zieh* enhanced the political domination of the monarchy and the patrons among the nobility who controlled this branch of religious activity. This is especially so in that poems in praise of the Shah preceded the beginning of *sineh-zani* (chest beating) during the ceremonies. Furthermore, because of its tremendous cathartic effect on the spectators, the ceremonies acted as channels for discharge of potentially rebellious energy and thus aided the domestication of the masses. Yet, these ritual reenactments of the tragedy of Karbalā made the Shi'ite theodicy of

misfortune a source of powerfully emotive notions and imagery, which could also be drawn upon to motivate communal oppositional action, both by the hierocracy and by chiliastic revolutionaries.

A hierocrat and a revolutionary chiliast at one, Ayatollah Ruhallāh Khomeini would not miss the chance to draw on the Shi'ite theodicy of suffering for motivating the Iranian masses as perceived victims of worldly imperialist arrogance (of the United States) to overthrow the last Shah as the Yazid of the age. "Every day an 'Ashura, every grave a Karbalā!" (Kippenberg 1981) With slogans like this, the clerical organizers of the massive and repeated demonstrations harnessed the theodicy suffering as a source of motivation of the Shi'ite Iranians, especially those who commemorated it every year in the Muharram processions, to the cause of the Islamic revolution that ended twenty-five centuries of monarchy in Iran.

Yet, the subversive potential of transgressive, carnivalesque Muharram passion plays was by no means spent in Khomeini's revolutionary enterprise. The ruling juristocracy of the theocratic republic cannot fully control popular manifestations of the Shi'ite theodicy of suffering any more than could the powerful hierocracy of the Qajar dual structure of power. As a recent study of the Arab minority in the Iranian port of Bushehr shows, the Karbalā has been modernized, and retooled as "subaltern" oppositional political theater against the oppressive Persian domination in the Islamic Republic of Iran. (Rahimi 2014)

The theoretical implication of our survey is that the impact of the theodicy of suffering on the pattern of motivation of social action, like that of other meaningful ideal types, is historically contingent and its analysis therefore needs to be historicized. Under different historical circumstances, the Shi'ite theodicy of suffering could foster various attitudes with different socio-political implications: quietism and the quest for other-worldly intercession of the martyred Imam, millenarian activism rooted in the belief in deliverance through martyrdom, periodic ritual discharge of violence in carnivalesque battles, cathartic identification with holy personalities in passion plays, and revolutionary activism stemming from a revitalized cult of martyrdom.

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PART 2

*Shi'ite Religion and the Structure
of Domination in Iran*



Hierocratic Authority in Shi‘ism and the Transition from Sectarian to National Religion in Iran

Wilferd Madelung has offered us a magisterial overview of the development of the idea of authority in Twelver Shi‘ism.¹ The present paper is narrower in its temporal scope but is more broadly based on source materials that are not confined to jurisprudence and include works on statecraft and political ethics as well. The tension between nomocracy and Mahdism, or more loosely speaking, chiliasm, was arguably crucial in determining the path of development of Shi‘ism in general and the conception of authority in particular. The resolution of this tension through the formulation of the doctrine of occultation made possible the emergence of a stable system of hierocratic authority based on rational jurisprudence, even if it did not preclude periodic outbursts of Mahdistic charismatic authority.² As Madelung shows, the first stage of the development of hierocratic authority was completed by the end of the Būyid period or shortly thereafter in the 5th/11th century. From a broader perspective, that century also marked the development of a conception of political authority in relation to Islamic law that was common to Sunni and Imāmī (Twelver) Muslims. Although this similarity can be demonstrated by considering works in jurisprudence, such as the important tract by the Sayyid al-Murtaḍā (d. 436/1044) published by Madelung,³ we also need to look at other sources because political authority was typically treated in books on ethics and statecraft, a literary genre distinct from religious jurisprudence.

The bifurcation of political authority into caliphate and sultanate after the Būyid seizure of Baghdad resulted in a distinct mode of justification of political authority in terms of the necessity of maintenance of public order through the enforcement of the *sharī‘a*. This mode of derivation of ‘the necessity of the imamate’ is common to the Sunni and Shi‘i jurists of the Būyid period alike; and, in both cases, it results in the severing of the link between, on the one hand, the necessity of upholding the Islamic norms and the legitimacy or

1 See W. Madelung, ‘Authority in Twelver Shiism in the Absence of the Imam,’ in *La Notion d'autorité au Moyen Age: Islam, Byzance, Occident* (Paris, 1982), pp. 163–173.

2 See Chapter 4 above.

3 See W. Madelung, ‘A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for Government,’ *BSOAS*, 43 (1980), pp. 18–31.

qualification of the ruler, on the other.⁴ The great Shi'ī doctors of the Mongol period, the Muḥaqqiq al-Ḥillī (d. 676/1277) and his nephew, the 'Allāma al-Ḥillī (d. 726/1325), displayed the same attitude towards public authority as their Būyid predecessors. Neither of these doctors wrote political tracts of the literary or philosophical genre, but this had been done, magisterially, by the 'Allamā's teacher, Naṣīr al-Dīn Muḥammad al-Ṭūsī (d. 672/1274).

To construct the classical Islamic political order, two sources other than the Qur'an and the Prophetic heritage had been drawn upon. Both practically or administratively and intellectually, Muslim thinkers drew on the Greek and the Persian traditions. It is not accidental that the words denoting public law from the earliest times to the present, *qānūn* and *dastūr*, are respectively from Greek and Persian provenance. At the intellectual level, too, statecraft (*siyāsat*) was a Persian craft while practical philosophy (*al-ḥikma al-'amaliyya*) came from the Greeks. The blending of these two traditions produced the classical science of civic politics (*al-siyāsa al-madaniyya*; *siyāsat-i mudun*), which is the subject of the third discourse of al-Ṭūsī's *Akhlāq-i Nāṣiri*.

1

We can find elements of a dress rehearsal for the transition of Shi'ism from a sectarian religion to the national religion of Iran during the 8th/14th century.

4 This similarity is already evident in the 4th/10th century: 'All the 'ulamā' have agreed unanimously that the Friday prayers, the two festivals . . . warfare against the infidels, the pilgrimage, and the sacrifices are incumbent upon every *amīr* whether he be upright or an evildoer; that it is lawful to pay them the land tax . . . to pray in the cathedral mosques they build and to walk on the bridges which they construct. Similarly, buying and selling and other kinds of trade, agriculture and all crafts, in every period and no matter under what *amīr*, are lawful in conformity with the Book and the Sunna. The oppression of the oppressor and the tyranny of the tyrant do not harm a man who preserves his religion and adheres to the Sunna of his Prophet, . . . in the same way that if a man, under a just Imam makes a sale contrary to the Book and the Sunna, the justice of his Imam will be of no avail to him.' Thus the Ḥanbali Ibn Baṭṭa (d. 387/997); cited in B. Lewis, *The Political Language of Islam* (Chicago, 1988), p. 101. His Shi'ī contemporary, the Shaykh al-Mufīd (d. 413/1022), states the following 'rational proof' for the necessity of the existence of an infallible Imam in every age: 'This is so because it is impossible for the duty-bound believers (*mukallaḥūn*) to be without an authority (*sultān*), whose presence draws them closer to righteousness and keeps them away from corruption, who would protect Islamic territory, and assemble the people to hold the Friday prayer and the festivals.' Al-Shaykh al-Mufīd, Muḥammad b. Muḥammad b. al-Nu'mān, *al-Irshād*, Qumm, n.d., p. 347.

Through their connection with Naṣīr al-Dīn al-Ṭūsī, who was the Mongol conqueror's councillor, the Shi'ī notables of Ḥilla and the Shi'ī vizier of the last Abbasid Caliph, Ibn al-'Alqamī, secretly submitted to the invading Mongols and accepted office under the Mongol regime.⁵ One of them, Raḍī al-Dīn b. Ṭāwūs, played the leading part in a gathering of the *'ulamā'* in the Mustanṣiriyya Madrasa in Baghdad, summoned by Hülegü to legitimate Mongol rule. In response to the question put to the hesitant jurists by the Mongol sultan, Ibn Ṭāwūs was the first to step forward and rule that a just infidel ruler was preferable to a tyrannical Muslim ruler. The clear implication of this ruling is that justice is more important than Islam for the legitimacy of rulership. Ibn Ṭāwūs then accepted the office of the *naqīb* of the 'Alids, an office he had earlier declined to accept from the caliph.⁶ Another Shi'ī notable who secretly met Hülegü before the conquest of Baghdad and received a decree of appointment from him was Sadīd al-Dīn Yūsuf, Ibn al-Muṭāhhar al-Ḥillī, the father of the 'Allāma.⁷ The 'Allāma al-Ḥillī himself became highly influential at the court of the Īl-Khānid ruler, Öljejtü, for whom he wrote a book on the imamate, the *Minhāj al-karāma*. He succeeded in converting the Īl-Khānid sultan to Imāmī Shi'ism, and even persuaded him to conspire to have the *khutba* delivered in the name of 'Alī in Mecca, but the scheme was aborted by Öljejtü's untimely death in 716/1316.⁸

Once the incumbency of the norms of the *sharī'a* was established irrespective of the issue of the legitimacy and qualifications of the ruler, the Shi'īs had acknowledged that there had to be public authority in the absence of the lawful Imam. The next question was: *whose* public authority? The ruler's or the jurist's? (The Caliph was excluded as the usurper of the right of the House of 'Alī). During the first stage in the Būyid era, the tendency had been either to simply declare the continued prevalence of the norms of the *sharī'a*, or to transfer the Imam's functions to the just ruler. In the Mongol period, the Muḥaqqiq had been more cautious than the Būyid jurists concerning the acceptance of the office of the *qāḍī* from a tyrannical ruler.⁹ But the 'Allāma went further than them in transferring some of the Imam's functions to the temporal ruler.

5 Ibn al-Ṭīqtaqā, *al-Fakhrī*, ed. H. Derenbourg (Paris, 1895), pp. 452–453.

6 Ibid., p. 21; R. Strothmann, *Die Zwöfer-schī'a* (Leipzig, 1926), pp. 91–93.

7 'Allāma al-Ḥillī, *Kashf al-yaqīn*, as cited in Muḥammad Bāqir al-Khwānsārī, *Rawḍat al-jannāt fi aḥwāl al-'ulamā' wa'l-sādāt*, ed. M. T. al-Kashfī and A. Ismā'īliyān (Qumm, 1390–92/1970–72), vol. 8, pp. 200–201.

8 H. Laoust, *Les Schismes dans l'Islam* (Paris, 1965), p. 257.

9 S. Amir Arjomand, *The Shadow of God and the Hidden Imam: Religion, Political Order and Societal Change in Shi'ite Iran from the Beginning to 1890* (Chicago, 1984), pp. 62, 64.

He maintained that the just ruler, who receives taxes and provides his subjects with protection, has the authority (*wilāya*) to give in marriage women who have no guardian, as ‘the ruler is the guardian of the one who does not have a guardian.’¹⁰ At the same time, however, he enhanced the authority of the jurists on behalf of the Imams on grounds of their knowledge of the *sharīʿa* and their expertise in jurisprudence.

The chiliastic expectation of the appearance of the Mahdi was contained by the rationalized theology of occultation in both the senses of being preserved and placed in a quarantine. After the disintegration of the Īl-Khānid empire in the 8th/14th century, the Mahdistic tenet was reactivated to mobilize the urban classes who created the Shiʿi ‘Sarbadārīd republic’ in northern Iran. Just before the overthrow of the Sarbadār state by Tīmūr (Tamerlane) in 788/1386, however, an attempt was made to swing Shiʿism from chiliasm to nomocracy. Though abortive, it resulted in a major treatise in Imāmī jurisprudence and retrospectively acquired significance for foreshadowing the Safawid transformation of Shiʿism into a national religion by the successful hierocratic taming of the Mahdistic impetus that had created the empire in 907/1501.

The close connection between the Imāmī leaders and the Mongol rulers of Iran had repercussions for the Imāmī communities in Syria under the Mamlūks. It greatly alarmed the fiery Ḥanbalī preacher, Ibn Taymiyya (d. 728/1328), and the apprehensive Mamlūk rulers of Syria ordered punitive expeditions to the Kasrawān mountain near Beirut in 692/1292 and 705/1305,¹¹ the second of which was particularly devastating to its Imāmī community whose members had not heeded Ibn Taymiyya’s proselytizing among them a year earlier.¹² Nevertheless, judging by the number of entries in the biographical compendia, the Imāmī community grew considerably in Syria (Jabal ʿĀmil, Damascus) during the 8th/14th century, while Aleppo remained an important center of scholarship.¹³ Some time before 782/1380, Shams al-Dīn Muḥammad Āvī, the vizier of the last Sarbadār ruler, commissioned the leading Imāmī jurist of Syria, Jamāl al-Dīn Muḥammad b. Makkī al-Āmili, al-Shahīd al-Awwal or ‘the First Martyr’ (d. 786/1384), to write a legal manual for implementation in that

10 *Tadhkirat al-fuqahāʾ* cited in A. A. Sachedina, *The Just Ruler in Shiʿite Islam* (New York, 1988), p. 176.

11 Laoust, *Les Schismes dans l’Islam*, pp. 256–257.

12 R. J. Abisaab, *Migration and Social Change: The ‘Ulamā of Ottoman Jabal ʿĀmil in Safavid Iran, 1501–1736*. (Ph.D thesis, Yale University, 1998), ch.1.

13 The existence of Imami communities in Beirut and Sidon is also established by a Mamluk decree of persecution dated 764/1363. Aḥmad b. ʿAlī al-Qalqashandī, *Ṣubḥ al-aʿshā fī ṣīnāʿat al-inshāʿ* (Beirut, 1987) vol. 13, pp. 13–20.

Shi'i state.¹⁴ The First Martyr, whose father and sister were also noted scholars, had been trained in Ḥilla by the 'Allāma's son, the Fakhr al-Muḥaqqiqīn (d. 771/1370), before returning to his native land. He sought to establish himself as a respected jurist in Damascus by cultivating good relations with its Sunni jurists. In this, he ultimately failed, as he was imprisoned, condemned for heresy by the four *qāḍīs* of the Sunni schools of law, executed and crucified in 786/1384. His martyrdom was in part the result of his inability to assert his own hierocratic authority as a jurist over the chiliastic extremists in his own community. There had been a serious uprising in 717/1317 among the Nuṣayrīs under the leadership of a certain Muḥammad b. al-Ḥasan who claimed to be the Mahdi.¹⁵ Shi'i extremism evidently remained alive in the region, and two of the First Martyr's students defected to the Nuṣayrīs and served as witnesses for the prosecution at his fatal trial. After his death, yet another student of his, a Kurd named Muḥammad al-Yālushī (or Jālushī) claimed Mahdship and was put to death by the Mamlūks.¹⁶ Nevertheless, he opened a new phase in the history of Shi'i law by giving it an 'independent identity.'¹⁷ More to the point, the book he wrote for the legal instruction of the Sarbadārs, *al-Lum'a al-Dimashqīyya* (*The Damascene Glitter*), contains an extension of hierocratic authority that was pregnant with further implications.

The administration of justice (*qaḍā'*) is 'the function of the Imam, peace be upon him, or his deputy; and during the occultation the administration of justice by the jurist possessing all the necessary qualifications for issuing opinions (*iftā'*) is valid.' And further, 'the authority of the judge (*qāḍī*) is established by reputation (*bi'l-shiyā'*) or by the testimony of two just witnesses.'¹⁸ The last statement has a sectarian character, with reputation and recommendation of two just members of community instead of any formal appointment. Nevertheless, 'the jurist possessing all the necessary qualifications for issuing opinions' is placed immediately in place of the 'deputy' of the Imam. The same intimation occurs in the discussion of the congregational prayer which should be held only 'with the Imam or his deputy, even if the latter is a jurist.'¹⁹ Of

14 The Shahīd is said to have despatched the autograph manuscript of the *al-Lum'a al-Dimashqīyya* to Khurāsān, and then edited the copy made there and sent back in 782/1380–81; Muḥammad b. Jamāl al-Dīn al-Makkī al-Āmilī, *al-Lum'a al-Dimashqīyya*, ed. M. Kalāntar (Beirut, n.d. [1968]), vol. 1, p. 24.

15 Laoust, *Les Schismes dans l'Islam*, p. 258.

16 Abisaab, *Migration and Social Change*, ch.1; Āmilī, *Lum'a*, vol. 1, Introduction, pp. 136–147.

17 H. Modarressi Tabātābā'i, *An Introduction to Shi'i Law* (London, 1984), p. 49.

18 Āmilī, *Lum'a*, vol. 3, pp. 62, 67.

19 When stating that the holy war is collectively incumbent on the stipulation of 'the just Imam or his deputy' the First Martyr, however, offers no specification of any kind for the latter; Āmilī, *Lum'a*, vol. 2, p. 381. Āmilī, *Lum'a*, vol. 1, p. 299.

greater consequence not just for the authority but also for the financial power of the Shi'i jurists were the opinions reported by the First Martyr in connection with the religious tax, *zakāt*:

Its payment to the Imam is incumbent if he demands it in person or through his collector. It is said that this is the same with the jurist during the occultation if the latter demands it in person, or through his agent, because he is a deputy to the Imam like the collector, and perhaps with stronger reason. The payment to them without their demanding is more virtuous, and is even said to be incumbent.²⁰

2

Shah Ismā'īl's Mahdist revolution in 907/1501 was the starting point of the transformation and establishment of Shi'i Islam as the national religion of Iran. The consolidation of the Safawid revolution, however, required the routinization of chiliastic charisma into a stable structure of authority. Monarchy and hierocracy were the super- and subordinate components of this structure of authority. The architect of the new hierocratic system of authority was Shaykh Nūr al-Dīn 'Alī al-Karakī (d. 940/1534), a Syrian like the First Martyr, who unlike the latter responded to the invitation of the Safawid ruler and migrated to Iran.

For some three decades, al-Karakī made a considerable contribution to the establishment of Shi'ism in Iran both at the theoretical and the practical levels. He addressed a number of specific issues in public law. In a treatise written on the land tax (*kharaj*) in 916/1510, for instance, he justified the tax, the acceptance of office and stipends from the ruler.²¹ What is more interesting, however, is that al-Karakī forward his opinions as the deputy of the Imam during his occultation, using the expression 'general deputyship/vicegerency' (*niyābat-i 'amma*) of the Imam in his absence, to denote the authority of fully qualified jurists like himself.²²

It is clear from his undated *fatwās* that Karaki acted as the chief *mufti* of the Safavid realm during the judiciary transition from the Sunni to Shi'ite Rite as the state religion. In one *responsa*, which shows that the judges remained

²⁰ 'Āmilī, *Lum'a*, vol. 2, p. 53.

²¹ W. Madelung, 'Shiite Discussions on the Legality of the Kharāj,' in R. Peters, ed. *Proceedings of the Ninth Congress of the Union Europeenne des Arabisants et Islamisants* (Leiden, 1981), pp. 194–198.

²² *Ibid.*, p. 195

Sunni well into the Safavid period even in the capital, Tabriz, he rules that a divorce order issued by a Sunni judge concerning a Shi'ite couple is valid only if two "just" Imami witnesses are present.²³ Others deal with a variety of legal issues such as occupation of dead land in Ray and Isfahan during the occultation and without the permission of the Hidden Imam, and the legal competence of those other than "the Deputy (*nā'ib*) of the Imam."²⁴

Al-Karakī's main legal work, the *Jāmi'at al-maqāṣid*, is a commentary on the 'Allāma al-Ḥillī's *Qawā'id al-aḥkām*. It was written, so he tells us in a short preface, as a way to discharge some of his obligations towards the exalted, victorious, monarchical, 'Alid, Safavid empire (*dawla*).²⁵ Al-Karakī continues the preceding sectarian trend of transferring the Hidden Imam's jurisdictions to the jurists. The Imam's authority to marry women without guardians, for instance, is transferred to the jurist in preference to the ruler. The transfer of the Imam's function of holding the Friday congregational prayer to the jurist is more significant. Glossing the 'Allāma's statement in the *Qawā'id*, that the holding of the congregational prayer required 'the just ruler (*al-sultān al-'ādil*) or whoever he orders to do so,'²⁶ al-Karakī states:

According to our consensus, the incumbency of the congregational prayer is conditional upon the just ruler (*al-sultān al-'ādil*) who is the infallible Imam, or his deputy in general, or his deputy for the congregational prayer. The Prophet, peace be upon him, appointed congregational prayer leaders—and so did the caliphs after him—as he appointed judges.²⁷

23 Shaykh 'Ali b. al-Husayn al-Karakī, *Rasā'il al-Muhaqqiq al-Karakī*, Muhammad al-Hassun, ed., Qom, 1991/1412, 3: 99, #40.

24 Ibid., 3:109, #66–67.

25 The string of adjectives is longer and notably includes the terms *al-shāhīyya al-Ṣafawīyya al-mūsawīyya*; 'Ali b. al-Husayn al-Karakī, al-Muhaqqiq al-Thānī, *Jāmi' al-maqāṣid fī sharḥ al-qawā'id* (Beirut, 1991), vol. 1, p. 1.

26 The latter is referred to as the 'deputy' in the next phrase. According to A. A. Sachedina, *Islamic Messianism: The Idea of the Mahdī in Twelver Shi'ism* (Albany, NY, 1981), pp. 186, 195, al-Ḥillī had held more than one opinion on the question of the Friday congregational prayer. In his alternative opinion, holding it did not require a jurist but was within the broad 'authority of the righteous believers (*wilāya 'udūl al-Muslimīn*).' Al-Karakī does not consider this position, insisting instead on the devolution of the authority to hold the congregational prayer upon the jurist.

27 Al-Karakī, *Jāmi' al-maqāṣid*, vol. 2, p. 371.

The reason is that,

the secure jurist who has all the qualifications for issuing opinions is appointed (*manṣūb*) by the Imam; therefore his ordinances (*aḥkām*) are effective in helping him to implement the *ḥudūd* and to adjudicate among the people is incumbent.²⁸

He further claims that the Shi'i consensus is that the holding of the congregational prayer is conditional upon the presence of the Imam or his deputy, and therefore, 'the act of congregational prayer during the occultation is not laid down by the sacred law (*la-yashra'*) without the presence of the fully qualified jurist.'²⁹

The idea of 'appointment' is linked to that of being a 'deputy in general' by claiming that the Imam has 'indeed appointed a deputy in a general matter, as in the saying of [the sixth Imam Ja'far] al-Ṣādiq reported by 'Umar b. Ḥaṅẓala: "I have indeed appointed him an authority [*ḥākiman*] upon you".'³⁰ Important traditional backing of the notion of 'appointment' is offered in the discussion of the religious tax, *zakāt*, after adducing the above-mentioned statement by the First Martyr to establish the 'generality of deputyship.'³¹ Here al-Karakī refers to the 'tradition (*riwāya*) of appointment that was issued by the lord of time' as of a specially important proof of the authority to adjudicate of the jurist, who is thus made 'one of those in authority to whom God has made obedience incumbent [Qur'an 4:59] upon us.'³² The religious taxes are therefore categorically payable to the 'jurist possessing all the qualifications for issuing opinions and adjudication' as the 'deputy of the Imam.'³³ With this discussion, al-Karakī's 'rational' arguments for 'general deputyship/vicegerency' of the jurists are buttressed by the two main 'traditional' proofs of their *ex ante* appointment by the Imams—namely the Tradition from Ibn Ḥaṅẓala and the decree of the Hidden Imam to the Shī'a, which sets 'the transmitters of our Traditions' as 'my proofs upon you, as I am the proof of God upon them.'

The impact of al-Karakī's jurisprudence was not confined to Iran and travelled to other Shi'i communities, notably in Syria. A generation later, the last important member of the First Martyr's legal school, Zayn al-Dīn al-Āmili,

²⁸ Ibid., vol. 2, p. 375.

²⁹ Ibid., vol. 2, p. 379.

³⁰ Ibid., vol. 2, p. 377.

³¹ Ibid., vol. 15, pp. 421–422.

³² Ibid., vol. 15, p. 422.

³³ Ibid., vol. 15, p. 425.

al-Shahīd al-Thānī or 'the Second Martyr' (d. 965/1558), incorporated al-Karakī's ideas of 'general deputyship' and ex ante 'appointment' by the Imam into his gloss on *al-Lum'a al-Dimashqiyya* of the First Martyr. Glossing the qualifications for issuing opinions in the passage on the administration of justice cited above, he includes 'the *ijtihād* in the norms of the *sharī'a* and its principles,' and 'the four principles, namely the Book, the Tradition, Consensus and the rational proof.' Each of these is explained in detail, and the discussion is concluded with an affirmation of hierocratic authority:

When these qualifications obtain for a *muftī*, it is incumbent upon the people to refer their disputes to him and . . . to abide by his verdict because he is indeed appointed (*manṣūb*) by the Imam.³⁴

Zayn al-Dīn's gloss on the unspecified deputy of the Imam in connection with holy war³⁵ fills in a Karakīan specification: 'the deputy may be special, appointed for the *jihād*, or general; and the general [deputy], such as the jurist (*al-'āmm ka'l-faqīh*) is authorized [with respect to most types of *jihād*] during the occultation.'³⁶

In short, thanks to the complete occultation of the Imam, established by the Būyid doctors and reinforced by the doctors of the Mongol era, the Shi'ī jurists had acquired public authority independently of the ruler. Al-Karakī now secured this authority upon the legal fiction of appointment by the (Hidden) Imam to the equally fictitious but nevertheless valid and legitimate office of 'general deputyship/vicegerency.' The juridical concept of a hierocratic office was definitively constructed. The Shi'ī '*ulamā'*' now had public authority on behalf of the Hidden Imam. This public authority was, however, not institutionalized. Al-Karakī's discussion of the appointment, dismissal and remuneration of judges and judiciary employees remained abstrusely ethical and barren, and devoid of concrete organizational implications.³⁷ Hence, pluralism in authority, characteristic of all jurists' laws, obtained; in fact, all of al-Karakī's major

34 'Āmilī, *Lum'a*, vol. 3, p. 62. In addition to the regular judge, the First Martyr had allowed for the arbitrator (*qāḍī al-tahkīm*) chosen by both parties to a case. The Second Martyr maintains that an arbitrator is 'absolutely inconceivable during the occultation, because if he is a *mujtahid* his verdict is valid without an arbitration agreement, and if he is not, his verdict is absolutely not valid by consensus . . . *Ijtihād* is indeed the condition for being a judge in all times and circumstances.' 'Āmilī, *Lum'a*, vol. 3, pp. 68–70.

35 See Note 18 above.

36 'Āmilī, *Lum'a*, vol. 2, p. 381.

37 Section on *qadā'* in the lithographic edition; the published 1991 edition of *Jāmi'* does not include the book on the administration of justice.

rulings were disputed by his arch-rival, the pious and acerbic jurist, Ibrāhīm al-Qaṭīfī.³⁸ Nor was there much by way of public law in the Shi'i law books.

Monarchy was the dominant fact of the Safawid political organization and the Shi'i hierocracy was subordinate to it. Monarchy consisted of a system of personal authority, characterized as patrimonialism by Max Weber, in which the ruler delegated his personal authority to his appointees. Public law would take the form of decrees and promulgations by the ruler. The public law of Shi'i Iran was accordingly supplied by the ruler. During much of his reign (930–984/1524–1576), Ṭahmāsp applied the *qānūn-nāma* of Uzun Ḥasan (d. 882/1478), 'who was the most just of kings on earth.'³⁹ But later, he issued his own Ordinance (*ā'īn*) on the Law of Monarchy (*qānūn-i saltānat*). This *ā'īn* and *qānūn* refers to the Safawid dynasty as the House of Prophethood and Authority (*wilāyat*), and sets forth the general principles of statecraft. It consists of 69 articles, containing ethical precepts on the proper conduct of the officials, norms enjoining the maintenance of fair prices and prevention of hoarding, the promotion of agriculture and handicraft and the protection of the animal resources of the country, rules concerning the policing of towns and roads, and a number of specific directives such as those concerning orphans, women and homosexuals. Employment of spies, which figures prominently in the statecraft literature as the mechanism of gathering intelligence, also receives considerable attention (articles 46–49).⁴⁰ The Shi'i law, established in Iran by Shāhs Ismā'īl and Ṭahmāsp, did have some impact on the contents of this public law of the Safawid lands, and accounts for the prohibition of wine and music (articles 58–60). But there was no systematic attempt to reconcile the *sharī'a* and the public law. Article 55 assigns the administration of the property of those deceased without an heir to the governors. According to the Shi'i law, this is one of the functions of the Imam. Tahmāsp or his legal advisors do not transfer the Imam's authority in this regard to the ruler, and through the latter's delegation, to the governors. In fact, they show no familiarity with the content of the *sharī'a* on this or other points. It was left to the '*ulamā'*' of a later age, who had the monopoly over the knowledge of the sacred law, to bypass this and other public regulations of the rulers and transfer this function of the Imam to themselves.

In contrast to political authority, however, the notion of juristic authority was increasingly disengaged from the personal, patrimonial nexus, thanks

38 Madelung, 'Shiite Discussions,' pp. 198–201.

39 *Khulāṣat al-tawārīkh*, cited in Arjomand, *Shadow of God and the Hidden Imam*, p. 194.

40 See Section 111 on "The Ordinance of Shāh Tahmāsp on the Law of Sovereignty (*qānūn-e saltānat*)," in Chapter 7 below.

to the occultation of the Imam. This disengagement became complete with al-Karakī's powerful legal fiction that produced a concept for the purely impersonal authority of the jurists. The Shi'i jurists could consider themselves appointed to the office al-Karakī defined as General Vicegerency. The appointment, however, did not depend on any act of delegation by any actual ruler; it had been, or was being, made in perpetuity by the Hidden Imam. On the other hand, the enforcement of the *sharī'a* was never institutionalized through the state. The Shi'i law remained a jurist's law, inevitably producing a pluralistic structure of authority in which each *mujtahid* could partake of the collective authority pertaining to office of General Vicegerency.

3

Far from disputing the legitimacy of his royal patrons, Shaykh 'Ali al-Karaki exalted the rule of the Safawid Shi'i dynasty. The question not addressed by al-Karaki, however, was the relationship between the newly legitimated, impersonal hierocratic authority and the old, personal and patrimonial authority of the king. It could be addressed only awkwardly within the framework of jurisprudence and required the distinct literary genre on ethics and statecraft that had been developed to express the normative order of patrimonialism. The revival of philosophy in the 11th/17th century and the integration of the rational (*ma'qūl*) sciences into the curriculum of the madrasas, made this new genre readily available as practical philosophy (*hikmat-i 'amalī*), with Naṣīr al-Dīn al-Ṭūsī's *Akhḷāq-i Nāṣirī* serving as the model treatise. In his popular exposition of Shi'i theology, *Gūhar-i murād*, dedicated to Shāh 'Abbās II, 'Abd al-Razzāq Lāhijī (d. 1072/1661–62), followed the Muslim philosophical tradition in including rulership as a topic in the philosophical theory of prophecy,⁴¹ and appended a chapter on ethics. Lāhijī differentiates between prophecy and kingship, and divides the functions of prophecy into the maintenance of order and the guidance of mankind to salvation.⁴² He also divides the goals of practical philosophy into the study of common and invariable laws, atypically called 'policy' (*siyāsāt*),⁴³ and their implementation, which varies from time to time and society to society and is called 'kingship and rulership' (*mulk va saltanat*). What is more important to note is that the functions of the prophet and the

41 'Abd al-Razzāq Lāhijī, *Gūhar-i murād* (Tehran, 1377 Sh./1998), pp. 255–260; J. Ṭabāṭabā'ī, *Zavāl-i andīsha-yi siyāsī dar Īrān* (Tehran, 1373 Sh./1994): Ch. 7.

42 Lāhijī, *Gūhar-i murād*, pp. 293–294.

43 The more typical term would have been *namūs* or *sharī'at*.

ruler were unified only in the Prophet Muḥammad and *not* in other prophets, who always needed kings.⁴⁴ The effect of this rather original theorizing is the endorsement of what I have called the theory of the two powers. According to this theory, God has chosen two classes among mankind for investment with authority: kings for the maintenance of order, and prophets for the guidance and salvation of humankind⁴⁵ Lāhijī, however, offered no explicit discussion of Shi'ism at this point. It was Lāhijī's younger contemporary, Mullā Muḥammad Bāqir Sabzawārī (d. 1090/1679–80), the Shaykh al-Islām of Iṣfahān under 'Abbās II (1052–1077/1642–1666), who addressed the issue of monarchy in relation to hierocracy from the two perspectives in two different works, one in jurisprudence, the other in statecraft.

In Sabzawārī's treatise on law, *al-Kifāy fi'l-aḥkām*, many of the rigidities of Shi'ī jurisprudence that bore the indelible mark of the sectarian period are evident. These militated against the legal conceptualization and institutionalization of public authority. Rigidity of the jurisprudential method seems to account for the carrying over, stereotypically and without adjustment, of the prohibition of resort to *quḍāt al-jawr* (tyrannical, i.e., non-Shi'ī judges) (f. 131b), an obviously sectarian feature of Shi'ī law. More serious were the obstacles to legitimate public authority. Although, following al-Karakī, Sabzawārī legitimizes such evident practical results of the exercise of public authority as taxation and the granting of land and emoluments, his justification not only remains tortuous, but also continues to imply the illegitimacy of the ruler. The sectarian conception of caliphal illegitimacy is thus ambiguously carried over into the context of Shi'ī, national rule. Sabzawārī's discussion centres around the lawfulness of paying taxes and receiving remuneration from a tyrannical ruler (*sulṭān al-jā'ir*). Rigidity of the jurisprudential method cannot by itself account for the stereotypical perpetuation of this sectarian feature, and one must add the interest of the jurists as a class to enhance hierocratic vis-à-vis patrimonial authority. It is hardly surprising that Sabzawārī seeks to enhance hierocratic authority proper and expand its scope as a matter of course, as in his ruling in favour of the entitlement of the jurists to *khums* during the occultation of the Imam (f. 23a). More intriguing are his invidious contrasts between hierocratic and political authority.

Sabzawārī's basic argument is that public interest, the interest of the Muslims (*maṣāliḥ al-Muṣlimīn*) requires that *kharāj* be levied on the land, and

44 Lāhijī, *Gūhar-i murād*, pp. 294–295; Ṭabāṭabā'ī, *Zavāl-i andīshah-yi siyāsī dar irān*, pp. 272–273.

45 S. Amir Arjomand, 'Medieval Persianate Political Ethic,' *Studies on Persianate Societies*, 1 (2003), pp. 3–28.

that the state land be managed effectively, even if the ruler is tyrannical. The underlying assumption is that anything that is in the interest of the Muslim public is implicitly sanctioned by the Hidden Imam, and it rests on the same logic as the one shared by the medieval Sunni and Shi'i views on the necessity of lawful management of public life irrespective of the qualities of the ruler. Sabzawārī now interjects a distinctively clericalist opinion. If the hierocratic judge (*al-ḥākim al-sharī*), as 'the deputy of he who is entitled [to rule] (*al-mustaḥaqq*), peace be upon him,' i.e., the deputy of the Hidden Imam, has the possibility to avail himself of taxes, 'it is incumbent upon him to spend them in the interest of the Muslim public, and if there is not such possibility, the authority in the matter rests with the tyrant (*al-jā'ir*)' (f. 37b). Promotion of clericalism is even more evident in the following opinion of Sabzawārī:

If the hierocratic judge can get control over these taxes, the manifest view is that this is permissible. It is better to seek the permission of the hierocratic judge concerning what the tyrant gives one . . .⁴⁶

What is most interesting in these passages is the new and invidious juxtaposition of the hierocratic judge and the tyrannical ruler. The kind of accommodation permitted by the jurisprudential method, with the added restriction imposed by the jurist's class interest, can thus be seen to fall far short of what the ruler desired and what was necessary to secure popular legitimacy for monarchy. To legitimate the public authority of the monarch and determine its normative regulation, Sabzawārī had to adopt the alternative perspective and literary genre which was readily available.

In his massive and widely circulated compendium on political philosophy, *Rawḍat al-anwār-i 'Abbāsī*,⁴⁷ dedicated to 'Abbās II in 1663/1073, Sabzawārī can be much more straightforward and explicit in his reconciliation of kingship and the Shi'i theory of imamate. He begins the book in the name of 'Abbās II, the king who had made 'the establishment of the law (*qānūn*) of the splendid shari'a the instrument of ordering the interests of the public (*maṣāliḥ-i jumhūr*),' and who is 'the King of Kings and Shadow of God.'⁴⁸ The Lawgiver

46 Cited in N. Calder, 'Legitimacy and Accommodation in Safavid Iran: The Juristic Theory of Muḥammad Bāqir al-Sabzawārī (d. 1090/1679),' *Iran: Journal of the British Institute of Persian Studies*, 25 (1987), p. 101.

47 In a good illustration of orientalist bias for 'Islamic' explanations, the late Norman Calder (*ibid.*) totally ignored this explicitly political treatise of nearly 900 printed pages and devoted an entire article to a few paragraphs of abstruse and tortuous legal reasoning, buried in another thick book on jurisprudence by Sabzawārī, to prove the allegedly inescapable *de jure* illegitimacy of monarchy in Shi'ism.

48 Muḥammad Bāqir Sabzawārī, *Rawḍat al-anwār-i 'Abbāsī*, ed. E. Ghangīzi-Ardahā'i (Tehran, 1377 Sh./1998), pp. 51–52.

is indeed the Prophet, and ‘the just ruler . . . is called Imam and God’s Caliph.’ However, when the real Imam is in occultation,

the people inevitably need a king who lives by justice and follows the custom and tradition (*sīrat va sunnat*) of the real (*aṣḥlī*) Imam . . . who commands the good and forbids the evil and keeps the roads safe . . . In short, when the king is in a position to follow the true Imam in so far as possible, to secure the good traditions of the sacred law in every sphere, and to act according to the law (*qānūn*) of justice, the benefits of his existence are such that the pen and the tongue cannot describe. Such a king is closest to God, and his prayer is answered . . . He is in truth the soul of this world.⁴⁹

This justification was in line with the Safawids’ coupling of their royal legitimacy as kings with their charisma of lineage as the lieutenants and alleged descendants of the Immaculate Imams.⁵⁰ However, Sabzawārī⁵¹ follows the idea of the two powers typical of medieval Muslim political thought⁵² in recognizing the differentiation of ‘the office (*manṣab*) of prophecy’ and ‘the office of rulership (*salṭanat*).’⁵³ Sabzawārī offers not only extensive citations from al-Ṭūsī and other writers on practical philosophy, but also many of the tales and aphorisms in the statecraft literature from Ibn al-Muqaffa’ onward. The statecraft literature is mined for extensive citations on the manners and customs of ancient kings as a normative model. Drawing heavily on the *Akhlāq-i Nāṣirī* and other works on ethics, Sabzawārī incorporates the Persian norms of statecraft and social justice, the latter consisting of differential distribution of goods and offices among the four social classes according to their respective merits. However, he goes further than Ṭūsī in the identification of equity with the rules of the *sharīʿa*, and in enjoining the king to support its interpreters—the ‘*ulamā*’ and the jurists.⁵⁴

49 Ibid., pp. 66–67.

50 A decree of appointment of a *dārūgha* by Shāh Sulṭān-Ḥusayn is quite explicit in this respect: ‘As the perfect being of our fortunate majesty derives from the light of Prophecy and Authority (*wilāyat*), obeying [our] command is more incumbent upon the God-fearing than that of other kings of kings.’ M. Zabīhī and M. Sutūda, ed. *Az Āstārā tā Astarābād* (Tehran, 1976), vol. 6, p. 504.

51 Sabzawārī, *Rawḍat al-anwār*, p. 449.

52 Arjomand, ‘Medieval Persianate Political Ethic.’

53 The two, however, were unified not only in the person of Muḥammad, but also in Adam.

54 Sabzawārī, *Rawḍat al-anwār*, pp. 494–501.

Sabzawārī's admonishments⁵⁵ concerning the evils of wine drinking and the praiseworthiness of repentance, as done famously by the pious Shāh Ṭahmāsp, were specifically intended for 'Abbās II. More generally, Sabzawārī gives his compendium a Shi'i colouring by including a large number of Shi'i traditions to illustrate his various ethical topics. One such group of traditions, which enjoined the sectarian ethic of loyalty and mutual help within the Shi'i community, typically identified as the faithful (*mu'minīn*), now inadvertently acquires a new meaning as the *mu'minīn* in the context of the national religion comes to mean the pious rather than the Shi'is.⁵⁶ The compendium appropriately ends with the text and translation of 'Ali's Covenant' (*ahd*), or letter of instruction to Mālik al-Ashtar upon appointment as governor of Egypt, as the distinctively Shi'i rules of government.

Sabzawārī's conception of monarchy is emphatically patrimonial. Nowhere is this clearer than in his explanation of the analogy of the body politic: 'the king is like the soul in the body, and the officials of the kingdom are like hands, feet and members; the movement of the members without the awareness of the soul is mere convulsion.'⁵⁷ The king is the head, and any division of labour within in political organization would be convulsive without his constant personal supervision. This seems at any rate to be the assumption behind Sabzawārī's assertion that one of the greater causes of the decline and fall of the kingdom is 'the preoccupation of the king with drinking, passion and pleasure, . . . and his delegation of affairs to commanders and viziers.'⁵⁸ This conception of royal authority is intrinsically personal and militates against the institutionalization of public authority as impersonal authority of office.

The contrast between the formal consequences of jurisprudence and the literary ethical genre is strikingly evident when Sabzawārī turns to the relationship between the monarch and the judges in this work. There is no abstruse legal reasoning and tortuous argumentation. The king's authority for appointing judges and prayer leaders (singular, *pīshnamāz*) is taken for granted and considered crucial for the order of the realm. 'The office of the judge and the administration of the sacred law is of utmost importance . . . It is therefore incumbent on the king not to appoint unqualified persons to this great office.'⁵⁹

55 Ibid., pp. 74–75, 143–180.

56 Ibid., pp. 439–446.

57 Ibid., p. 73.

58 Ibid., p. 72.

59 Ibid., pp. 603–604.

Furthermore, the manner of the ancient ruler to honour the judges by appearing in their courts should be followed.⁶⁰

It is interesting to note indications of considerable infighting among the religious professionals in the mid-17th century in Sabzawāri's chapter on the norms of royal behaviour toward the learned. Some prayer leaders and preachers are criticized for Sabzawāri's strictures for their fanaticism and incitement of the masses against the true 'ulamā' who are branded as infidels because of their interest in Sufism or philosophy.⁶¹ More interesting still is the passage that brings out the uneasy compatibility of the impersonal, hierocratic conception of authority and superordinate patrimonialism. The appointment of the market police (*muḥtasib*) for the ordering of *sharʿ* affairs in the protected kingdom is mentioned among the functions of the king. Yet we are told

If a man of learning and piety should take it upon himself to eliminate an evil without having been appointed to do so by the ruler, the ruler (*sulṭān*) should not contradict him, and should not strengthen his opponents.⁶²

This opinion highlights the problematic implications of the dual structure of patrimonial and hierocratic authority in Shiʿi Iran, and can serve as a final reminder of the limits to the institutionalization both of positive legal norms and of authority in functionally defined public offices.

As implied by Sabzawāri's criticism of the fanatical preachers and prayer leaders, Shiʿism as the national religion of Iran in the 11th/17th century was not monolithic. The variant I have referred to as 'gnostic Shiʿism',⁶³ in contrast to the orthodox and official, was favoured by 'Abbās II, to whom its chief representative, Mullā Muḥsin Fayḍ Kāshānī (d. 1090/1679) dedicated a very original, not to say eccentric, *Kingly Mirror (Ā'ina-yi shāhī)*. Mullā Muḥsin approaches kingship from the perspective of the theosophy of cosmic governance. The governance of human beings can be internal by intellect or nature, or external by the sacred law (*sharʿ*) or the common law (*urf*). Monarchy belongs to the common law. Given the inferiority of the latter to the sacred law, which emanates from the perfect Intellect, monarchy in relation to the sacred law 'is like the body in relation to the spirit, or like the slave in relation to the master.' It follows that the acts of monarchy 'are incomplete and are only completed by the revealed law, while the acts of the revealed law are complete and have

60 Ibid., p. 605.

61 Ibid., p. 602.

62 Ibid., p. 485.

63 Arjomand, *Shadow of God and the Hidden Imam*, pp. 173–175.

no need for monarchy.⁶⁴ No legal implications, however, are drawn from this abstract statement based on the philosophical identification of Intellect and the revealed law. We can be certain that Mullā Muhsin, who was strongly inclined toward the Akhbārī position, did not intend it to reinforce hierocratic authority.

The massive vernacularization and popularization of Shi'ī beliefs by Sabzawārī's successor as the Shaykh al-Islām of Iṣfahān, Muḥammad Bāqir Majlisī (d. 1110/1698), included the justification of kingship and just rule, and a translation of 'Alī's Covenant. Majlisī's writings, however, included no philosophical discussion and were more narrowly based on the Shi'ī traditions than Sabzawārī's.⁶⁵ 'Alī's Covenant contained many of the norms of ancient statecraft, notably the just treatment of the subjects by the ruler, and with its several Persian translations, assumed a central position in the political ethic of Shi'ī Iran. It is interesting that in a free Persian translation of the covenant, dedicated to one of the last Safawid grand viziers on the occasion of his visit to Mashhad, the theory of the two powers is plausibly read into a clause which is rendered as 'Alī's command to propagate the ways of the just kings of the past and the following of the Prophetic Tradition.'⁶⁶

4

The Safawids succeeded in establishing a stable Shi'ī normative order consisting of monarchy and hierocracy. There was, however, no development in the public law of monarchy, and Sabzawārī in the second half of the 11th/17th century was content to reproduce medieval Persian ideas on statecraft and political ethic within the framework of practical philosophy. Administration and taxation were regulated by the decrees of the rulers.⁶⁷ The works on jurisprudence we have examined made no contribution to judiciary organization or administrative law, and when they addressed issues in public law, as in the discussion of the land tax and remuneration and stipends from the rulers, they merely offered a blanket justification of customary practices by removing

64 W. C. Chittick, ed. and tr., 'Two Seventeenth-century Persian Tracts on Kingship and Rulers,' in S. A. Arjomand, ed. *Authority and Political Culture in Shi'ism* (Albany, NY, 1988), pp. 267–304.

65 Ibid.

66 Muḥammad Kāzīm Faḍīl Mashhadī, *Nizām-nāma-yi hukūmat*, ed. M. Anṣārī (Qumm, n.d. [1994]).

67 M. Zabihī and M. Sutūda, ed. *Az Āstārā tā Astarābād*, vol. 6.

ethical objections of the sectarian period, falling far short of any positive regulation. The idea of hierocratic authority, by contrast, increasingly disengaged itself from the personal, patrimonial matrix. With al-Karakī's powerful legal fiction of General Vicegerency, the jurists could consider themselves invested, *ex ante* and in perpetuity, by the Hidden Imam, thus possessing impersonal, official, authority. In practice, the institutionalization of hierocratic authority could not proceed as simply as in al-Karakī and the Second Martyr's legal arguments, and was contested by the clerical notables (*sayyids*) who controlled landed estates and held important offices, most notably as *šadrs*.⁶⁸ Contestation did not take long to appear at the theoretical level either, and Akhbārī traditionalism in fact slowly gained the upper hand over jurisprudential rationalism in the 11th/17th and 12th/18th centuries. More significantly, the enforcement of the *sharī'a* through the state was never effectively institutionalized, as it was in the Ottoman empire in the same period, and Shi'i law remained a jurist's law' with its typical pluralism that in fact became accentuated during the next two centuries.

Nevertheless, on the foundations laid by al-Karakī, an independent hierocracy would stand after the collapse of the Safawid empire in the 12th/18th century, and would generate the dual structure of authority distinctive of Iran in the Qājār period. Some century and a half after sectarian Shi'ism had become the national religion of Iran, Sabzawārī juxtaposed the 'hierocratic judge' (*ḥākim al-sharī*) and the 'tyrannical ruler' (*sulṭān al-jā'ir*). The juxtaposition pointed to the potential tension in the relation between the two powers in the Shi'i national political community of Iran, and thus to the hierocracy-state conflict of the subsequent centuries that culminated in the overthrow of monarchy and the establishment of a Shi'i hierocratic republic in 1979.

68 Arjomand, *The Shadow of God and the Hidden Imam*, pp. 123–129.

Three Decrees of Shah Tahmāsp on Clerical Authority and Public Law in Shi‘ite Iran*

Shah Tahmāsp, the second Safavid monarch, ascended the throne in 1524 at the age of ten and ruled Iran until 1576, consolidating the rule of the Safavid dynasty established by his father, Ismā‘il I in 1501. He was a pious believer in and propagator of Shi‘ite Islam, and his long reign was of crucial importance for the definitive penetration of Iran by Twelver Shi‘ism. In his autobiography, Tahmāsp writes about his first major attempt to enforce the Sacred Law at the age of twenty. When preoccupied with Uzbek incursions in Eastern Iran during his pilgrimage to the shrine of Imam Rizā in Mashhad in 1533/939, he had a dream in which a Shi‘ite cleric assured him of victory if he would give up all forbidden practices (*manāhi*). In the morning he shared his dream with his vizier and counsellors who advised him that some forbidden practices could be given up, “but others, such is wine that is indispensable to sovereignty (*saltanat*) cannot be given up.” However, upon the confirmation of the first dream in a second the following night by Imam Rizā himself, avers Shah Tahmāsp, “I repented from wine and unlawful fornication, and all that is forbidden.”¹ He accordingly issued a *farmān* prohibiting the practices forbidden by the Sacred Law in his realm. This decree was later engraved in congregational mosques of major cities. In the same year, 1533, he issued another decree granting privileges to the foremost Shi‘ite jurist of the realm, Shaykh ‘Ali al-Karaki, who died a year later. Years later, presumably in imitation of the Ottoman Sulaymān the Lawgiver (r. 1520–66), he issued yet another *farmān* to proclaim his state law (*qānun*). These *farmāns* translated below give us a fairly complete picture of the new political culture of the new Shi‘ite empire and the precise accommodation of Twelver Shi‘ism and clerical authority within it in the first half of the sixteenth century.

* An earlier version was published as “Two Decrees of Shah Tahmasp Concerning Statecraft and the Authority of Shaykh ‘Ali al-Karaki,” in S. A. Arjomand, ed., *Authority and Political Culture in Shi‘ism*, 1988, pp. 250–62.

1 *Memoirs of Shah Tahmasp (Tadhkira-ye Shāh Tahmāsp)*, Calcutta, 1912, p. 30.

Our first decree, frequently and fondly referred to by subsequent Shi'ite scholars as a key endorsement of their clerical authority,² is in fact a grant of extensive lands, tax immunities, and an annuity from the mint of the city of Hilla to Shaykh 'Ali 'Abd al-'Āli al-Karaki (d. 1534/940), and is addressed primarily to the governors and officials of the Arab Iraq. Ja'fariyān typically refers to this *farmān*, and an earlier and shorter one said referred to, which was issued three years earlier, as the decree of appointment of Karaki as the Shaykh al-Islam.³ The term *shaykh al-islām* does not appear at all in the shorter decree, but is mentioned twice among the many honorific titles accorded to Shaykh 'Ali al-Karaki.⁴ The key terms in the first decree, are rather the "Deputy (*nāyeb*) of the Infallible Imams" and the "Seal (*khatam*) of the Mujtahids." What is particularly significant is the grounding of the former term in the tradition of 'Umar ibn Hanzala⁵ in accordance with Karaki's justification of clerical authority in Shi'ism during the Occultation of the Twelfth Imam as discussed in Chapter 6.⁶

The text translated here was copied from the original by the author of *Mustadrak al- Wasā'il*.⁷ The decree was issued by the young monarch in 1533, the year before al-Karaki's death and during the intense struggle between the latter and the *sadr*, Mir Ni'matallah Hilli, mentioned in Chapter 11. In it, Tahmāsp refers to Shaykh 'Ali as the Seal of the *Mujtahidin*, Proof of Islam, Guide of the People, and the Deputy of the Imam, and grants him the power of appointment and dismissal of religious and military officials and anywhere in the country. All officials and notables of the realm are ordered to consider him "their guide and model" and to obey him in all affairs.

The document illustrates the personal nature of delegated authority in Iranian patrimonialism, and the consequent lack of clear differentiation of

2 Sayyid 'Abd al-Husayn Khātunābādi, *Vaqāyī' al-sanin va'l-a'vām*, M. B. Bihbudi, ed. (Tehran, 1973/1352), p. 46 1; Yusuf ibn Ahmad al-Bahrāni, *Lu'lu'at al-Babrayn* (Bombay, n.d.), p. 153; Muhammad Bāqir al-Kh^wānsāri, *Rawdāt al-Jannāt*, A. Ismā'iliyān, ed. (Qumm, 1970/ 1391), vol. 4, pp. 262–65; Muhammad Husayn al-Nuri al-Tabrisi, *Mustadrak al-wasā'il* (Tehran 1903/ 1321), vol. 3, pp. 432–34.

3 Rasul Ja'fariyān, *Naqsh-i khāndān-i Karaki dar ta'sis va tadāvum-i dawlat-i Safavi*, (Tehran, 2008/1387):197–202.

4 Khātunābādi, op. cit., p. 461 therefore takes the deed to be the appointment decree of Karaki as Shaykh al-Islam, even though he notes that Karaki was in Najaf at the time it was issued.

5 See Chapter 6 above, p. . . .

6 Ja'fariyān, *Naqsh-i khāndān-i Karaki*, p. 199.

7 Vol. 3, pp. 432–34. A defectively edited version of the decree has been published in Mirzā 'Abd Allāh Afandi al-Isbahāni, *Riyād al-'Ulamā' wa Hiyād al- Fudalā'*, S. M. al-Mar'ashi and S. A. al-Husayni, eds., (Qumm, 1980–81/1401), Vol. 3, pp. 455–60. On one point, this version offers a significant variant of our reading which is noted below (n. 22).

its scope. The same document grants Shaykh ‘Ali broad religious and political authority and specific proprietary and fiscal rights and immunities. It also confirms a previous endowment (*vaqf*). The chief interest of the document from our point of view is in fact its endorsement of the religious authority of the foremost Shi‘ite *mujtahid* of the time, which Tahmāsp was seeking to institutionalize and make supreme in his realm. The authority of the Seal of the *Mujtahidin* rests on his unparalleled knowledge of the Sacred Law as the heir to the sciences of the Prophet and the Deputy of the Imam, which makes him the model, the exemplar, and the guide of the people. Noteworthy among the terms used to designate the supreme religious authority of the realm is “the Deputy of the Imam,”⁸ also used in the decree cited in Chapter 11. The term had been given currency by al-Karaki in his controversial discussion of the extent of the juristic authority of the ‘*ulamā*’ during the Occultation of the Imam.⁹ The chroniclers of Shah Tahmāsp’s reign define the term *nā’ib-e imām* as the “jurist who has all the qualifications for giving authoritative opinion” (*faqih-e jāmi‘ al-sharāyit-e fatvā*).¹⁰ These terms were destined for a long history in the evolution of clerical authority in Shi‘ism. In practice, al-Karaki in turn delegated his authority to his “deputies,” mentioned in this and other documents. The year before this decree was issued, al-Karaki had secured the appointment of one of his students Amir Mu‘izz al-Din Muhammad Isfahani (d. 1545–6/952), as the *sadr*. Amir Mu‘izz al-Din was in Isfahan at the time. In an instance of exercise of his authority to appoint religious functionaries granted him by the king, His Excellency, the *Mujtahid* of the Age,¹¹ appointed deputies and representatives for [the new *sadr*] until his arrival at the sublime threshold.¹² Furthermore, exercising his authority specifically as the Deputy of the Imam, al-Karaki instituted the Friday congregational prayer—hitherto considered in abeyance during the Occultation of the Imam by many jurists—

8 Note the slight variation from the term used in the earlier decree.

9 See W. Madelung, “Shi‘ite discussions of the legality of *Kharāj*,” in R. Peters, ed., *Proceedings of the Ninth Congress of the Union Européenne des Arabisants et Islamisants* (Leiden: Brill, 1981), pp. 193–202.

10 Hasan Rumlu, *Ahsan al-Tavārikh*, C. N. Seddon, ed. (Baroda: Oriental Institute, 1931), p. 255. The definition in *Khulāsāt al-Tavārikh* (under the year 940) is virtually the same.

11 For a discussion of this term, see S. A. Arjomand, “The *Mujtahid* of the Age and the *Mullābāshi*: An Intermediate Stage in the Institutionalization of Religious Authority in Shi‘ite Iran,” in *Authority and Political Culture in Shi‘ism*, 1988 (Albany: SUNY Press), pp. 80–97.

12 Rumlu, op. cit., p. 313.

and appointed congregational prayer leaders throughout Iran.¹³ Karaki also acted as the chief *mufti* of the Safavid realm during the critical period of transition of the judiciary from Sunni to Shi'ite law. This is clear from his collected *fatwās*, one of which indicates resistance to and humiliation of his Imami clerics by the (presumably Sunni) local elite.¹⁴ It is interesting to note that in the latter *response*, Karaki requires the governor to punish those responsible for humiliating the Imami.

The second decree is perfectly preserved as an inscription in the Mir 'Imād mosque dated 7 Rabi' I, 941/16 September, 1534. It is interesting for listing the forbidden practices prevalent at the time, many of which were taxed by the Safavid state. The substance of the decree in this version as published in Ja'fariyān (2001, 1:375) is translated below, without the introductory praising accolades for Shah Tahmāsp or the concluding curse on whoever dares to ever alter or efface the inscription. Among the hotbeds of forbidden practices closed by the decree were opium dens and story-telling houses. Shaykh al-Karaki had forbidden reciting of the popular stories of Abu Muslim and Muhammad ibn al-Hanafīyya ('Ali's half-brother) and cursed their reciters.¹⁵ Shah Tahmasp accordingly proscribed story tellers and public performers, and had all the opium stored in the royal storehouse washed off in water.¹⁶ Nevertheless, the fact that Tahmāsp forced his notables and Qizilbash commanders to perform yet another public repentance of forbidden practices in 1556/963¹⁷ casts doubt on the overall enforcement of the prohibition decree.

The third decree does not bear a date but can safely be assumed to have been issued later. The Persian text used for this translation was published by Danishpazhouh on the basis of a lithograph edition of 1887–88/1305.¹⁸ Danishpazhouh does not venture to suggest a date for it, but the decree was most likely issued in the middle part of the sixteenth century, when Tahmāsp had

13 Muhammad Tunikābuni, *Qisas al-'Ulamā'* (Tehran: 'Ilmiyya Islamiyya, n.d.), pp. 347–48, citing Ni'matallah Jazayiri's (d. 1701) *Ghavyās al-La 'ālī*. Both *Ahsan al-Tavārikh* and *Khulāsāt al-Tavārikh* define the term *nā'ib al-imām* in the context of the institution of congregational prayer during the Occultation.

14 Shaykh 'Ali b. al-Husayn al-Karaki, *Rasā'il al-Muhaqqiq al-Karaki*, Muhammad al-Hassun, ed., Qom, 1991/1412, 3:81–114 at 101, #46.

15 Ja'fariyān, *Naqsh-i khāndān-i Karaki*, pp. 278–88.

16 Ibid., p. 288 citing Iskandar Beg Munshi, *Tārikh-i Alam-ārā-yi 'Abbasi*, I. Afshār, ed. (Tehran 1971/1350), vol. I, p. 122.

17 Rasul Ja'fariyān, *Safaviyya dar 'arsa-ye dīn, farhang o siyāsāt*, Tehran 2001/1379, vol. 1, pp. 378–79.

18 M. T. Dānishpazhuh, "*Ā'in-i shāh Tahmāsp-i Safavi dar qanun-i saltanat*," *Barrasi-hā-yi Tārikhi*, VII, no. I (1972/1351), Introduction, pp. 121–29; the text, pp. 130–38.

survived the internecine tribal warfare of the early years of his reign as well as the clashes with the Uzbeks and emerged as the great monarch at whose court such distinguished supplicants as Humāyun Shah of India and the Ottoman Prince Bāyazīd took refuge. In any event, the date of its issue is not significant from our point of view, as it sets forth general principles of government and statecraft under patrimonial monarchy. It contains a large number of ethical precepts on the proper conduct of the officials, and a number of specific directives including two interesting ones regarding women and homosexuals (Articles 63–64). The norms regulating the political economy of patrimonialism—promotion of agriculture and handicraft (Articles 24–25), protection of the animal resources of the country (Articles 68–69), maintenance of fair prices and prevention of hoarding and speculation in grains (Articles 52, 56–57)—are also set forth. Employment of spies as an important technique in statecraft receives considerable attention (Articles 46–49). Governors and headmen are made responsible for the security of roads and streets, and for the restitution of all stolen property to the owners in the areas under their jurisdiction (Articles 53–54). Of special interest is the responsibility of the officials for the welfare and education of orphans (Articles 65–66). Tahmāsp took great interest in the welfare of orphans, and, incidentally, in their upbringing as orthodox Shiʿites under “pious male and female teachers of Shiʿite persuasion.”¹⁹

The articulation of the principles of patrimonial government and Shiʿite religion in the document requires some brief comments. The prohibition of wine and music (Articles 58–60) represent Tahmāsp’s decision to follow the Shiʿite Sacred Law. Article 55 assigns the administration of the property of those deceased without an heir to the governors. The Shiʿite Sacred Law considers this one of the functions of the Imam. In the nineteenth century, this function was deemed to devolve upon the Imam’s General Deputies during his Occultation.²⁰ Finally, the emphatically informal and discretionary norms of patrimonial justice (Articles 8, 20) offer an interesting contrast to the formalized norms of the Sacred Law and to its rigidly fixed punishments.

The last sentence of the decree is of great retrospective interest. It typically refers to the Safavid Dynasty as the House of *Vilāyat* (Authority), the very term Khomeini was to appropriate for the *ʿulamāʾ* in his theory of *vilāyat-i faqih* (mandate of the jurist) four centuries later.

19 Iskandar Beg, op. cit., vol. I, p. 123.

20 Such is the opinion of Shaykh Mubammad Hasan Najafi (d. 1850/ 1266) in *Jawāhir al-Kalām*, cited in Husayn-ʿAli Muntaziri, *Kitāb al-Khums* (Qumm, n.d. [1981 or 1982]), p. 347.

1 The Decree Concerning Shaykh ‘Ali al-Karaki

In the name of God, the Merciful, the Compassionate, O Muhammad, O ‘Ali, the royal decree has been made effective:

Since the dawn of the rising sun of the eternal rule (*dawlat*) [of the Safavids] and of the appearance of the auspicious banners of honorable glory, without whose concordance the hand of Providence does not mark with felicity the book of lives of the happy ones, we consider the elevation of the banners of the sublime Prophetic Law (*shari‘a*)—from the effect of the appearance of whose sun all marks of oppression and ignorance are removed from the space and inhabitants of the world—supportive of the pillars of sovereignty and rules of success; and we consider the revival of the customs of the Law of the Lord of the Messengers and the showing of the rightful path of the infallible Imams, God’s benedictions be upon them—which have, like the truthful morn, lifted the darkening dust of the innovation of the opponents [i.e., the Sunnis]—as preliminaries to the appearance of the sun of the spread of justice and the nurturing of religion, the Lord of Time (*sāhib al-amr*), peace be upon him. The path for reaching this goal and the origin [sic] of attaining this security is undoubtedly the following of and obedience to the ‘*ulamā*’ of religion who, aided by learning and proselytizing, protect and preserve the Law of the Lord of the Messengers, through whose guidance and direction all mankind can reach the realm of instruction from the straits of abjection and astrayness, and from whose bounteous benefits the darkness of ignorance is removed from the pages of the minds of the people of imitation (*ahl-e taqlid*), especially in this bounteous and privileged age [in] which [such guidance] is reserved for the rank of the [divinely] guided Imams,²¹ peace and praise be upon them, and the highly positioned Seal of the *Mujtahidin*, heir to the sciences of the Lord of the Messengers, Protector of the Religion of the Commander of the Faithful [i.e., Shi‘ism], the Qibla of the pious faithful, the Exemplar of expert ‘*ulamā*’, the Proof of Islam (*Hujjat al-islām*) and of the Muslims who directs the people unto the clear path, Erector of the banners of the indelible Law (*shari‘a*) who is obeyed by the great governors in all times, and Guide (*muqtadā*) of all the people of the time, the Clarifier of the permissible and the forbidden, the Deputy of the Imam (*nā‘ib al-imām*), peace be upon Him, who has clarified the difficulties of the rules of the community of believers and the rightful laws;

21 The *Riyād al-‘Ulamā*’ version (p. 456) reads as follows: “especially in bounteous age when a personage of elevated status who belongs to the rank of the [divinely] guided Imams, etc.”

may he not come to an end, like his elevated victorious namesake, 'Ali. The highly positioned 'ulamā' of all quarters have bowed their heads in humility at the threshold of his sciences and are honored by what they acquire from the rays of his beneficent lamp through the use of sciences. Further more, the lords and notables of the time obey and follow the orders and prohibitions of that guide and consider submission to his commands the cause of salvation. They all devote their lofty will and honorable intent to the raising of the position and elevation of the rank of that Excellency We decree that the great *sayyids* and the lords and the honorable nobles and the commanders and the ministers and other pillars of the sacred state (*dawlat-e qudsi sifat*) consider the above-mentioned their guide and leader, offer him obedience and submission in all affairs, carry out what he orders and refrain from what he forbids. [They should consider] dismissed whomever he dismisses among the office-holders of the religious affairs of the [God-]protected realm (*mamālik-e mahrusa*) and the victorious military, and appointed whomever he appoints. [Furthermore,] they should not require any other document in such dismissals and appointments, and should not appoint any person dismissed by him so long as he is not [re]appointed by that Excellency.

We have also decreed that the agricultural estate of Kabisa and Dawalib . . . adjacent to the river of the holy Najaf . . . and the cultivated lands of Umm al-'Azamat and the Kahin al-Wa'd lands of Ramāhiyyā that he has brought into cultivation be made an endowment (*vaqf*) for him, and for his descendants after him, according to the correct procedure of the Sacred Law as specified in the deed of endowment. And the world-incumbent command has been issued that [the above] be removed from the tax registry of the Arab Iraq, excluded from the revenue and expenditure accounts, be considered His Holy Excellency's endowment and entitlement, and be exempted from all future orders affecting requisition, division, replacement and change of the *suyurghāls* and land grants. Furthermore, the sum of ten Tabrizi *tumāns* from the mint of Hilla is established as *suyurghāl* for His Excellency instead of the tar of Hārhit and Hilla which has been His Excellency's *suyurghāl* in the sum of eight hundred *tumāns* but which he has given up willingly owing to the difficulty of transportation. The officials must give the above sum priority over all other receipts and drafts and not pay a single *dinār* to anyone until it has reached his deputies (*vukalā'*) from the mint.

As he has humbly requested, we make His Excellency the gift of Barqaniyya and its surroundings whose tax is seventy *tumāns* instead of [?] Bahilal . . . with seventy-two *tumāns* which he had as *suyurghāl*. We order that Barqaniyya and its surroundings be recognized as the *suyurghāl* of the above-mentioned Seal

of the *Mujtahidin* from the beginning of the year *‘ilān ‘il* and be handed over to his deputies all its produce for that year is to be handed over to his agents without excuse and without any reduction. . . .

The respected tax accountants, agents, and bureaucrats must remove all the above from the tax registry and exempt them from all dues, especially . . . the tithes, . . . the stamp due, the due of *vizāra*, the due of *Sidāra*, etc. . . . The officials of the tax bureau of the Arab Iraq must remove their pen from these estates and not set foot in them . . . not inspect them, . . . not impose fines and if a fine is issued, leave it to his agents . . . and consider all the receipts fully and freely due to the above-mentioned Shaykh al-Islam and exempt from taxation as his other *suyurghāls*.

As the world-incumbent order has been issued prohibiting the central *dushlakāt* bureau from imposing the *dushlakāt*, the *dushlakāt* bureau of the Arab Iraq should similarly consider itself prohibited. . . .

As the above-mentioned source of guidance occasionally turns from holy Najaf to one of the protected realms, [the inhabitants of] Ramāhiyya especially should do everything possible in offering gifts for the journeys, and consider the above-mentioned personage and his retinue present even in their absence and discharge all obligations. When the above-mentioned Guide of the People (*muqtadā-ye anām*) is at the foot of the celestial throne, all the lords and nobility, commanders, governors and notables of the protected realms attend to him and he does not visit anyone. The governors of the Arab Iraq should observe the same rule and discharge the duty of attendance, and display utmost politeness in every way. They should not greedily expect the above-mentioned Shaykh al-Islam to visit them and to go out to welcome them; and, needless to say, they should not require his attendance at their sessions.

Furthermore, it is decreed that the arrears of the previous year from the mint be cleared without delay, that the coinage of the city of the believers, Hilla, be entrusted to the deputies of His Excellency; and that the mint not operate without their presence and all disagreement with them be avoided. And as, according to our order, the produce of Barqaniyya and its surroundings, inclusive of the due of the landlord and of the state, is established for the above-mentioned holy personage, this obligation should be respected and discharged the [?] monetary equivalent (*‘avad*) of the seed [?not] be demanded. No receipt or document of whatever date or wording has any validity in this regard. [The officials] should consider His Excellency permitted to order the punishment of any person who opposes this decree and does not comply, and should assist him in this matter to the utmost . . . they should observe the above-mentioned order and the decree issued in Muharram 936 [October–November 1529) in every detail, not seek to deviate from it, and consider the offender

accused and banished and . . . rejected by this dynasty . . . [the grants and dues] should be considered binding and payments be made annually without requiring new document; and the thanks and complaints of his deputies and agents be given great weight.

Written on 16 Dhi'l-Hijja, 939/ July 9, 1533.

On the margin: The above order and all the orders regarding the above-mentioned Guide of the People is to be considered signed and effective, the offender accursed and banished. Tahmāsp.

2 Prohibition of Forbidden Practices (*manāhi*)

The incumbent command to be obeyed by all has been issued that there be no tavern (*sharāb-khāna*), opium dens (*bang-khāna o ma'jun-khāna*), barley-wine house (*buza-khāna*), story-telling house (*qavvāl-khāna*), brothel (*bayt al-lutf*) and gambling house (*qomār-khāna*), and no competitive pigeon-flying (*kabutar-bāzi*) in the [God-]protected realm. Honorable fiscal officials should delete the monthly levy on these and not enter them in their register. [Officials] should eradicate these practices, especially from the city of faith [i.e., Shi'ism], Kāshān, should prevent anyone from committing these forbidden practices from now on, should eliminate other unlawful practices such as bread-shaving and playing tambourine and other musical instruments, and severely restrain and punish anyone who commit them, and should implement whatever is required by the Sacred Law and prevent drum beating and gatherings in sacred shrines . . .,²² and prevent homosexuals from serving in baths.

3 The Ordinance of Shāh Tahmāsp on the Law of Sovereignty (*qānun-e saltanat*)

The universally incumbent decree for the obedient world emanating from the source of benevolence and the mine of royal compassion is hereby promulgated for those in attendance at the threshold of the rulers (which is the place of prostration), the functionaries of the court (which is the people's place of

²² Presumably because of lack of sexual segregation. If so, this article has little or no effect in practice. A late Safavid sources on Isfahan confirms that "in the evenings of the *'ids*, . . . huge crowds gather in front of tombs and mosques and men and women get together for fun and many a pandemonium (*hengāma*) occurs." (Cited in Ja'fariyān, *Safaviyya*, 2:791).

hope) from among the noble brothers and children, the Beglerbegs, the governors and the deputies (*khulqfā*) [of the Safavid order], the great generals, commanders and Khans, and other officials, ministers, secretaries, minor and major tax agents, commanders of the fortresses, elders of the tribes, aldermen (*kalāntarān*), village head men, road-keepers, and all the attendants at the Caliphal threshold and the officials of the important quarters and regions to obey. In addition to what is known to them of the laws of the sovereignty and Caliphate that govern our justice-based nature and admired royal conduct, they should assume responsibility for the implementation of this directive, which is issued from the seat of glory, and make it the basis for the ordering of the lives of the subjects and the cities without deviating from it by a hair's breadth:

1. Briefly, that they seek divine satisfaction and be needful of God's threshold in all affairs, be they customs, transactions or acts of worship, bend themselves and others towards this goal in so far as possible so that they apply themselves to tasks with sincerity and without ulterior motives.
2. That they avoid isolation-as this is the way of desert-dwelling dervishes-but not develop the habit of appearing in public and frequenting constantly either-as is the way of the trades people (*bāzāriyān*); in short, that they not relinquish moderation and keep to the middle and the mean.
3. That they respect and hold dear those promoted by God among the righteous and valuable thinkers and *'ulamā'*.
4. That they get accustomed to being awake morning, evening, midnight, and day.
5. When they are not preoccupied with the affairs of the people, let them read the books of the masters of Sufism and sincerity, like the books on ethics which are spiritual medicine. Let them not become accustomed to vacationing, relaxation, and comfort-seeking, which resemble the state of the dead and of women and not the habit of men and the living.
6. That they be firm and patient so as not to be outdone by... the enticements of the dishonest and the fraudulent. The best of the acts of worship is the ordering of the affairs of the people: friendship or enmity, kinship or otherness are to be disregarded and everyone's problem be handled with good will and an open heart.
7. That they assist and be charitable to the poor, the abject, the needy, especially the withdrawn and the isolated who are without access and do not voice their request as much as they are capable.
8. That they scrutinize the offenses, errors, and violations of the people one by one according to the standards of justice. By the same standard of

justice, they should exactly determine the retribution for each offense, deciding which is to be ignored and which investigated and punished. Many a small offense requires a heavy penalty, and many a grave offense can be overlooked.

9. That, with the appropriate gradation, they admonish the offenders mildly or upbraid them rudely; and if nothing comes of admonishment and warning, proceed with arrest, corporal punishment, and cutting of limbs on the appropriate scale. They should not make brave in killing, and only do so after ample deliberation, as the head of the executed cannot be grafted back on. Whenever possible, they should send the offender deserving execution to the celestial threshold [of the king] with the truth of the case, and be bound by and execute whatever verdict is issued. However, if keeping the offender or sending him would cause disorder, let them execute him in the place of punishment as a lesson to the evil-doers.
10. That they refrain from skinning and burning and the severe punishments . . . The desert of each class of people is in accordance with its status. With a person of high nature, a sharp look is the equivalent of killing, and with the lowly, even mutilation is of no avail.²³
16. In granting justice and interrogating the plaintiff, they should initiate action themselves in so far as they are capable.
17. That they make a list of the supplicants so that those who come early not be subjected to the discomfort of waiting.
18. That they show no haste in punishing a person reported to have done wrong and in pursuing the matter, as many are the slanderers and fabricators of calumny and few are the well-thinking tellers of truth.
19. They should not lose their reason during fits of anger (*ghadab*), but work slowly and with patience. They should allow a few of their attendants and intimates who are known for wisdom and propriety to utter the word of truth²⁴ at times when anger and distress take the upper hand and the wise remain silent.
20. They should develop the habit of overlooking offenses insofar as disorder is not likely to result. Most individuals have committed some offense; some could become bolder as a result of punishment while others would impose banishment on themselves with the loss of honor. There are some who must be punished without any offense and others who should be

23 The ensuing articles are on the ethics and etiquette of proper conduct towards the subjects for the officials.

24 The phrase "*khabithiyat navarzand*" in the text is assumed to be corrupt.

overlooked despite a thousand offenses. Punishment (*siyāsat*) is the most delicate of the functions of sovereignty, and should be carried out with calm, deliberation, and wisdom.

21. They should constantly be informed about major and minor conditions and situations concerning them and their jurisdiction, as kingship and commandership and government is no other than policing (*pāsbāni*).
22. They should not swear, as swearing implies the attribution of lying to oneself and of suspicion to the person addressed.
23. They should not become accustomed to cursing people, as this is the manner of the rude and the lowly.
24. They should endeavor to promote agriculture, to strengthen and assist the subjects with the provision of seed, and to treat them well so that the number of cities, townships, and villages be increased every year. They [should govern] so lightly that all arable land be brought under cultivation.
25. They should then endeavor to increase the production of perfect and valuable goods and work diligently . . . on the directives of the tax agents. They should treat the humble subjects individually and show concern for them.
26. They should never renege on a promise or an undertaking.
27. They should forbid the soldiers or others ever to descend on people's houses without their consent.
28. They should not [completely] trust their reason in the conduct of affairs and consult a person wiser than themselves. Even if such [a wise person] is not forthcoming, they should still proceed with consultation as the correct and true path is often found through ignorance.
29. They should not consult many, as the correct and insightful mind is God-given and cannot be acquired by reading or through the passage of time.
30. They should not refer any task that can be done by their attendants to their children, and should not personally undertake what can be done by their children. This is so because they can compensate for what others fail to do, but it is difficult to make up for their own failure.
31. They should befriend well-wishers from every class.
32. They should not be excessive in sleeping and eating in order to step beyond the station of animals and to reach the rank of humanity.
33. They should not be obstinate, mischievous, wicked, or vindictive. They should not make their chests the prison of rancor . . . They should laugh and joke infrequently.
34. They should not adorn their body or attire;
35. And should choose something less than what they can afford.

36. They should endeavor to spread knowledge and art and education so that talent from [all] classes of people is not wasted.
37. They should make an effort to educate the old families.
38. They should not ignore the discipline and equipment of the army.
39. Their expenditure should be lower than their revenue. Anyone whose expenditure exceeds his income is a fool. Anyone who balances the two is not a fool, but neither is he wise. . . .²⁵
44. They should be informed about their confidants and servants to assure the latter do not abuse their closeness to act tyrannically.
45. They should avoid the slick-tongued who dishonestly do the work of enmity in the garb of friendship. . . .
46. They should constantly be informed by spies.
47. They should not trust the word of a single spy, especially in the case of probability, as honesty and impartiality is rare.
48. They should appoint several spies for each matter, without any one of them knowing about the others, and should hear their reports separately

49. The spies should be unknown.
50. They should constantly exercise the army.
51. They should not be eager about hunting and travel, and [hunt] only occasionally for exercise, soldierliness, and recreation.
52. No one anywhere in the protected realms should take corn from the subjects to hoard it out of greed. If such should appear, it would rouse the wrath of the ruler.
53. They should make every effort for the security of roads and thoroughfares. Every step of the roads of the protected realms is the responsibility of the governors and the head men. They must pursue thieves and robbers in settled areas or on roads so that no trace is left of the pickpocket, the night thief, and the larcenist.
54. They must either find the thieves or compensate for whatever is stolen or plundered themselves.
55. They should investigate the property of the absent and the deceased from whatever religion and denomination. If there is an heir, the property should be handed over without anyone hovering around it. If there is no heir, the property should be turned over to a trustee with the notification of the notables of each quarter, a trusteeship be set up, and the truth be reported to the sublime threshold. If a lawful heir appears, the

25 The ensuing articles reiterate the necessity of keeping one's word and promises, and commend avoidance of villains.

property should be transferred to him or her. Utmost care and benevolence should be exercised in this regard lest contentment (*sir-chashmi*) disappear and what goes on in the Ottoman realms gradually appear here too.

56. They should try to keep the prices down and should not allow the rich to buy a lot and hoard out of greed and to push up the prices gradually against the interests of the victorious state.
57. They should prevent trade in the essential grain.
58. They should persistently see to it that there is no trace of wine;
59. and so punish its consumers, sellers, and earners in order to set an example for others.
60. Other than in the royal kettle-drum houses of the protected realms no musical instrument is to be played. If it transpires that anyone has made an instrument of any kind, that person is guilty.
61. They should spare no effort in celebrating the east of Nawruz (New Year), the two feasts [of Sacrifice and the Breaking of the Fast], the birthday of the Prophet, and other Feasts.
62. In the days of Feasts, kettle-drums should be played in the cities.
63. Women should never ride horses unless it is absolutely necessary, and when they do ride by necessity, they should not sit on the saddle and should not hold the reins in their own hands, in so far as possible.
64. Homosexuals and women, however old, should not attend the shows of the Qalandar dervishes and other players. Even though we have not forbidden these groups to perform, they are forbidden to bringing children over twelve into their shows.
65. They should investigate in every town and village of the protected realms. Whenever they find an orphan without relatives, they should raise him or her. If the orphan is very young, he should be entrusted to a trustworthy wet-nurse; and after he reaches the age of discernment, they should appoint a qualified teacher for the male and a chaste widow for the female, and entrust the orphans to them for education. A boy for whom learning a profession and a craft is appropriate and hereditary should work in the day and come to the teacher in the evening. The officials of every district should inform its religious and secular judges of the state of expenditure of state funds on the necessities of the children monthly and without delay. Every year on the Nawruz, two appropriate suits of clothes should be given to the children and the teachers individually, and on the first of Mizān (Libra), one suit of winter clothes.
66. For marrying the orphans, all the necessities of life and suitable equipments should be provided from the funds of the exalted state. The tax

- officials and headmen should carry out this directive and pay the allowances in every town and district, whether there are one hundred orphans or one and report to His Majesty year by year and name by name.
67. They should execute the regulations for the Judiciary (*dar al-qadā'*) . . . and the regulations on transactions . . . that have already been issued two Imperial decrees.
 68. Lambs and goats should not be slaughtered in any place . . . before they are six months old. Let no one make disease and possibility of death an excuse for slaughtering.
 69. The owners and renters of beasts of burden should not unnecessarily load more than one hundred Tabrizi *mans* on a camel no more than eighty *mans* on a mule and no more than fifty *mans* on donkeys. In all matters they should choose what is closer to the law of moderation and justice.

The honorable secretaries should enter this decree whose acknowledgement is incumbent in the eternal registers, and the noble Beylerbegs, governors and deputies (*khulafā'*) should send copies of it to their tribal, rural and urban districts, and have its august content proclaimed loudly. This sacred decree should be engraved in stone and erected in a prominent location in three or four important cities of Iraq and Azerbaijan so that the law of sovereignty (*qānun-i saltanat*) remain in the world as a memorial to the House of Prophethood and *Vilāyat* (Authority) [i.e., the Safavid Dynasty], and in order to increase the intelligence of the administrators for all time.

Political Ethic and Public Law in the First Half of the Nineteenth Century*

The early Qajar period (1785–1848) is important for the development of a distinct theory of the two powers which differed from late Safavid political thought in that it reflected a new constellation of hierocratic and temporal power. There is both continuity and change in this period. While there is continuity with the late Safavid treatment of political ethics and statecraft as a branch of practical philosophy, there is also a break with both traditions of Shi'ite jurisprudence and statecraft. This break is marked by the emergence, in the second quarter of the nineteenth century, of a new genre of critical political writing out of the statecraft literature which can be considered the beginning of modern political thought.

The first Qajar monarchs sought to relate themselves to the Safavids and to continue their tradition of Shi'ite monarchy from the very beginning. Before long, however, they turned for legitimation to the Shi'ite hierocracy whose power and independence had grown imperceptibly but tremendously during the intervening decades of civil strife.¹ Some important Shi'ite jurists responded favourably, and Fath 'Alī Shāh showed his gratitude to the clerical support for the new dynasty with deference, stating, 'our rulership is on behalf (*bi-nīyābat*) of the *mujtahids* of the Age'.² It is therefore understandable that the critical studies of early Qajar political thought by Lambton³ and Ḥā'irī⁴ mainly concentrate on the Shi'ite jurists. Similarly, I presented an extensive summary of what I called 'the theory of the two powers', as found in the *Tuḥfat al-mulūk*, written by Sayyid Ja'far Kashfī in 1818, as a consistently Shi'ite political theory because it removed the anomalous Safavid claim to be the descendants and

* Originally published as "Political Ethic and Public Law in the Early Qajar Period," in Robert M. Gleave, ed., *Religion and Society in Qajar Iran*, London: Curzon (2005), pp. 21–40.

1 S. A. Arjomand 'The *Mujtahid* of the Age and the *Mullābāshī*: An Intermediate Stage in the Institutionalization of Religious Authority in Shi'ite Iran' in S. A. Arjomand (ed.) *Authority and Political Culture in Shi'ism* (Albany, 1988) 89–90.

2 Cited in A. Ḥā'irī *Nakhustīn rüyārū'ihā-yi andīshagārān-i Īrān yā daw raviya yi tamaddun-i burjwasi-yi Gharbī* (Tehran, 1367sh/1988) 357.

3 A. K. S. Lambton 'Some New Trends in Islamic Political Thought in Late Eighteenth and Early Nineteenth Century Persia' *Studia Islamica* 40 (1974), 114–18.

4 Ḥā'irī, *Nakhustīn*, ch. 8.

lieutenants of the Immaculate Imams. Kashfī's theory reconciles the ethos of patrimonial kingship and the political ethic of Twelver Shi'ism. I argued that 'because it adequately reflected the institutional division of authority between the state and the hierarchy, Kashfī's political theory can be taken to represent the unified normative order that governed the relations of authority in the Qajar body politic'.⁵

However, as Hā'irī⁶ has pointed out in his fairly comprehensive survey, there is another important genre of political writing—works on statecraft and political ethic, typically but not exclusively by the bureaucratic class—which has *not* received adequate attention. In addition, Ādamiyyat and Nāṭiq⁷ have drawn our attention to the appearance of yet a third genre: a new critical genre which grew out of the statecraft literature in the aftermath of Iran's final defeat in the Perso-Russian wars in 1244/1829.⁸ To these genres should be added quite a different source, which has not been studied systematically either—namely, the decrees of kings and governors. We can call these decrees 'public law' in the strict sense, with the proviso that in this period, public law became less 'public', as the Qajar rulers did not revive the Safavid practice of inscribing royal decrees in prominent public places for the communities affected by them to read. It should be pointed out, however, that in our period, as in the pre-modern era generally, the law is rarely codified and barely stands out from its ethico-normative context. The notion of 'political ethic', which refers to the content of the writings on statecraft and kingship that purported to regulate the political sphere, can therefore be seen as merging with this enforceable public law.

1 The Safavid Background and the Recovery of Political Philosophy

During the important reign of 'Abbās II (1642–66), in line with the revival of philosophy by 'The School of Isfahan' and the integration of the rational (*ma'qūl*) sciences into the curriculum of the *madrāsas*, practical philosophy (*Hikmat-i 'amālī*) found a major statement by the *Shaykh al-Islām* of Isfahan,

5 S. A. Arjomand *The Shadow of God and the Hidden Imam: Religion, Political Order and Societal Change in Shi'ite Iran from the Beginning to 1890* (Chicago, 1984).

6 Hā'irī, *Nakhustīn*, 351–62.

7 P. Ādamiyyat and H. Nāṭiq *Afkār-i ijtimā'ī va siyāsī va iqtisādī dar āthār-i muntāshirshudih-yi dawrān-i Qājār* (Tehran, 1356sh/1977) 27–32.

8 Ādamiyyat and Nāṭiq also include the work of Kashfī in the section on 'critical *andarznāmihs*' (Ādamiyyat and Nāṭiq, *Afkār*, 27–43). This, I think, is a mis-classification.

Mullā Muḥammad Bāqir Sabzavārī (d. 1090/1679–80). The model treatise in practical philosophy was Nāṣir al-Dīn Ṭūsī's *Akhlāq-i nāṣirī*, which comprises the governance of the soul or ethics, governance of the household (*tadbīr-i manzil*) or economics and political science (*siyāsat-i mudun*). Especially in the hands of Ṭūsī's imitators—most notably in Davvānī's *Akhlāq-i jalālī*—this tripartite Greek division of practical sciences was used as a frame to recast the material—aphorisms and stories—of the earlier works on statecraft in the form of advice to rulers.⁹

In his popular exposition of Shi'ite theology, *Gawhar-i murād*, dedicated to 'Abbās II, 'Abd al-Razzāq Lāhijī (d. 1072/1661–2) followed Fārābī and Ibn Sinā in including rulership as a topic in the philosophical theory of prophecy,¹⁰ and appended a chapter on ethics. Lāhijī, however, adopted the position of Ibn Sinā's contemporary, Abū'l-Ḥasan 'Āmirī Nishāpūrī, in differentiating prophecy and kingship.¹¹ Within the framework of the philosophical theory of prophecy,¹² Lāhijī divides the functions of prophecy into the maintenance of order and the guidance of mankind to salvation.¹³ He also divides the goals of practical philosophy into the study of common and invariable laws, atypically called 'policy' (*siyāsat*),¹⁴ and their implementation, which varies from time to time and society to society and is called 'kingship and rulership' (*mulk va salṭanat*). What is more important to note is that the functions of the prophet and the ruler were unified only in Prophet Muḥammad and *not* in other prophets, who always needed kings.¹⁵ The effect of this rather original theorizing is the endorsement of what I have called the theory of the two powers. According to the theory of the two powers, God has chosen two classes among mankind for investment with authority: kings for the maintenance of order, and prophets for the guidance and salvation of humankind.¹⁶ This dualism is consistent with the logic of Shi'ism after the occultation of the Twelfth Imam, and Kashfī was to say so explicitly in the early nineteenth century. Lāhijī, however, offered no explicit discussion of Shi'ism at this point.

9 S. A. Arjomand 'Perso-Indian Statecraft, Greek Political Science and the Muslim Idea of Government' *International Sociology* 16.3 (2001) 455–730.

10 'Abd al-Razzāq Lāhijī *Gawhar-i Murād* (Tehran, 1377/1958) 255–60; H. M. Tabaṭabā'ī *Zavāl-i andīshih-yi siyāsī dar Irān* (Tehran, 1373sh/1994) ch. 7.

11 Arjomand, 'Perso-Indian Statecraft', 466.

12 F. Rahman *Prophecy in Islam. Philosophy and Orthodoxy* (London, 1958).

13 Lāhijī, *Gawhar*, 293–4.

14 The more typical term would have been *nāmūs* or *sharī'at*.

15 Lāhijī, *Gawhar*, 294–5; Tabaṭabā'ī, *Zavāl*, 272–3.

16 S. A. Arjomand 'Medieval Persianate Political Ethic' *Studies on Persianate Societies* 1 (2003) 3–28.

Lāhijī's contemporary, Mullā Muḥammad Bāqir Sabzavārī, who was the *Shaykh al-Islām* of Isfahan under 'Abbās II, recognized the differentiation of 'the office (*manṣab*) of prophecy' and 'the office of rulership (*salṭanat*)',¹⁷ and was explicit in his reconciliation of kingship with the Shi'ite theory of Imamate. In his massive and widely circulated treatise on political philosophy, *Rawḍat al-anwār-i 'abbāsī*,¹⁸ Sabzavārī states that the Lawgiver is indeed the Prophet, and 'the just ruler . . . is called Imam and God's Caliph'. However, when the real (*aṣṭī*) Imam is in occultation, 'the people inevitably need a king to live with justice and follow the custom and tradition (*sīrat va sunnat*) of the real Imam'.¹⁹ Such a king is his royal patron, the King of Kings and Shadow of God, 'Abbās II.²⁰ This justification was in line with the Safavids' coupling of their royal legitimacy with their charisma of lineage as the lieutenants and alleged descendants of the Immaculate Imams.²¹ A decree of appointment of a *dārūgha* by Shāh Sultān-Ḥusayn is quite explicit in this respect: 'As the perfect being of our fortunate majesty derives from the light of Prophecy and Authority (*vilāyat*), obeying [our] command is more incumbent upon the God-fearing than that of other kings of kings.'²²

The massive vernacularization and popularization of Shi'ite beliefs by Muḥammad Bāqir Majlisī in the last quarter of the seventeenth century included the justification of kingship and just rule on the basis of the Shi'ite traditions,²³ and a translation of 'Alī's covenant (*'ahd*), or letter of instruction to Mālik al-Ashtār upon appointment as governor of Egypt. It is interesting that in a free Persian translation of the covenant, dedicated to one of the last

17 The two, however, were unified not only in the person of Muḥammad, but also in Adam. (Muḥammad Bāqir Sabzavārī *Rawḍat al-Anwār-i 'Abbāsī* (Tehran, 1377sh/1998) 449).

18 In a good illustration of Orientalist bias for 'Islamic' explanations, the late Norman Calder (N. Calder 'Legitimacy and Accommodation in Safavid Iran: the Juristic Theory of Muḥammad Bāqir al-Sabzavārī (d. 1090/1679)' *Iran* 25 (1987) 91–105) totally ignores this explicitly political treatise of nearly 900 printed pages and devotes an entire article to a few paragraphs of abstruse and tortuous legal reasoning, buried in another thick book on jurisprudence by Sabzavārī, just to prove the allegedly inescapable *de jure* illegitimacy of monarchy in Shi'ism.

19 Sabzavārī, *Rawḍa*, 65–7.

20 Sabzavārī, *Rawḍa*, 52.

21 I have argued (Arjomand, *Shadow of God*) that this was somewhat inconsistent with the logic of Twelver Shi'ism and, after the disappearance of the Safavid dynastic vested interest in maintaining it, gave way to Kashfi's more consistently dualistic theory.

22 M. Zabihī and M. Sutūdah (eds) *Az Āstārā tā Astarābād* 7 vols (Tehran, 1976) VI, 504.

23 Muḥammad Bāqir Majlisī 'The Fountainhead of Life (Extracts)' in S. A. Arjomand (ed.) *Authority and Political Culture in Shi'ism* (Albany, 1988) 284–304.

Safavid grand viziers on the occasion of his visit to Mashhad, the theory of the two powers is plausibly read into a clause which is rendered as 'Alī's 'command to propagate the ways of the just kings of the past and the following of the prophetic tradition'.²⁴

2 Mirrors for Princes and Political Philosophy

From the very beginning of his reign (1785–96), Āqā Muḥammad Khān Qājār turned to the *mujtahids* for help in consolidating his power. Around 1200/1787, Mīrzā Abū'l-Qāsim Qummī (d. 1231/1816) composed the *Irshādnāmih*,²⁵ for him, maintaining that 'the rank of kingship is by divine decree' and explaining the meaning of the term 'shadow of God'. However, in line with the Uṣūlī doctrine of *itihād*, Qummī's statement of the theory of the two powers, transfers the fulfilment of the prophetic function to the hierarchy while stressing the mutual interdependence of the king and his '*ulamā*':

As God Most High has established kings for the protection of the world of men . . . the '*ulamā*' need them; and as He established the '*ulamā*' for the protection of the religion of men . . . the king and other than the king need them.²⁶

Here, our *mujtahid* puts the '*ulamā*' as the guardians of the prophetic heritage in the place given to the Prophets in the more conventional formulations of the idea of the two powers in the statecraft literature. A more clearly traditional statement of the idea of duality—in fact, a reiteration of the medieval theory of the two powers—is offered by Faṭḥ 'Alī Shāh's librarian, Muḥammad Nadīm Bārfurūshī (d. 1241/1825):

[God] has chosen two classes among mankind and given them the crown of sovereignty and the ring of superiority. The first are the prophets . . . The second class consists of the rulers of the earth and the just kings . . . After the rank of prophecy, there shall be no position higher than kingship.²⁷

24 Muḥammad Kāzīm Faḍīl Mashhadī *Nizāmnāmih-yi ḥukūmat* (Qum, n.d.) 216.

25 It has wrongly been assumed that this tract was dedicated to Faṭḥ 'Alī Shāh (Hā'irī, *Nakhustīn*, 324–5).

26 Hā'irī, *Nakhustīn*, 326.

27 Hā'irī, *Nakhustīn*, 355.

Mīrzā-yi Qummī remained on very good terms with Āqā Muḥammad Khān's successor, Faṭḥ 'Alī Shāh, as well. But the latter also cultivated relations with other *mujtahids*, notably Mullā Aḥmad Narāqī (d. 1245/1829), whom he appointed the rector of the Royal Seminary (*madrasa-yi sulṭāni*) in the city of Kashan. Narāqī wrote a special manual of practical religious law for the monarch as his personal follower (*muqallid*) in 1225/1810.²⁸ About the same time, Narāqī expanded an Arabic text by his father into a long treatise on ethics, *Mi'rāj al-sa'āda* ('Mirror of Happiness'), and dedicated it to Faṭḥ 'Alī Shāh. The *Mi'rāj*²⁹ contains a discussion of tyranny (*ẓulm*) and justice (*'adālat*) in which many of the maxims of statecraft are elaborated on the basis of traditions attributed mostly to 'Alī but also to the Prophet and some of the other Imams. Narāqī's traditional idea of kingship is clearly expounded:

The king is in the position of a shepherd whom the Creator of the world has appointed over the subjects (*ra'yyat*) and required to protect them. If he is somewhat negligent in offering them protection and security, God will soon remove him as their shepherd and make him accountable in detail on the day of reckoning at the Resurrection. As for the king who protects the subject, let the land tax (*kharāj*) be as lawful to him as the wages of shepherding. If he is not the shepherd of the people, let whatever he eats of the tax on non-Muslims (*jizya*) be snake's poison to him.³⁰

Justice is the cornerstone of kingship. It is a glittering crown on the king's head which raises him to the high office (*manṣab*) of being the Shadow of God . . . The rulers who make justice their slogan and rule with justice are appointed by the Possessor of Kingdom, Most High, to remove tyranny and guard the property and honour of the people of the world, and are distinguished from the rest of the creatures and given the honour of the title Shadow of God so that they would order the affairs concerning livelihood and salvation of God's servants . . .³¹

To ensure that justice prevails throughout the realm, the king should have a spy system to report to him directly on the deeds and wrong doings of his governors and officials.³² As the Prophet said, 'An hour of just rule is better than

28 Mullā Aḥmad Narāqī *Mathnawī-yi tāqdīs* (Tehran, 1362sh/1983) 15.

29 Mullā Aḥmad Narāqī *Mi'rāj al-sa'āda* (Tehran, n.d.) 340–60.

30 Narāqī, *Mi'rāj*, 332.

31 Narāqī, *Mi'rāj*, 347–8.

32 Narāqī, *Mi'rāj*, 354.

seventy years of worship', or in 'Alī's words, 'the crown of kingship is its justice'.³³ The practical implication of the idea is that the king is the foremost judiciary authority and should be fully accessible to all plaintiffs among his subjects:

Plaint (*taẓallum*) of the subjects is the sign of the justice of the king. Attending to the ills of the people is a necessity for the rank of Shadow of God. The complaints of the seekers of justice is the halo (*farr*) of kingship.³⁴

Narāqī did not recover the late Safavid political science (*siyāsat-i mudun*).³⁵ This was done, however, in two works commissioned independently by two sons of Faḥr 'Alī Shāh who were governors of Fars and Lorestan, respectively, and were completed in 1233/1818. Both these tracts, furthermore, sought to reconcile political philosophy with the Shi'ite theory of the Imamate. In the *Manāḥij al-sulūk li'l-salāṭīn wa'l-mulūk*, dedicated to the Prince-governor of Fars, Ḥusayn-'Alī Mīrzā Farmānfarmā, the author, who belonged to the bureaucratic class, divides politics (*siyāsat*) into the virtuous and non-virtuous. In virtuous (*fāḍila*) politics, as prevailing under the present Shāh and the Prince, the ruler

seeks to improve and order the worldly and spiritual affairs of the subjects. This type of politics is called a 'trust' (*amānat*) and its ruler (*ṣāhib*) is called Imam, if appointed by the Prophet, and 'Deputy of the Imam', if appointed by the Imam; and if appointed by the [Imam's] Deputy ... he will be a Deputy (*nā'ib*) among the Deputies of the Prophet.³⁶

This statement is significant in view of the fact that, according to Uṣūlī doctrine, the *mujtahid* and not the ruler is the 'general vicegerent or deputy' (*nā'ib 'āmm*) of the Imam. The second treatise from the same year, 1233/1818, *Tuḥfat al-mulūk*, by the jurist Sayyid Ja'far Kashfī, is of much greater importance for its systematic extension of the Shi'ite theory of Imamate to cover kingship as 'special vicegerency' (*niyāhat-i khāṣṣa*) of the Hidden Imam, and has already

33 Narāqī, *Mī'rāj*, 349, 352, 347–8.

34 Narāqī, *Mī'rāj*, 355.

35 Narāqī, offered his own classification of sciences instead of the Aristotelian one. He divides the sciences into the purely worldly ones and the three higher sciences which benefit mankind in this and the other world: theology, ethics, and jurisprudence (Narāqī, *Mī'rāj*, 60).

36 Ḥā'irī, *Nakhustīn*, 352.

been mentioned in this essay and elsewhere.³⁷ It was a general compendium of knowledge, commissioned by the Prince-governor of Lorestan, Muḥammad Taqī Mīrzā Ḥusām al-Saltāna and dedicated to the Shah, and included the theoretical statement on kingship in the chapter on political philosophy (*siyāsati mudun*), alongside a translation of the ‘Covenant of ‘Alī. The covenant was addressed to Mālik as the first ‘special vicegerent’ in history and was thus the model for all subsequent Shi‘ite rulers.

In 1246/1831, Kashfī wrote a second treatise for his patron prince, *Mizān al-mulūk va’l-ṭawā’if va sirāt al-mustaqīm fi sulūk al-khalā’if*. It was exclusively devoted to statecraft, and offered a complete political ethic. As in the earlier work, Kashfī shows himself to be a systematic thinker superior to other compilers of maxims and stories on statecraft, and presents a systematic picture of human society as a hierarchy of seven classes of mankind as God’s lieutenants (*khulafā’ Allāh*) on earth.³⁸ Having cited the Prophetic tradition, ‘Obedience to God is through obedience to the ruler’ in the Preface,³⁹ Kashfī begins the treatise with three chapters on justice where he adduces the well-known tradition (here attributed to the Sixth Imam):

You are all shepherds and responsible for [your] subjects: the prince who is the shepherd of the people is responsible for his subjects: the man who is the shepherd of his family is responsible for them: and the wife who is the shepherd of the house is responsible to its members: and the slave who is the shepherd of the property is responsible for it. So you are all shepherds and all responsible for your subjects.⁴⁰

This tradition serves as the basis for a personal system of authority under patrimonial monarchy to prevail in the hierarchy of the seven social classes. The seven classes are then all presented as lieutenants of God. Predictably, ‘the first rank and the noblest of all is the class (*tā’ifa*) of kings and rulers’. The second class consists of ‘the viziers and the lords of the pen’, and the ‘*ulamā*’ appear as the third class, to be followed by ‘the companions of power and wealth’ as the fourth class. The ‘peasants and farmers’ are placed fifth, and above the two urban classes of merchants and craftsmen. All these classes ‘are God’s lieutenants on earth in manifesting God’s lordship, justice and order, and the ordering

37 Arjomand, *Shadow of God*, 325–8.

38 Qur’ān, 2.29; 6.165, 10.15 and 74, 27.64, 35.38, and 38.26.

39 Sayyid Ja’far Dārābī Kashfī *Mizān al-mulūk va’l-tawā’if va sirāt al-mustaqīm fi sulūk al-khalā’if* (Qum, 1375sh/1996–7) 38.

40 Kashfī, *Mizān*, 42–3.

of earthly beings and creatures in their mutual relations concerning religion, the world and the hereafter'.⁴¹

One should not look for any sociological insight in the description of the seven classes of the hierarchy in the rest of the book. In sharp contrast to the traditional writings on statecraft, the military class as 'the lords of the sword' are not mentioned as a separate class and are not easily discernable as an element of the fourth. The bureaucratic class appears as the second class as personal councillors to the king, who is enjoined to heed their advice in observance of the principle of consultation (*mashvarat*). The viziers and officials should in turn observe the principle of personal responsibility implicit in the above-cited tradition as patrimonial sub-shepherds in relation to the subjects. The last three classes are treated cursorily, and Kashfi's placement of the peasantry above the bourgeois classes demonstrates his indifference to the growing urban economy of the first four decades of Qajar rule.

Almost as many pages are devoted to the '*ulamā*' as to the kings. Furthermore, Kashfi begins the section on the religious class by explaining that its rank in the lieutenancy of God is above that of all other classes, but they are put in the third place in view of their practical capabilities, as the fruits of their knowledge are disseminated by the sword of rulership and through its administration.⁴² Furthermore, Kashfi enjoins obedience to the '*ulamā*' and grants them the power of intercession with God.⁴³ The prominence given to the ethics of the '*ulamā*' thus reflects the growing power and independence of the hierarchy in the dual Qajar polity. The same growing clerical power, however, makes Kashfi apprehensive, and he adopts a severely critical perspective for judging the worldly '*ulamā*' who are said to be the first to fight the Lord of Time when he manifests himself.⁴⁴

The *Mizān* is very much a mirror for the prince-governor of Lorestan, and its main purpose is the exposition of the political ethic of patrimonial monarchy. God appointed David his lieutenant on earth (Q38.26), and the Prophet said:

The ruler is the Shadow of God on His earth with whom every wronged person seeks refuge. For whoever rules with justice there is a reward, and gratitude becomes the subjects, and for whoever rules with oppression, a

41 Kashfi, *Mizān*, 77.

42 Kashfi, *Mizān*, 143.

43 Kashfi, *Mizān*, 156–7.

44 Kashfi, *Mizān*, 165.

burden, and patience becomes the subjects until the [divine] command reaches them'.⁴⁵

Therefore, 'The king and the ruler is the lieutenant and Shadow of God Most High, and the rank of lieutenancy of shadow-hood means that... The ruler is the instrument and manifestation of God's mercy and wrath.'⁴⁶ The divine halo of kingship is diluted to the metaphor of a bird called *Humā*, through whom God casts his shadow on those elected for sovereignty: 'Thou givest the Kingdom to whom Thou wilt and seizest away the Kingdom from whom Thou wilt' (Q3.26). Kashfī's reconciliation of kingship with Prophecy and Imamate has a touch of originality. Kings are given exoteric (*zāhir*) rulership as 'God's lieutenant and manifestation of his mercy and wrath' in this world. Some prophets (such as Elijah and Khidr) and mystics are given esoteric (*bāṭin*) rulership only. A third group of kings (*mulūk*), including Joseph, David, Moses and Muḥammad, possess both exoteric and esoteric rulership. Furthermore, the two kinds of sovereignty can be found in different intermixtures in different persons. The exoteric sovereignty of the Seal of the Prophets and the twelve Immaculate Imams being less than the esoteric aspect.⁴⁷ The Prince should therefore know 'that kingship and rule over the world (*jahāndārī*) are compatible with the rank of prophecy, and possession of the world and possession of the hereafter are not contradictory'.⁴⁸ As for the rest, the content of the royal political ethic is fairly conventional, and it includes two maxims on the 'circle of justice'—rulership depends on the army, the army on wealth, wealth on the subjects and the subjects on justice.⁴⁹

Another traditional work on statecraft and political philosophy, a tract 'on civic rules and politics based on justice', from the very end of our period should be mentioned, despite its rambling mediocrity, because it offers a clear statement of the conventional theory of the two powers. It was written for the Crown Prince, Nāṣir al-Dīn, on the eve of his succession in 1848, and appropriately entitled *al-Tuḥfat al-nāṣiriyya*. Its author, Muḥammad Ḥusayn Damāvandī, states hyperbolically that the main purpose of creation is the existence of a category of 'perfect man' consisting of two classes:

First, the Prophets and Messengers... the other, the religion-promoting kings and justice-spreading rulers who are the shadow of the Creator and

45 Kashfī, *Mizān*, 83.

46 Kashfī, *Mizān*, 84.

47 Kashfī, *Mizān*, 84–8.

48 Kashfī, *Mizān*, 92.

49 Kashfī, *Mizān*, 114–15.

lieutenants of God . . . According to God's words 'We sent down iron, wherein is great wrath, and benefits for the people' (Q57.25), 'Thou givest the Kingdom to whom Thou wilt and seizest away the Kingdom from whom Thou wilt' (Q3.26), the existence of a dominant and [divinely] aided ruler is necessary for order of the divine system. Rulership is therefore considered second [only] to prophecy, and it is said that rulership and prophecy are two stones set on one ring. [Repeated in verse form] Imamate and governorship are twin-born . . . The saying of the Prophet and the ruler is one. Therefore, after Prophecy and Imamate (*vilāyat*), rulership is above the ranks of humankind.⁵⁰

Furthermore, the delegation of royal authority to the viziers means that 'the vizierate is also second [only] to the authority [of the Imams] (*vilāyat*)'.⁵¹ This is so because the justice of the king, and the security of the kingdom depends on a good vizier.⁵² The emphasis on the sword and the awe of rulership is common in the statecraft literature, where *siyāsāt* in fact means punishment as much as policy. Damāvandī reminds the young prince that justice requires the use of the 'mace' (*gurz*) and the 'sword' (*tūgh*) of punishment.⁵³ Last but not least, the conventional association of reason and statecraft⁵⁴ is given a new twist in the light of the Uṣūlī doctrine of *ijtihād*. 'The ruler's *ijtihād* is through reason (*khirad*)'. It is therefore possible for the king to be the perfect *mujtahid* in statecraft, but impossible for the just *mujtahid* to be a perfect ruler. The final unification of *ijtihād* and rulership in one person is among the signs of the manifestation of the Expected Imam.⁵⁵

3 Developments in Jurisprudence in Relation to Judiciary Organization

Narāqī also wrote an innovative book in jurisprudence, the *'Awā'id al-ayyām*,⁵⁶ which is noted for 'opening the chapter' (*fatḥ al-bāb*) in constituting the 'authority of the jurist' (*vilāyat-i faqīh*) as an independent topic or rule (*'inwān*)

50 Naṣr al-Dīn Muḥammad Ḥusayn Damāvandī *Tuḥfat al-Nāṣiriyya* (MS 2653, University of Tehran Central Library, Tehran) 33–5.

51 Damāvandī, *Tuḥfa*, 33–5. This is repeated on f. 62, as is the Quranic verse Q57.25 on the awe of rulership.

52 Damāvandī, *Tuḥfa*, 64.

53 Damāvandī, *Tuḥfa*, 40; cited in Ādamiyyat and Nāṭiq, *Afkār*, 14.

54 Arjomand, 'Perso-Indian Statecraft'.

55 Damāvandī, *Tuḥfa*, 35–6.

56 Like the *Mī'rāj*, this work appeared before 1228/1813, as Narāqī lists it in his bibliography on that year (Narāqī, *Tāqdīs*, 22–3).

and was hailed by Khomeini as the prototype of his own innovative reading of juristic authority as ‘Islamic government’ (*ḥukūmat-i islāmī*).⁵⁷ This work should not be read anachronistically. Historically speaking, it clearly belongs to the development of the Uṣūlī movement for the enhancement of the juristic authority of the *‘ulamā’*. Narāqī’s innovative argument reverses the earlier method of deducing the authority of the jurists from the traditions in terms of specific instances of the delegation of the Imam’s authority to carry out such functions as judging and leading the congregational prayer. He argued instead that the scope of juristic authority was the same as the authority of the Prophet and the Imams, *except* for the areas of worldly and spiritual life specifically excluded and for the offices and functions specifically delegated to others.⁵⁸ Narāqī’s book on jurisprudence was influential, and was taken up by the sons of Kāshif al-Ghiṭā’ who sought to expand the number of independent rules.⁵⁹ The jurisprudential discussions in their teaching circle produced *al-Anāwīn* (‘The Rules’) by Sayyid Mīr ‘Abd al-Fattāḥ Ḥusaynī Marāghī (d. 1250/1834–5), where Narāqī’s position on the authority of the jurist is disputed, mainly on the grounds that many duties are collective obligations (*wājib-i kifā’ī*) for which no specific delegation or designation is necessary. Marāghī thus sees two components in juristic authority: first, authority by specific designation, as with the office of the judge and the explicator of the rules of the sacred law, and second, authority by default over non-autonomous individuals without legal guardians or for functions subject to the norms of the sacred law for which no one else is legally in charge.⁶⁰ For this reason, the rule for ‘the authority of the hierocratic judge (*wilāyat al-ḥākim al-shar‘ī*)’ as authority by default is immediately followed by the rule for ‘the authority of the just among the believers (*wilāya ‘udūl al-mu‘minīn*)’.⁶¹ The authority of the just believers is authority by default when a hierocratic judge is not available in the community.

We have evidence that the discussion of juristic authority was not purely academic, and the distinction between the jurist and the just believers was incorporated into a common legal default formula. A deed of endowment in the city of Yazd dated Shavvāl 1220/Dec. 1805–Jan. 1806 empowers ‘the fully-qualified *mujtahid*’ to appoint an administrator, should the line of descendants of the founder come to an end. And should there be no such jurist in Yazd,

57 M. Kadivār *Nazarīyāhā-yi dawlat dar fiqh-i Shī‘a* (Tehran, 1377sh/1988) 17–26.

58 Narāqī, *Awā‘id*, 187.

59 Sayyid Mīr ‘Abd al-Fattāḥ Ḥusaynī Marāghī *al-Anāwīn*, 2 vols (Qum, 1417/1996–7) I, 89 citing Tunukābunī, *Qiṣaṣ al-‘ulamā’* (Tehran, n.d.) 183–4.

60 Marāghī *al-Anāwīn*, II, 562–78.

61 Marāghī *al-Anāwīn*, II, 580–6.

the power to appoint an administrator devolves upon ‘the learned and the just among the believers’.⁶²

The jurists of the first half of the nineteenth century varied greatly in defining the scope of the authority of the jurist. Shaykh Muḥammad Ḥasan Najafī, the author of *Jawāhir al-Kalām*⁶³ extended it to the political and military areas of life, while Narāqī’s student, Shaykh Murtaḍā Anṣārī, firmly rejected any such extension and maintained that to provide the transfer of the general authority of the Prophet and the Imams to the jurist, ‘one must strip the tragacanth of its thorns (*dūnahu kharṭ al-qatād*; i.e., accomplish the impossible).’⁶⁴ As for Narāqī himself, however, there can be no doubt that he did *not* include rulership within the scope of juristic authority. Not only did he maintain, as we have seen, that God had designated the kings for rulership (and it would therefore not devolve upon the ‘*ulamā*’), but he entitled his book of edifying stories in verse ‘*Tāqdīs*’ the legendary throne Khosrau II, Parviz, had inherited from Fereydun.

Narāqī’s innovative book in jurisprudence was probably written during the first Perso-Russian war (1805–13) which occasioned the solicitation, in 1223/1808, of the well-known series of *fatwās* by the leading *mujtahids* authorizing *Fath* ‘Alī Shāh to wage *jihād* against the Russian infidels, and were published in two collections as the ‘lesser’ and the ‘greater’ *Jihādīyya*. Here, too, it makes more historical sense to see the rulings of the *mujtahids* as indicative of the consolidation of the juristic authority of the Shi‘ite hierocracy rather than pretension to political rule or indication of illegitimacy of monarchy.⁶⁵ The Arab Shaykh Ja‘far Kāshif al-Ghiṭā’ (d. 1227–8/1812 or 1813), the senior among the *mujtahids* had dedicated his *magnum opus*, *Kashf al-Ghiṭā’* (The Removal of the Cover) to *Fath* ‘Alī Shāh. In it, he legitimated monarchy as necessary for the maintenance of order and considered obedience to the king incumbent as a ‘secondary rule’ or preparatory for the fulfilment of other religious duties.⁶⁶

62 I. Afshār *Yādghārhā-yi Yazd*, 2 vols (Tehran, 1354sh/1975) II, 185–7.

63 Afshār, *Yādghārhā*, II, 395–7.

64 Murtaḍā Anṣārī, *Makāsib*: 153–5.

65 Arjomand, *Shadow of God*, 224–5.

66 *Kashf al-Ghiṭā’*, 394 as paraphrased by Ḥā’irī, (Ḥā’irī, *Nakhustīn*, 331), Ḥā’irī’s reading of the published *jihād* authorization by the Shaykh as a denial of the independent legitimacy of monarchy seems forced. He also cites an unpublished *jihād* authorization which refers to the Shah as our servant (*bandih*) who ‘acknowledges his servitude’, and puts his son, the Crown Prince ‘Abbās Mīrzā, under ‘our shadow and protection’ in this and the other world and assures the latter of ‘our intercession’ (Ḥā’irī, *Nakhustīn*, 331). The supernatural rather than political nature of the Shaykh’s authority as implied by this statement should be noted.

Nevertheless, some tension between hierocracy and monarchy as the two powers of the early Qajar polity was inevitable, Abū'l-Qāsim Qummī, in a work of jurisprudence written during the war, rules that the land tax extracted by 'the tyrannical Shi'ite rulers' is unlawful, 'except with the authorization of the just *mujtahid* and for the purpose of promoting the common good such as [support for] the seminarians and prayer leaders and the like', and he regrets the inability of any hierocratic judge to impose the land tax and spend it as specified by the sacred law.⁶⁷ In a letter to Faṭḥ 'Alī Shāh written in 1815, the year before his death, he fulminates against those who are giving currency to the title *ulā al-amr* (Q4:59) for the king. Only because of dire necessity and unavailability of the Immaculate Imam who is entitled to that appellation, 'obedience to the just *mujtahid*' for example, becomes obligatory (*wājib*). 'Obedience to the ruler of the Shī'a', by contrast, becomes obligatory only as a means of defending the community and preventing the domination of the enemies.⁶⁸

The development of the theory of *ijtihād* in jurisprudence did not affect the king's authority in matters of taxation in practice, Qummī's contestation notwithstanding. Matters of taxation including exemptions, land grants and administration of military affairs, were dealt with in royal decrees and those of governors, of which a large number survive. Nor did the juristic theory challenge the judiciary authority of the king as the highest arbiter of the subjects' appeal in all matters. As we have seen, this supreme judiciary authority was granted to the king in the political ethic of patrimonial monarchy which required him to be fully accessible to his subjects and to hear their appeals concerning wrongdoings in all areas of life, including the rulings of religious courts and the administration of endowments (*awqāf*). The Shah received a large number of individual and collective petitions, including many from the '*ulamā*', and I have not come across any contestation of his right to do so in the works of jurisprudence.⁶⁹ The king could decide an appeal himself, or refer it to the religious court of a *mujtahid*,⁷⁰ or the customary (*ūrfī*) court of a governor.⁷¹

Endowments were in fact the frequent subject of petitions to the king, and usually involved the '*ulamā*' as administrators and beneficiaries. I will take one case of dispute over two villages in Astarābād constituted as an endowment as an illustration of the working of early Qajar judiciary organization and the

67 Cited in Ḥā'irī, *Nakhustīn*, 327.

68 Cited in Ḥā'irī, *Nakhustīn*, 327–8.

69 This contrasts with the occasional contestation of his categorical right to receive the land tax, of which one instance was mentioned above.

70 *Az Āstārā* VI, 119, 166–8, 170.

71 *Az Āstārā* VI, 120–1.

intermeshing of royal and juristic authority within it. The case pitted Sayyid Faḍl Allāh, the *mujtahid* and prayer leader of Astarābād and his family, who were the beneficiaries of the endowment, against ‘Abbās Khān, the governor (*biglarbig* [*beglarbeg*]) (and later against his heirs!).⁷² In 1814, Sayyid Faḍl Allāh complained to the Shah that, for the past few years, the governor had not been sending him the share of the harvest from the villages of Mīr Maḥallah and Alākālātah for the endowed portion of those estates, which he had apparently ceded to the Crown Land administration. Fath ‘Alī Shah ordered the new governor to pay the arrears in kind⁷³ but evidently to no avail, as ‘Abbās Khān was soon reappointed governor. In May 1835, the *mujtahids* and his brothers took their case to the court of Hajj Muḥammad Ibrāhīm, another *mujtahid* of Astarābād, and obtained an order for the possession of the Mīr Maḥallah estate and another village, Chāblānī. The order was written and endorsed by Muḥammad Ibrāhīm’s son; it mentioned the recognition of the plaintiff’s claim by the earlier royal decree, and declared the continued holding of these estates by the governor, ‘Abbās Khān, a usurpation.⁷⁴ The religious court’s order was sent to the royal court (*divārikhānih*), and Muḥammad Shāh issued two decrees ordering the governor to pay the arrears in kind (wheat) from the proceeds of these estates. The second order, dated Jumādā 1351/September–October 1835, mentions the religious court order and dispatches an official along to see to the payment of arrears in kind to the plaintiffs.⁷⁵ A decree by a new governor, dated Rabī’ II 1255/June–July 1839 orders the government officials to leave the management of the estate to Sayyid Faḍl Allāh and his brothers.⁷⁶ But the administration of the estates was not handed over to the clerical family and the *mujtahid* went to Tehran in person in September 1840 to submit a petition to the royal court. He obtained a favourable royal decree that was endorsed by the new governor who also, yet again, ordered the payment of arrears in kind.⁷⁷

‘Abbas Khān, however, did not give up his claim to the estates, and managed to secure a writ for the suspension of Muḥammad Shah’s order to deliver the proceeds in Sayyid Faḍl Allāh from the deputy-governor in 1260/1844. The

72 The decrees and documents pertaining to this case have been published in a scattered fashion by Zabihī and Sutūdah in volumes 6 and 7 of *Az Āstārā tā Astarābād*, and will be referred to as necessary in the text.

73 *Az Āstārā* VI, 136–7.

74 *Az Āstārā* VI, 213–16. The order is endorsed again two years later by a number of other clerics, as the case was evidently not settled.

75 *Az Āstārā* VI, 142–4.

76 *Az Āstārā* VI, 158.

77 *Az Āstārā* VI, 160–4.

suspension was to be for a month, but seems to have remained in effect for the next few years.⁷⁸ In the summer of 1847, ‘Abbās Khān petitioned the royal court, requesting that the case be referred to the court of Mullā Muḥammad ‘Alī Ashrafī; his request was granted by a decree issued from the royal court in Rabī‘ II 1264/March 1848.⁷⁹ Meanwhile, Sayyid Faḍl Allāh and his brothers had obtained another court order from a deceased *mujtahid*, Mullā Riḍā, which was endorsed anew in Jumādā II 1264/May 1848 by another jurist who considered it ‘an obligatory divine *shar‘ī* order’, and whoever opposes it, a sinner.⁸⁰ However, a report is sent from Astarābād to the royal court that neither side to the dispute appeared before the specified *shar‘ī* court.⁸¹ It appears that the representative of Sayyid Faḍl Allāh and his brothers was too intimidated to appear before the court because ‘Abbās Khān, who had once again been reappointed governor, had beaten and extorted the brother and close associates of a jurisconsult whose opinion he had not found to his liking.⁸²

In 1859, Sayyid Faḍl Allāh’s family, now in possession of the estates, sent a letter to the local governor asking for a stipend in view of the insufficiency of the revenue from these.⁸³ An undated letter shows, however, that ‘Abbās Khān’s heirs later took possession of the disputed villages after obtaining an opinion from a different jurist, a certain Mullā Muḥammad Riḍā.⁸⁴ The case dragged on to the next decade. The Sayyids appear to have produced a different *shar‘ī* court order from the deceased Mullā Muḥammad Riḍā and had it endorsed in 1863 and yet again in 1868. The endorsement of Shayyāl 1284/February 1868 is followed by another endorsed by three jurists who state that disobeying the *shar‘ī* order of Mullā Muḥammad Riḍā ‘is tantamount to disobeying the order of the Imam of the Age, may God expedite his appearance!’⁸⁵

Our documentation breaks off after a generation and over a third of a century of unresolved legal struggle. In line with the Uṣūlī theory of *ijtihād*, the

78 *Az Āstārā* VII, 402–6, 423–4, 451, 474.

79 *Az Āstārā* VII, 432–3.

80 The same order is endorsed with the same formula three years later (*Az Āstārā* VI, 179).

81 *Az Āstārā* VII, 399.

82 *Az Āstārā* VII, 429–31; *Az Āstārā* VII, 434–47 also contains a sample of the correspondence between the local landlords and/or clerics and government officials, including ‘Abbās Khān himself.

83 *Az Āstārā* VII, 413–14.

84 *Az Āstārā* VII, 452. He may be the same person as the above-mentioned Mullā Riḍā.

85 *Az Āstārā* VI, 224. This formulation is interesting with the hindsight of the famous injunction of the pro-Constitutionalist ‘ulamā’ of Najaf in 1908 that opposing the Constitution was tantamount to disobeying the Hidden Imam.

shar'ī court orders present the rulings of the *mujtahids* as fully binding⁸⁶ and consider ignoring them sinful. This *de jure* authority stands in sharp contrast to the ineffectuality of the hierocratic judges in practice and their dependence for enforcement on the governors and the king.

The importance of the office of the *qāḍī* declined sharply in Iran after the establishment of Shi'ism by the Safavids⁸⁷ and still further in the Zand period, making room for the emergence of the courts of the *mujtahids*. Nevertheless, the office survived and the king had the prerogative of appointing the judges of the cities. In a decree sealed by Faṭḥ 'Alī Shāh in Jumādā I 1250/September 1834, the month before his death, a certain Mīrzā Maḥmūd is appointed the *qāḍī* of Astarābād and put in charge of the supervision of all the endowments of the region, granting tax exemption in some specific endowments upon his request. The decree of appointment was solemnly read in the presence of the governor and officials of Astarābād, who affixed their signature or seal to the margin of the decree.⁸⁸

4 Emergence of Critical Political Writings

In the year following the disastrous end of the Russo-Persian war, 1244/1829, we witness a curious break with the traditional statecraft literature by two established members of the bureaucratic class: Mīrzā Abū'l-Qāsim Qā'im-Maqām Farāhānī, the vizier of 'Abbās Mīrzā, the Crown Prince and governor of the Province of Azerbaijan, which bore the brunt of the devastating war and defeat by Russia; and Rustam al-Hukamā, an aged bureaucrat and historian who had often tried his hand at writing uncritically and conventionally on statecraft.⁸⁹ There can be no doubt that the stimulus to this novel, critical political thinking, and the innovative style of writing in which it was conveyed, came from the 'Russian intrusion into the guarded domain' (*rakhnih-yi Rūs dar mulk-i mahrūs*)⁹⁰ and from the barrels of the Russian 'seventy-two pound cannons'.⁹¹ Qā'im Maqām put away the overly ornate and formalistic prose of

86 The clerical judges are describes as *naḥdīh al-ḥukm*.

87 Arjomand, *Shadow of God*, 127.

88 *Az Āstārā* VI, 137–40.

89 Rustam al-Hukamā, *Rustam al-tavārikh* (Tehran, 1969); Ḥā'irī, *Nakhustīn*, 353.

90 Qā'im-Maqām's words cited in A. Amanat "Russia Intrusion into the Guarded Domain": Reflections of a Qajar Statesman on European Expansion' *Journal of the American Oriental Society* 113.1 (1993) 38.

91 *Jalāyir-nāmih*, 344; translated in Amanat, 'Russia Intrusion', 50.

the scribe, used in his introduction to the 'greater' *Jihādīyya* of 1818, for the simple, popular verse of the lampoonist and the future publicist to express his critical thoughts 'on the threshold of modern times'.⁹² There are two points of contrast between his long poem of 1829, entitled *Jalāyir-nāmiḥ*, and the older works in political ethic: (1) principled criticism of the other princes of the royal family, and implicitly, of the king, and (2) awareness of the plight of the Ottoman empire and Iran and the need of both decaying empires for 'defensive modernization', which required money in the treasury and 'cannons and muskets'.⁹³

Our second bureaucratic author, Rustam al-Ḥukamā', can be said to have expanded Qā'im-Maqām's limited intra-dynastic political criticism somewhat by contrasting the Iranian and European forms of socio-political organization. He embarked on a mode of critical political writing which coupled a sense of decline in traditional Iranian statecraft with an awareness of the political organization and superiority of Western states. In a tract entitled *Aḥkām* (rules), he criticized the Shah for failing to 'educate the subjects and the army through correct law and rational organization'.⁹⁴ He wistfully looked at the Safavid-Afshār Zand tradition of statecraft, advising the king to retrieve the fiscal and administration books of the Safavid Ṭahmāsp II, Nādir and Karīm Khān, and at the same time enjoined him to look outside of the Persian tradition for political ideas:

Read the Roman Law
Know the European (*farangi*) Custom!⁹⁵

Some years later (in 1251/1834–5), in *Qānūn-i salṭanat* ('The Law of Monarchy'), he put forward an innovative project for political reform, recommending the creation of seven ministers for the central government and seven officials in each province, corresponding to the seven planets which rule the sublunary world according to traditional political astrology, as well as the revival of the fiscal system of Ṭahmāsp II and Nādir Shāh. He also suggested that the king should not only clarify the duties of each class in the social hierarchy but also determine its distinctive dress code. Although Rustam al-Ḥukamā' follows traditional statecraft in requiring the monarch to be pious, he sharply diverges from it by affirming the expediency of religious freedom and tolerance as state

92 Amanat, 'Russia Intrusion', 55.

93 *Jalāyir-nāmiḥ*, 1065–6; translated in Amanat, 'Russia Intrusion', 50.

94 Ādamiyyat and Nāṭīq, *Afkār*, 28.

95 Cited in Ādamiyyat and Nāṭīq, *Afkār*, 31.

policy. He also coupled the conventional recommendation of the use of spies to watch government officials with a novel stress on the importance of publicizing royal decrees and administrative orders so that the law be known by all the subjects. Finally, he commended the good laws, rules and customs of the European states such as France, Austria and England.⁹⁶ Rustam al-Ḥukamā' lived yet seven more years to extend his critical sight to the 'ulamā', and bemoan their out-dated learning and disorderly judiciary organization, this time apparently without offering any constructive remedies.⁹⁷

Qā'im-Maqām never published the *Jalāyir-nāmih*, and it is not clear who read it, other than the Crown Prince for whose consolation it was composed. Rustam al-Ḥukamā's audience is not easy to identify either. The king may have been rhetorically addressed, but the tract was not for presentation to the king or any prince. With the next specimen of critical political writing by a disgruntled bureaucrat, however, 'the public' is clearly discernible as the intended audience. In 1260/1844, Mīrzā Mahdī Nawwāb, a discharged bureaucrat who belonged to a family of merchants, wrote an openly critical attack on the government for circulation among the reading public. Internal criticism of the bureaucracy may not have been all that uncommon, and Mīrzā Mahdī in fact mentions a critical memorandum written to the administrator of the endowments of the shrine of Mashhad by his former tutor, which was forwarded to Tehran and resulted in the author's downfall.⁹⁸ But writing critically for the public seems new. While rhetorically addressing his political tract to 'my son' in the opening verse, he tells the readers at the end that it was written so that 'they would be admonished and read it to their children'. The title, Constitution of the Posterity' (*Dastūr al-a'qāb*) is said to have been suggested by a friend in view of this purpose, namely the admonishment of the subsequent generation.⁹⁹

The *Dastūr al-a'qāb* begins as a scurrilous and gossipy attack on Muḥammad Shah's prime minister, Ḥājī Mīrzā Āqāsī, who is called the 'Destroyer of the Notables' (*hādīm al-anjāb*). Other 'new men' in his entourage, notably Mīrzā Nabī Khān, the head of the royal court (*amīr dawn*) and the ruler's deputy in the Mazālim, also come in for the occasional attack and ridicule.¹⁰⁰ The author resents the rise of men of humble origins in government service, which is typical of the two revolutions (*daw maqilāh*) in the state he has witnessed at the

96 Ādamiyyat and Nāṭiq, *Afkār*, 47–55.

97 Ādamiyyat and Nāṭiq, *Afkār*, 55–7.

98 Mīrzā Mahdī Nawwāb *Dastūr al-a'qāb* (Tehran, 1376sh/1997) 135–6.

99 Nawwāb, *Dastūr*, 27, 178–9.

100 Nawwāb, *Dastūr*, 55, 148–9.

time of succession of new monarchs.¹⁰¹ Āqāsī is scathed for his alleged claim to prophecy and for giving governmental power and benefices to his compatriots from Yerevan whom he calls 'immigrants' on the Prophetic model.¹⁰² Nor is concrete criticism of the prime minister's policies, such as the wasteful attempt to bring the artillery of the provinces to Tehran, lacking. The main targets of Mīrzā Mahdī's attack, however, are the prime minister's dispossession of office-holding notables and the confiscation of estates and land grants for his agricultural projects.¹⁰³

Having vented his spleen against the expropriating centralizer and 'Destroyer of the Notables' in the first half of the book, Mīrzā Mahdī offers the reader a mirror in statecraft. The body politic is the social hierarchy, with the ruler of its apex: 'the ruler among the subjects is like the head to the body'.¹⁰⁴ The picture of the social hierarchy is more realistic than Kashf's a decade earlier, and fits the Qajar society better. The *'ulamā'* are placed second in the social hierarchy, after the kings but above the viziers and governors (*umarā'*). The fourth class consists of the owners of estates and cultivators, and the fifth, of the people of crafts and industries.¹⁰⁵ Each class has its own normative code. The section on 'the prerequisites of vizierate, office-holding, and service of kings' treats the arts and crafts needed by the members of the bureaucratic craft, including accounting and book-keeping, and reminds them that the rulers are the shadow of God on earth, equating the king's command with that of God (*chih farmān-i vardān, chih farmān-i Shāh*).¹⁰⁶ It is followed by a section on 'commerce and its prerequisites'.¹⁰⁷ Mīrzā Mahdī's advice for the merchants includes precautions against predatory government, such as the following: 'Do not leave any money with governmental authorities and officials of the bureaucracy without a collateral'.¹⁰⁸

There is, however, considerable divergence from the traditional model. The cursory conventional mention of 'household management' as a branch of political philosophy is replaced by a discussion of the political economy of Iran in some detail. Around the 1230s/1820s, Iran was flooded by imports

101 Nawwāb, *Dastūr*, 38–40, 201.

102 Nawwāb, *Dastūr*, 58, 65, 103.

103 All the estates thus recovered and developed became crown lands after the fall of Āqāsī (Nawwāb, *Dastūr*, 200), and he most probably intended them as such.

104 Nawwāb, *Dastūr*, 119.

105 Nawwāb, *Dastūr*, 120–1.

106 Nawwāb, *Dastūr*, 143.

107 Nawwāb, *Dastūr*, 143.

108 Nawwāb, *Dastūr*, 164.

from England and other European countries which damaged textile crafts and greatly reduced state revenues,¹⁰⁹ royal drafts were traded at a drastic discount.¹¹⁰ We are given details of tax farming revenues,¹¹¹ and of the growth of crafts and professions connected with the armaments industry,¹¹² Mīrzā Mahdī's edifying stories are not primarily about princes, and include quite a few contemporaries. Their protagonists include not only 'the free spirited (*āzādih*) prince', Shaykh 'Alī Mīrzā, governor of Malāyer and Tūyserkān, who frequented a 'son of learning' (*dānish-zāda*), but also 'an old cleric of Kan, a baker, a confectioner and a high official who was the son of a vendor of forage and fodder (*'allāf*)'.¹¹³ Furthermore, there is evidence of a public sphere of literate bureaucrats and affluent individuals, lively with gossip and occasionally political discussions. Thus conversations are reported from quite a few named individuals, and we hear of 'one of the landowners (*mallākīn*)' who was suspected of talking in secret and in public (*bi-anjuman*),¹¹⁴ a comment reported from 'those who go back and forth to London',¹¹⁵ and of 'a friend among the merchants who was my companion in private'.¹¹⁶

The emergence of critical political writings out of the statecraft tradition in the second quarter of the nineteenth century marks the transition to the era of reform that began with the new monarch, Nāšir al Dīn Shāh, and a new prime minister, Mīrzā Taqī Khān Amīr Nīzām, in 1848. Two of the earliest tracts submitted by the subjects in response to the new prime minister's published call for reform proposals show some affinity with the *Dastūr al-a'qāb* and the statecraft tradition that preceded it.¹¹⁷ These paid much attention to the political economy and the problems of craftsmen and merchants. Nevertheless, they are still very much written by subjects (rather than citizens). The shorter one reverberated an echo of the early Qajar statecraft by referring to the king as a 'customary (*'urfī*) *mujtahid*'.¹¹⁸ The longer tract was written by a literate hatmaker, Muḥammad Shafī' Qazvīnī, who was rewarded with a position as a secret reporter (*khufya-nivīs*) in the domestic spy service—yet another important institution in traditional statecraft.

109 Nawwāb, *Dastūr*, 30.

110 Nawwāb, *Dastūr*, 80.

111 Nawwāb, *Dastūr*, 91, 149.

112 Nawwāb, *Dastūr*, 168–9.

113 Nawwāb, *Dastūr*, 150, 154, 157–9.

114 Nawwāb, *Dastūr*, 46.

115 Nawwāb, *Dastūr*, 107.

116 Nawwāb, *Dastūr*, 146.

117 Muḥammad Shafī' Qazvīnī *Qānūn-i Qazvīnī* (Tehran, 1370sh/1991).

118 Qazvīnī, *Qānūn*, 141.

Imam Khomeini and the Constitution of the Rule of God in Contemporary Iran

When launching his revolutionary movement against the Mohammad Reza Shah Pahlavi in the 1970s, Ayatollah Sayyed Ruhollāh Khomeini assumed the title of Imam. This was totally unprecedented in the history of the Twelver Shi'a who had restricted the title to the holy Imams the last of whom was believed to have gone into occultation in the ninth/third century to reappear only at the End of Time as the Mahdi. The undisputed leader of the Islamic revolution and founder and charismatic leader of the Islamic Republic of Iran from 1979 to 1989, he set the direction of post-revolutionary developments in the two decades after his death. Imam Khomeini thus became the bearer of Shi'ite Islam into a new historical phase of its life as a world religion.

At the time of the Islamic revolution in 1979, he was already an old man. His Islamic revolutionary rhetoric was of course directed against the last Shah and the United States, but his formation predated the advent of both the last Shah and the United States on the Iranian scene, as did the preoccupations that made him a revolutionary when he was already an aging Grand Ayatollah (Sign of God).¹ Shi'ism had by the beginning of the nineteenth century developed an independent hierocracy that constituted one of the two powers in Iran's authority structure, the other power being monarchy—the state under the Shah.² This was in marked contrast to Sunni Islam, and also to the first two and half centuries of Shi'ism in Iran under the Safavid dynasty (1501–1722). In the twentieth century, state-building, secularization, and modernization greatly weakened the Shi'ite hierocracy but did not impair its independence from the state. What Khomeini succeeded in doing in the 1970s was mobilizing the militant elements within the beleaguered hierocracy for revolution against monarchy. Unlike the younger generation, Khomeini was not motivated by any obsession with the United States, even though he inimitably expressed the view of younger Iranians during the revolution by calling it the Great Satan. He was moved first to protest in the early 1960s and then to revolutionary action in the 1970s in order to preserve the Shi'ite tradition which had nourished him

1 This is the literal meaning of '*āyatollāh al-'ozma*', the honorific title of the foremost authorities in Shi'ite law who are followed by the laity as 'sources of emulation' (*marāje'e taqlid*).

2 See Chapter 9.

and he now saw as threatened with extinction. What Khomeini was taking on was thus no less than the whole twentieth-century idea of modernization that had become entrenched in the political culture of Iran since the Constitutional Revolution (1906–11). He could only do so by a revolutionary extension of the hierocratic authority of Shi'ite jurists as the "general deputies" of the Hidden Imam into the mandate of one among them to rule.³

Born in 1902, Sayyed Ruhollāh was an orphan raised by his uncle and older brother during Iran's Constitutional Revolution. Although his father had been a cleric, he did not belong to any of the elite clerical dynasties. Shi'ite religious leaders appeared in the forefront of the first popular protests in 1905 and 1906 but were quickly divided during that revolution. One of them, Shaykh Fazlollah Nuri, propounded the idea of "*shari'a*-based constitutionalism" (*mashruta-ye mashru'a*) and led a traditionalist movement against the Majles (Iranian parliament) in 1907–8. Khomeini considered the intellectuals and reformist bureaucrats in the first decade of the twentieth century had taken unfair advantage of the Shi'ite leaders who mobilized the masses and forced the Shah to grant a constitution, but were then excluded from power, in Nuri's case indeed executed, after the establishment of constitutional government. Khomeini undoubtedly shared this view. He was therefore a great admirer of Shaykh Fazlollah Nuri, who was lionized after the Islamic revolution as the far-sighted champion of Islam against the West.⁴

The policies of centralization and secularization under the builder of Iran's modern state, Reza Khan, Minister of War and Prime Minister since 1921, and thereafter Reza Shah Pahlavi (1925–41), were opposed by a few clerics in the 1920s and 1930s, but this opposition remained ineffective. The reign of Reza Shah encompassed Khomeini's formative years. Khomeini was atypical in his studies and chose to specialize in mystical philosophy, which was highly suspect in the legalistic scholarly community of Qom. While teaching mystical philosophy to a small number of students, he also began teaching courses in ethics for a much larger audience in the 1930s. The popularity of these lectures made the police apprehensive.⁵ Khomeini never forgot the loss of clerical power that resulted from secularization and the modernization of the state

3 The notion of 'general deputyship' (*niyābat-e 'amma*) of the Hidden Imam referred to collective hierocratic authority in the nineteenth and much of the twentieth century. Following Khomeini's ideological revolution in Shi'ism, it has been replaced in the discourse of the Islamic Republic of Iran by near-equivalent terms, *val-yi amr*, or *vali-ye faqih*, which I have rendered as 'theocratic monarch'. (Arjomand 2009).

4 Arjomand 1988:148–49.

5 Algar 1988.

and the humiliation of clerics by Reza Shah; he transferred his visceral hostility to the latter's son, Mohammad Reza Shah (1941–79), whom he contemptuously referred to as “the son of Reza Khan” throughout the revolutionary struggle.

State building and secularization undermined the power and institutional interests of the hierocracy. It was, however, by no means the only menace to the Shi'ite tradition that alarmed Khomeini, nor the one that first prompted him into action in the public sphere. The threat that made him a public intellectual long before he became a revolutionary was not political but cultural. Although he knew and was sympathetic to the clerical activists opposed to Reza Shah in the 1920s and 1930s, Khomeini's entry into the public arena began a few years after Reza Shah's departure from Iran. In 1944, when he was in his early forties, Khomeini anonymously published a book, attacking the advocates of Islamic reform. Writing on behalf of the religious leaders of Qom, whose authority was challenged by the proponents of the reform of Shi'ism, he offered an extensive and point-by-point refutation, in ten times as many pages, of an anti-clerical, modernist pamphlet by a journalist, 'Ali Akbar Hakamizadeh, and indirectly of the teachings of the latter's mentor, Rezāqoli Shari'at-Sangalaji, a clerical advocate of reform of Shi'ism whose followers called him “the Great Reformer” (*mosleh-e kabir*). Khomeini also attacked the views of the historian and reformist, Ahmad Kasravi, without naming him explicitly.⁶ Kasravi was later assassinated on account of those views by the first band of Islamic terrorists, the Devotees (*fedā'iyān*) of Islam, who enjoyed Khomeini's support.

The staunch traditionalism of the young Khomeini found expression in a book published anonymously in 1944 under the title of *Revelation of Secrets* (*Kashf al-asrār*). It consists in a vigorous defense of the Shi'ite hierocracy and its practices against the criticism of the modernists, who are derided as Wahhabis and imitators of the heretical Baha'is. Foremost among the traditional Shi'ite practices attacked by the reformists and defended by Khomeini was “imitation” (*taqlid*)—that is, the imitation of the clerical jurist by laymen, which is the foundation of clerical authority and the hierocracy in Shi'ism.⁷ Khomeini saw the reformist attack as part of the imperialist plot to destroy the Shi'ite hierocracy, and thereby Islam, which would have no guardians and be left to the compliant interpretation of feckless laymen. He countered by accusing the critics, who pretend to liberate themselves from imitation, of aping the enemies of Shi'ism: “at times, they imitate Ibn Taymiyya and the savages of Najd [i.e., the Wahhabis], at times the Babis and the Baha'i Abu'l-Fazl

6 Rajaei 2007:60–67.

7 Khomeini [1944]:192–202.

Golpaygani.”⁸ Among the Shi‘ite traditional practices attacked by the reformists and defended by Khomeini were supplication of the dead for granting of wishes, intercession (*shafā‘at*), miracles of the prophets, and holding religious gatherings to commemorate the martyrdom of Imam Hossein and his family (*rawzakhāni*).⁹

Having defended the authority and prerogatives of the hierocracy as clerical jurists and guardians of the Shi‘ite tradition, Khomeini proceeded to refute his opponents’ ideas of government (*hokumat*) and the law (*qānun*). Here, he lumped reformists together with modern middle class intellectuals, and offered a robustly traditionalist cultural critique of modernization under Reza Shah, ridiculing the modernist intellectuals, who were “fooled and lured by naked women in streets and swimming pools,”¹⁰ and condemning mixed schools for boys and girls, cinema, the removal of veil, and the borrowing of foreign hats as well as foreign laws, all of which were said to be forbidden by the law of Islam or divine law. Khomeini’s political ideas were just as traditionalist as his cultural critique. He displayed his erudition in discussing the conditional justification of working for government by medieval Shi‘ite jurists, even when it is in the hands of tyrants—a subject he never mentioned again when he began developing his own political theory in the 1960s.¹¹ He also showed his familiarity with the more recent political views of the Shi‘ite jurists during the Constitutional Revolution, and implicitly siding with the traditionalist Shaykh Fazlollāh Nuri and against the constitutionalist Mirzā Hossein Na‘ini, whose view was dismissed with an incidental remark: “deceiving appearance notwithstanding, there is no fundamental distinction among constitutional, despotic, dictatorial, democratic . . . and communist regimes.”¹²

On the other hand, Khomeini reiterated Nuri’s idea of “*shari‘a*-based constitutionalism,” with an added and sharply invidious contrast between secular laws “emanating from the syphilitic brains of a senseless batch” and “the law of Islam which God has send down for eternity and all of humankind.” The only form of government acceptable to reason is God’s government. “No religious jurist has said or written in any book that we are kings and sovereignty is our right.” Nevertheless, “the laws of parliament must be the explication of the very divine law. . . . As we have said earlier, we do not say government must devolve

8 Ibid.: 56.

9 Ibid.: 30–31, 79–82, 132–33, 173–74.

10 Ibid.: 236.

11 Ibid.: 225–30.

12 Ibid.: 289.

on the jurist (*faqih*). We say, however, that the government must observe the divine law . . . and this is not possible without the supervision of the clergy."¹³

With the advent of modern mass politics, the conditions of clerical domination itself changes. As Max Weber observed, "Hierocracy had no choice but to establish a party organization and to use demagogic means, just like all other parties."¹⁴ Thus, in the early 1960s, Khomeini set out to create, in contradistinction to the nationalist and the communist (Tudeh) political parties, a traditionalist political movement which was to be led by the hierocracy as the guardians of the Shi'ite tradition. Khomeini first appeared on the national political scene in 1963 as an outspoken critic of the Shah and his reform program. He was imprisoned, and after violent suppression of demonstrations by his supporters, exiled to Turkey, and then moved on to the Shi'ite holy city of Najaf in Iraq. It was during the decade and a half of exile in Iraq that Khomeini began to prepare a beleaguered Shi'ite hierarchy for the takeover of a hostile, secularizing state of the Shah. The first organized group Khomeini had put together in 1963 was destined for a long clandestine life before and an equally long public life after the revolution. It was a mixed group of his lay and clerical supporter which called itself, grandly if awkwardly, the Coalition of Islamic Societies (*Hey'athā-ye Mo'talefā-ye Eslāmi*), that succeeded in assassinating Prime Minister Hasan-'Ali Mansur in 1966. As the number of its clerical members, who were originally to guide and supervise the laymen, grew disproportionately in the 1970s, they formed their own organization in 1977 in preparation for revolution and called it the Society of Militant Clergy (*Jāme'a-ye Ruhāniyun-e Mobārez*).¹⁵

Khomeini had by that time enlisted many of the ablest and most energetic Shi'ite clerics. The militant clerics rallied in opposition to the corrupting influence of Western cultural domination, and to the Shah's policies, which they considered a threat to the existence of religious institutions. Khomeini had trained a large number of clerics in his long teaching career, first in Qom and later in exile in the Shi'ite centers of learning in Iraq. According to the official historian of the Islamic revolutionary movement the future President of the Islamic Republic of Iran, Hasan Ruhāni, Khomeini had trained 500 *mujtaheds*, or Shi'ite jurists, throughout his long teaching career, and that 12,000 students took his courses in the years immediately preceding his exile.¹⁶ The militant clerics began calling him Imam—a title reserved for the twelve holy Imams

13 Ibid.: 292, 186, 222, respectively.

14 Weber 1978, 2:1195.

15 Rajaei 2007:123–26.

16 Ruhani, 1982:42–50.

and not used by anyone else for over a thousand years. The leading clerics who were later to occupy the highest positions of power in the Islamic Republic, were, with rare exceptions, Khomeini's former students, and second, his collaborators in the agitations of the 1960s. They tended to be from the traditional urban background typical of the Shi'ite clergy in the preceding century. Keenly aware of the dispossession of the Shi'ite hierocracy by the Pahlavi regime, they sought to recover lost historical privileges. The younger clerics, on the other hand, were heavily drawn from humbler rural and small-town backgrounds. For them, the Islamic revolution would create avenues of rapid upward social mobility.

Foremost among these clerics who steered the militant hierocracy in the demagogic direction by providing it with a coherent ideology was Hojjat al-Eslām Sayyed Mohammad Hosseini Besheshi, a founder of the Society of Militant Clergy who had broken his politico-ideological teeth as a clerical member of the Party of Toilers of Iran (*hezb-e zahmatkeshān-e Irān*) under its boisterous leader, Mozaffar Baqā'i Kermani. Beheshti forged the ideological weapon for the recovery of lost privileges of the ranking militant Ayatollahs, and for assuring the rapid social ascent of the younger clerics from humbler backgrounds, like Khomeini himself, on the basis of Imam Khomeini's loosely outlined theory of theocratic government.

In his 1944 book, Khomeini had maintained that *mojtaheds* had the authority to supervise parliamentary legislation and the deeds of the monarch. In the following decade, he took a radical position in a tract on independent law-finding (*ejtehād*), which he had apparently written in the early 1950s but not published until 1964–5. He used the term *hākem* not only in the Arabic, technical sense of (religious) judge, but also in the Persian everyday sense of governor, to extend the judiciary authority of the *mojtahed* to the political sphere as the right to rule.¹⁷ While in exile in Najaf, Khomeini developed this idea further into his theory of *velāyat-e faqih* as the mandate of the jurist to rule,¹⁸ both in a series of lectures in Persian which were published in Beirut in 1970 under the title of *Velāyat-e faqih*, and in a work of jurisprudence on transactions, published in the second volume of his treatise, *kitāb al-bayʿ*, in 1971. According to the traditional Shi'ite theory, the political authority of the infallible Imams fell into abeyance after the occultation or disappearance of the twelfth Imam, the

17 Khomeini Centennial, 9:15–17.

18 The concept had traditionally been defined narrowly as the authority in matters of *hisba* devolving on the jurist by default—that is, in cases where the principal was lacking or deficient. Khomeini expanded it into a theory of theocratic government based on the mandate of the jurist to rule. (Arjomand 1988:178).

Mahdi, in the ninth century. The authority of the Imams as teachers in religion and the Sacred Law, however, was transferred to the Shi'ite jurists. The scope of clerical authority gradually expanded over the centuries. Khomeini was the first Shi'ite jurist to open the discussion of "Islamic government" in a work of jurisprudence, and he took the radical step of claiming that the Imams' right to rule also devolved upon the jurists during the occultation of the twelfth Imam. Not only did the mandate to rule devolve upon the religious jurists, but if one of them succeeded in setting up a government, it was the duty of the other jurists to follow him.¹⁹

This last step, contrasting sharply with the traditional Shi'ite principle that no jurist has any authority over other jurists, radically undermined the position of the other *mujtaheds*, who were categorically independent according to the traditional Shi'ite theory, especially the pre-eminent jurists at the highest echelon of the Shi'ite hierarchy, the so-called *marāje'-e taqlid* (sources of imitation). As Hashemi-Rafsanjani attested in the Friday sermon following Khomeini's death, this was a revolutionary departure from the Shi'ite tradition: "The writing of *The Mandate of the Jurist* itself at that time in Najaf was a great revolution: that he should come from the jurists and write on such a topic!"²⁰ Neither Khomeini nor his successors were able to reconcile the old and the new principles of juristic authority, however.

With his theory of theocratic government made known in clerical circles, Khomeini began to prepare a beleaguered Shi'ite hierarchy for the takeover of a hostile, secularizing state. There was, however, no general public discussion of the Mandate of the Jurist, for which the time was not thought ripe. Khomeini's clerical followers were enjoined to live up to their responsibility as the custodians of the Shi'ite tradition, and to unite in order to remove the danger and preserve Islam. To do so, they had to overthrow the monarchy and set up an Islamic theocratic government. The younger militant clerics mobilized by Khomeini preached his revolutionary message in mosques and religious gatherings. It is interesting to note that Khomeini's defense of clerical authority in 1944 reflected the traditional ranking within the hierarchy, aiming primarily at the vindication of the clerical jurists while

19 R. Khomeini, *Ketāb al-bay'* (Qom, n.d.[1971]), 2:461–90. At this time, he was still prepared to grant Islamic legitimacy to a regime not based on direct clerical rule: "The preservation of order and defense of the borders of the Muslims [requires] the establishment of a just Islamic government . . . In case of the just jurists are lacking or incapable of rising to do so, this is incumbent on the just [lay] Muslims, but they require the permission of the jurist, if available." (Ibid., 2:497–98) For a critical discussion, see Kadivar 1998:22–26.

20 Arjomand 1993 (Shi'ite Jurisprudence): 104.

putting down the preachers or “people of the pulpit” (*ahl-e menbar*) somewhat disparagingly.²¹ Now, the pulpit, politicized, modernized, and technologically amplified through the widespread use of cassettes, became Khomeini’s main tool for demagogic mobilization.

Upon the victory of the Islamic revolution, Imam Khomeini insisted that he was setting up a government based on the Sacred Law (*hokumat-e shar‘iyya*) and appointing a Provisional Prime Minister “by the general and the sacred mandate (*velāyat-e shar‘i va velāyat-e ‘āmm*).²² He treated the property confiscated from the Pahlavi family and other industrialists of the old regime as war booty according to religious law, and constituted them into a number of foundations, most notably the Foundation for the Disinherited (*Bonyād-e Mostaz‘afin*). Most of the foundations were put under the direction of clerics. Khomeini as the charismatic leader of the Islamic revolution issued many of the early revolutionary decrees as the ‘Deputy of the [Hidden] Imam’ (and not a jurist). His mandate was, however, soon extended to the legal sphere and his manual of jurisprudence, *Tahrir al-Wasila*, was declared the law of the land.²³

Just as his clerical lieutenants were busy writing his notion of the mandate of the jurist into the draft constitution in early September 1979, Khomeini famously declared: “our people made the revolution for Islam, not for Persian melon.” He proceeded to ridicule the Marxists of the Tudeh Party by comparing them to donkeys: “For the donkey, the infrastructure of everything is the economy.”²⁴ In December 1979, Khomeini asserted that the nation which had so overwhelming approved the new Constitution “wants neither East nor West but only an Islamic Republic—this being so, we have no right to say that the nation that engaged in an uprising did so in order to have democracy.”²⁵

He had regretted his early but tentative approval of a draft constitution prepared by the Provisional Prime Minister Bazargān, and entrusted, in the summer of 1979, the constitutional translation of his idea of the Mandate of the Jurist (*velāyat-e faqih*) to his clerical lieutenants, Ayatollahs Hosyan-‘Ali Montazeri and Mohammad Beheshti. The latter cut short the debate on the principle of the Mandate of the Jurist in the Assembly of Experts which passed it on September 12, while the former aired it in public for the first time in his Friday sermon two days later, securing the worshippers’ acclamation in

21 Khomeini [1944]: 211.

22 Imam Khomeini, *Sahifa-ye Nur*, 3:236, 251–52.

23 Schirazi 1997:62–71, 97.

24 Imam Khomeini, *Sahifa-ye Nur*, Tehran, 1371/1992, 5:409–410.

25 Cited in Ramazani 1990:49.

their cry: “Mandate of the Jurist is the protector of our revolution!”²⁶ Clerical opponents of the principle within the Assembly were only able to vent their frustration only later, and one of them pleaded passionately: “Do not allow our enemies to say that a bunch of mullahs sat there and wrote a constitution to justify their own rule. For God’s sake, don’t do this . . . by consigning all the power to the Jurist, do not turn the sovereignty of the people into a lion without head, tail, and body. For God’s sake, don’t do this.”²⁷ But this passionate plea had no effect. From that point on, the constitutional developments in the Islamic Republic of Iran primarily consisted of a series of adjustments required for a working synthesis of the theocratic idea of the Mandate of the Jurist with the legal principles and organization of the modern Iranian nation-state.

Khomeini had carefully chosen the term “Islamic government” (*hokumat-e eslāmi*) as his revolutionary slogan, and instructed his agents not to discuss his theory of Mandate of the Jurist during the revolutionary mobilization against the Shah. He had not mentioned the word ‘republic’ (*jomhuri*) in his writings on government, and there is reason to believe that he considered the Islamic republic the form of government for the period of transition to theocracy. This much was confirmed on the eve of the referendum on the 1979 Constitution by Ayatollah Beheshti: “As the first slogan, ‘Islamic government’ was chosen, which was very good and expressive, and when it was decided that the regime would have a President, it was called the ‘Islamic Republic,’ but the true and perfect name for this regime is the ‘regime of the *umma* and Imamate’ (*nezām-e ommat va emāmat*).”²⁸

In an important lecture delivered on the eve of the referendum on the 1979 Constitution, delivered at the birth place of ‘Ali Shari‘ati’s (d. 1977) new Islamic ideology in the lectures of earlier in the decade, Tehran’s Hosaynia Ershād, its chief architect, Ayatollah Beheshti, reflected on the theoretical foundations of the proposed constitution. He disclosed the true character of the political regime that constitution was designed to create as the ‘regime of the *umma* and Imamate’. The fundamental error of Iran’s first revolution, the Constitutional Revolution, he argued, was to call the new order it created ‘constitutional’ (*mashruta*), a concept that was “borrowed and did not pertain

26 All quotations are as cited in Ghamari-Tabrizi 2008:52–53, with the translation slightly modified.

27 Proceedings 1979, 2:115–16; tr. Ghamari-Tabrizi 2008:68–69.

28 Beheshti: 15. The argument that the Imam considered the ‘Islamic Republic’ a transitory stage to the ultimate ‘Islamic Government’ circulated among the clerical elite since the beginning, and was made explicit and publicized by the supporters of the hardliner Ayatollah Mesbah-Yazdi at the beginning of 2006. (Iran Emrooz, 1/2&4/06).

to the Islamic culture.”²⁹ The historic mission of the current [Islamic] revolution was to base the constitution on a correct ideological (*maktabi*) conception of Islam and thereby to convert ‘the people’ to the *umma* (community of believers). “From the perspective of the Islamic ideology,” this *umma* inevitably needs the Imamate.³⁰ It follows that “the management of society deriving from the *umma* and Imamate is based on the ideological school (*maktab*).”³¹ Beheshti’s interpretation of Khomeini’s Mandate of the Jurist as Continuous (*mostamerr*) Imamate was thus constitutionalized as the core institution of the new Islamic regime.

The institutionalization of the charismatic leadership of Khomeini as the new Imam took the form of the incorporation of the novel idea of Continued Imamate into Articles 5 and 57 of the Constitution of the Islamic Republic of Iran. “Continuous Imamate and leadership” was enumerated (Article 2.5) among the principles of faith, and Article 5 invested the supreme jurist called the Leader with “the mandate to rule (*velāyat-e amr*) and Imamate of the *umma* in the Islamic Republic of Iran during the Occultation of the Lord of the Age.” Article 57 put the legislative, executive and judiciary powers under the supervision of “the mandate to rule and Imamate of the *umma*.”³²

The Constitution of 1979 also created a Guardian Council to which the Leader appointed six clerical jurists with veto power over all parliamentary legislation. This produced a prolonged constitutional crisis that was resolved by Khomeini in the beginning of 1988 with the proclamation of the Absolute (*motlaqa*) Mandate of the Jurist. He reprimanded the future Supreme Leader, President Sayyed ‘Ali Khamanei, for saying that the authority of Islamic government could only be exercised within the framework of the ordinances (*ahkām*) of the *shari’a*. Government in the form of the God-given absolute mandate (*velāyat-e motlaq*) was “the most important of the divine commandments and has priority over all derivative divine commandments . . . [It is] one of the primary commandments of Islam and has priority over all derivative commandments, even over prayer, fasting and pilgrimage to Mecca.” Five days later, he reaffirmed that

29 Beheshti 1999:15.

30 Ibid.: 16.

31 Ibid.: 20.

32 In 1989, the phrase was amended in accordance with Khomeini’s proclamation of the Absolute Mandate of the Jurist to read: “the absolute (*motlaqa*) mandate to rule and Imamate of the *umma*.”

The commandments of the ruling jurist (*vali-ye faqih*) are primary commandments and are like the commandments of God. . . . The regulations of the Islamic Republic are Islamic regulations, and obedience to them is incumbent. . . . [They are all] governmental ordinances (*ahkām-e hokumati*) of the ruling jurist. . . . In reality, it is because of the legitimacy of the Mandate [of the Jurist] that they all acquire legitimacy. . . . The Mandate of the Jurist is like the soul in the body of the regime. I will go further and say that the validity of the Constitution, which is the basis, standard and framework of all laws, is due to its acceptance and confirmation by the ruling jurist. Otherwise, what right do fifty or sixty or a hundred experts have. . . .? What right do the majority of people have to ratify a Constitution and make it binding on all the people?

The chastened Khamenei was then made to propound the principles of the new theocratic absolutism but propounded them:

The commandments of the ruling jurist (*vali-ye faqih*) are primary commandments and are like the commandments of God. . . . The regulations of the Islamic Republic are Islamic regulations, and obedience to them is incumbent. . . . [They are all] governmental ordinances (*ahkām-e hokumati*) of the ruling jurist. . . . In reality, it is because of the legitimacy of the Mandate [of the Jurist] that they all acquire legitimacy. . . . The Mandate of the Jurist is like the soul in the body of the regime. I will go further and say that the validity of the Constitution, which is the basis, standard and framework of all laws, is due to its acceptance and confirmation by the ruling jurist. Otherwise, what right do fifty or sixty or a hundred experts have. . . .? What right do the majority of people have to ratify a Constitution and make it binding on all the people?

On February 6, 1988, Khomeini appointed a commission, which included the six jurists of the Guardian Council, the President, and the Prime Minister, to determine “governmental ordinances” in cases of disagreement between the Majles and the Guardian Council.³³ The Council for the Determination of the Interest of the Islamic Order (*majma‘-e tashkhis-e maslahat-e nezām-e eslāmī*), henceforth the Maslahat Council, held its first meeting a week later, set its procedural rules, and elected President Khamenei chairman. With this final step to end the decade of constitutional crisis, to resolve the uncertain status of the novel “governmental ordinances” and the difficulties in Islamicizing the

33 For all the citations and dates, see Arjomand 1993 (“Shi‘ite jurisprudence”): 96–98.

Iranian public law, “*maslahat* was declared to be the final decisive principle of legislation.” Ayatollah ‘Abdol-Karim Musavi-Ardabili, the President of the Supreme Judiciary Council, who was among those who had pressed Khomeini to set up the Maslahat Council, hailed its creation as “the most important of all the achievements of the revolution.”³⁴

It was not easy to reconcile Khomeini’s final legal revolution with the Shi‘ite legal tradition of the jurists’ law. It led to the resignation of the Guardian Council’s Secretary and ablest jurist, Ayatollah Lotfollah Safi, who insisted on remaining faithful to the Shi‘ite tradition by opposing the imposition of Maslahat or public interest upon the norms of its jurisprudence. Imam Khomeini acknowledged the validity of Safi’s objection but nevertheless affirmed that his revolutionary deviation was necessary. The legal logic and rationality of the modern state Khomeini had swallowed thus finally overcame the traditional logic of the Shi‘ite jurists’ law.

Khomeini remained ruthlessly firm and resolute to his last days. But God did not let Khomeini have his way at the end. He could not overthrow Saddam Hussein the way he had the Shah. He opposed the ending of the increasingly unpopular war with Iraq (1980–88) until he finally decided to drink “the cup of poison” and accept a ceasefire with Iraq on July 18, 1988. Two days later, the Iraq-based forces of the Mojahedin-e Khalq attacked western Iran and were wiped out. In the following weeks, he ordered the execution of well over 3,000 Mojahedin who had already served or were serving sentences given them by revolutionary courts.³⁵ Despite the vehement protest of his successor-designate, Ayatollah Montazeri, that the execution of those who had already been sentenced by the courts and committed no new offenses meant “disregard for all judicial principles,” Khomeini opted for their elimination by judicial murder.³⁶ Khomeini issued what can in retrospect be considered a vintage ‘governmental ordinance’ (*hokm-e hokumati*),³⁷ ordering them to sentence the “treacherous hypocrites” [Mojahedin] who “are waging war on God and are condemned to execution.”³⁸

34 Schirazi 1997:236–37.

35 The names and dates of execution for 3,201 during the summer of 1988 were published by the Mojahedin. The massacre did not officially end until Khomeini’s amnesty on the tenth anniversary of the revolution in February 1989. (Afshari 2001:113, 116).

36 Buchta 2005:20.

37 This order showed total disregard for judiciary independence and undermined the authority of the clerical judges by making the intelligence officers their partners on the bench.

38 Cited in Buchta 2005:18.

In the little time he had left (it turned out to be less than a year), the Imam had to attend to the constitutional crisis of his Islamic order. Given his half a century of polemical feud with Iranian Marxists, the incipient collapse of Communism in the last year of his life must have been a delight to the aged Khomeini and renewed his optimism in the last year of his life. In his new year message on January 1, 1989, he urged the Soviet leader, Mikhail Gorbachev, to learn about Islam as Communism now belonged to the museum of history. "The Islamic Republic of Iran, as the greatest and most powerful base of the Islamic world," he said triumphantly, "can easily help fill up the ideological vacuum of your system!"³⁹ In April 1989, he ordered the revision of the Constitution of 1979 on seven precise points to ensure that, unlike Communism, the theocratic republic he had set up in Iran would survive into the next millennium.

Khomeini died on 3 June 3, 1989. Just as millions of Iranians massed to welcome him when he returned as the Imam from exile in 1979, a million or more joined his funeral procession when he died ten years later. When visiting the massive mausoleum built for him by his followers in 1993, I was struck by a prayer for visitors hanging on the walls to read. The prayer begins with the praise of the Prophet and the first seven holy Imams, but omits the subsequent Imams, replacing the eighth Imam, 'Ali al-Reza, who is buried in Mashhad, with the latter-day new Imam buried in the mausoleum, the "Holy Warrior Spirit of God (*ruh Allāh al-mojāhed*),⁴⁰ Khomeini."

39 Cited in Ramazani 190:49.

40 A play on Khomeini's first name, Ruhollāh.

PART 3

*The Bearers of Shi'ite Islam and Its Institutional
Organization*



Hosayn B. Ruh Al-Nawbakhti, the Third Emissary of the Hidden Imam*

SHAIKH ABU'L-QĀSEM ḤOSAYN B. RUḤ B. ABI BAḤR NAWBAKHTI, also known as Ruhi, the third of the four “special vicegerents” (*nowwab-e kāṣṣa*) of the Hidden Imam. His vicegerency lasted from Jomāda II 305/November 917 (or a year earlier) to Ša'bān 326/June 938. Although he is commonly known by the *nesba* Nowbakhti, he probably acquired the name of this illustrious family from his mother rather than his father. It is also probable that he was from Qom, as he spoke the dialect of nearby Āba and maintained close ties with the Imami community there (Ebn Bābavayh, pp. 502–4; Ṭusi, pp. 195, 229; Eqbāl, p. 214).

The vicegerency of Ḥosayn b. Ruḥ coincided with the rise to power of a number of Imam families at the service of the 'Abbasid state under the caliphs al-Moqtader (295/903–320/932), al-Qāher (320/932–322/934), and al-Rāzi (322/934–329/941). In this period, members of the House of Forāt and other Shi'ite viziers intermittently controlled the 'Abbasid bureaucracy, while the members of the Nawbakhti and other Shi'ite families served as tax farmers, officials, and lower-ranking viziers. With the absence of the Imam into its fifth decade, the Nawbakhtis came to exercise a preponderant influence over the Imami hierarchy and community, and by the early 4th/10th century Abu Sahl Esmā'il b. 'Ali Nawbakhti (d. 311/923) had established himself as the leader of the Imami Shi'a in Baghdad.

In common with many other members of the Nawbakhti family, Ebn Ruḥ began his career in the 'Abbasid financial administration. His date of birth is not known, but the highly improbable reports that he was a close companion of the eleventh, and even the tenth Imam (Eqbāl, pp. 214–15), should be dismissed. He may have been a junior clerk at the holy seat in the third/ninth century, as a decree of excommunication is said to be written in his hand (Ṭusi, p. 245). The report that he held office during the vizierate of the Shi'ite Abu'l-Ḥasan 'Ali b. Moḥammad b. Forāt, from 304/917 to 306/919, is more reliable. By this time, he had become one of the ten agents of the second vicegerent, Moḥammad b. 'Othmān 'Amri (or 'Omari), though not one particularly close

* Originally published as “Hosyan Ebn Ruh,” in *Encyclopaedia Iranica*, 12 (2004): 506–508.

to the latter (Ṭusi, p. 225). One tradition attests that he was ‘Amri’s agent during the two or three years immediately before his succession (Ebn Bābavayh, p. 501; Ṭusi, p. 225). He is said to have supplemented his official income during this time by 30 dinars in commissions (Ṭusi, p. 227). It is tempting to speculate that the appointment of Ebn Ruḥ as the third vicegerent of the Hidden Imam prior to the death of the second vicegerent was related to the marriage of the latter’s daughter, Omm Kolthum, to a member of the Nawbakhti family, Aḥmad b. Ebrāhim (Ṭusi, pp. 228–29; Eqbāl, p. 243; see further below). In any event it came as a major surprise: the followers of the older Imami tradition in the hierarchy expected the choice of ‘Amri’s close associate, Ja‘far b. Moḥammad b. Motayyel or his father (Ṭusi, p. 225), while the faction under the sway of the new Imami leadership expected it to be the aforementioned Abu Sahl Nawbakhti (Ṭusi, p. 240). The traditions in support of Ebn Ruḥ, mostly transmitted by Omm Kolthum and Aḥmad b. Ebrāhim’s grandson, report that Ja‘far eventually accepted this surprising choice by the second vicegerent on the latter’s deathbed (Ebn Bābavayh, p. 503; Ṭusi, p. 226). In fact, there was some initial opposition to the take-over of the hierarchy by Ebn Ruḥ, and one of the Hidden Imam’s agents, Moḥammad b. Faḏl of Mosul, only accepted him and submitted his accounts after much persuasion, as late as 307/919, two years after the second vicegerent had died (Ṭusi, pp. 192–93).

There were already signs of trouble ahead in the last years of ‘Amri’s life, when his authority was challenged, first in around 300/912 by the controversial mystic Ḥosayn b. Maṣṣur Ḥallāj (q.v.; d. 310/922), who claimed to be the deputy (*wakil*) of the Lord of the Age (Ṣāḥeb-al-Zamān), and then, in 303/914–15, by someone who claimed to be the Lord of the Age himself, returning from occultation (Klemm, p. 133; Arjomand, 1996, p. 506). The response to this crisis of hierocratic authority represents the first of Ebn Ruḥ’s two major policies, which he pursued with vigor and determination to consolidate his leadership of the Imami hierarchy. He declared the resumption of direct communication between the Hidden Imam and the community, which had been interrupted a quarter of a century earlier (Ebn Bābavayh, pp. 92–93; English tr. Arjomand, 1997, p. 8). Since the resumption of communication required an intermediary, it is most probably at this time that the term “emissary” (*ṣafir*, which was later to be applied to all the four special vicegerents) started to be used as the formal designation of the head of the hierarchy. When Moḥammad b. ‘Othmān ‘Amri died in Jomāda II 305/November 917 (or a year earlier), his daughter Omm Kolthum asserted that he had designated Ḥosayn b. Ruḥ as his successor, and her husband, Aḥmad b. Ebrāhim Nawbakhti, as the chief secretary at the holy seat. His Nawbakhti kinsmen testified that the dying vicegerent had presented his successor to them thus: “Here is Abu’l Qāsem al-Ḥosayn b. Ruḥ b. Abi Baḥr

al-Nowbakhti, my lieutenant and the emissary (*safir*) between you and the Lord of the Command (*Šāḥeb al-Amr*)” (Ṭusi, pp. 226–27). On 24 Šawwāl 305/9 April 918, the newly ensconced *safir* produced the first decree said to be issued by the Hidden Imam after a quarter of a century of silence. The subject of the decree was, appropriately, the confirmation of Ebn Ruḥ as the new head of the hierarchy.

The second major policy which Ebn Ruḥ instigated was the official standardization of Imami law. His chief assistant in this project was Moḥammad b. ‘Ali Šalmaḡāni who, like Ebn Ruḥ, was a protégé of the Forāts in the caliphal bureaucracy. Ebn Ruḥ closely supervised Šal-maḡāni at the bureau of the Hidden Imam in the compilation of a legal manual, entitled *Ketāb al-taklif* (Ṭusi, pp. 228, 239; Eqbāl, p. 230). It was sent for approval to the jurists of Qom (Ṭusi, pp. 229–40).

While he was directing the affairs of the Imam community, Ebn Ruḥ’s career in the caliphal bureaucracy underwent the vicissitudes typical of a period of political instability with frequent changes of viziers. He was known for practicing dissimulation (*taqiya*) to an extent that seemed unseemly for the vicegerent of the Hidden Imam to at least one follower (Ṭusi, pp. 236–37). Eventually, Ebn Ruḥ went into hiding, appointing Šalmaḡāni as his deputy with the responsibility to manage the affairs of the holy seat (Ṭusi, pp. 185–86). This was presumably before the return of his patron, Abu’l Ḥasan ‘Ali b. Moḥammad Forāt, to the position of vizier in Rabi‘ II 311/July-August 923.

In 924/312, the vizier Abu’l Ḥasan Forāt and his son, Moḥassen, were executed. Ebn Ruḥ was imprisoned on fiscal charges, and Šalmaḡāni fled to Mosul, whose Hamadanid rulers were Shi‘ite. Despite his legal learning, Šalmaḡāni soon abandoned law for antinomian extremism and appears to have sought to carry Ebn Ruḥ and Omm Kolthum along with him, by claiming that they were reincarnations of ‘Ali and Fāṭema respectively (Ṭusi, p. 249; Eqbāl, p. 227); Šalmaḡāni claimed for himself the rank of “Gate” (*bāb*) to the Hidden Imam before, eventually, in the manner of Ḥallāj, he also claimed to be the actual incarnation of God. Ebn Ruḥ refused to join him in what he regarded as a heresy, and so he issued a decree from prison, which purported to emanate from the Hidden Imam, to excommunicate Šalmaḡāni. The decree is said to have been issued in Du’l-Ḥejja 312/March 925 but was not publicized until shortly before Ebn Ruḥ’s release from prison in 317/929 (Ṭusi, pp. 187, 252–53). Šalmaḡāni challenged Ebn Ruḥ to a *mobāhala* (a formal ordeal of mutual imprecation invoked by disputing individuals; Ṭusi, pp. 186–87). With considerable inside knowledge of the holy seat of the absent Imam, Šalmaḡāni knew, as did Ebn Ruḥ, that everything was at stake, or as he put it: “we were wrangling over this matter just as dogs over a corpse” (Ṭusi, p. 241).

Ebn Ruḥ's release from prison also meant his rise to eminence for the rest of his life. It coincided with the ascendancy of his Nawbakhti kinsmen in the caliphal state. 'Ali b. 'Abbās Nawbakhti and his son, Ḥosayn (d. 326/938), to whom Ebn Ruḥ was particularly close, were preeminent from 317/929 to 324/937, while Eshāq (322/934), son of the great Abu Sahl Nawbakhti, emerged as the caliph-maker after the murder of al-Moqtader in 320/932 (Eqbāl, pp. 186–210). Ebn Ruḥ frequented the court of Rāzi be'llāh, who became caliph in 322/934, and exerted considerable influence on him. In these favorable political circumstances, Ebn Ruḥ used his political power and influence in the caliphal state and its judiciary to destroy Šalmaḡāni and suppress his heresy. The latter was arrested, tried with his followers, and eventually executed on 29 Ḍu'l-qa'da 322/11 October 934.

The defection and heresy of Šalmaḡāni must have ruined Ebn Ruḥ's plans for legal reform. He did not issue another official manual of law and contented himself with advising the scandalized believers to continue using Šalmaḡāni's legal works and to reject only what was his personal opinion in them (Ṭusi, pp. 239–40; Eqbāl, pp. 231–32). Ḥosayn b. Ruḥ died on 18 Ša'bān 326/20 June 938, and was buried in the district of Baghdad known after the Nawbakhti family as the Nawbakhtiya, where his tomb has become a Shi'ite shrine.

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The Clerical Estate and the Emergence of a Shi'ite Hierocracy in Şafavid Iran*

This chapter is devoted to the elucidation and explanation of a fact of momentous importance which has so far remained undetected: in the Şafavid period the terms “*ulamā*,” together with the more specific religious titles and designations, refers to two direct social groups. The two groups are as follows: an ‘estate’ of clerical notables, who were Sunnis prior to the conquest of Iran by Ismā’īl I, but who formally professed Shi’ism and entered the service of the Şafavids as judges and clerical administrators, and a group of religious professionals consisting of the Shi’ite doctors. The two groups were very distinct during the first half of the sixteenth century because of their different geographical backgrounds and social ties. The fusion of these two groups reached its highest point in the first decades of the seventeenth century. The two groups became increasingly differentiated thereafter. The composition, functions, outlook and relative importance of the ‘men of religion’ thus undergo a remarkable change during the Şafavid era. The era begins with the hegemony of a homogeneous mandarin-like clerical estate, with a fairly broad cultural outlook, engaged in a number of judiciary, and quasi-political, quasi-religious functions, and ends with the uneasy coexistence of this estate with a markedly different status group: a group of religious professionals, with a narrowly dogmatic and juristic outlook, forming the nascent Shi’ite hierocracy. With the increasing predominance of this latter professional status group, the religious institution in Shi’ite Iran begins its evolution from a position of embeddedness in political organization—that is, the state—towards autonomy.

In an important article, Aubin has traced the incorporation of a crucial status group who may be referred to as an ‘estate’ of the clerical notables, into the Şafavid state under Ismā’īl I.¹ Aubin points out the dual roots of the local power of the Persian clerical notable families—their large landholding (often accompanied by the administration or supervision of endowments

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1 J. Aubin, “Şāh Ismā’īl et les notables de l’Iraq persan,” *Journal of the Economic and Social History of the Orient* 2 (1959): 37–81.

and charitable and religious activities associated with local shrines), and, very often, their charisma of lineage as well-established *sayyids* or descendants of the Prophet. This status group formed the recruitment basis of pre-Şafavid administration, especially religious and judiciary institutions: the Offices of the *şadr* (in charge of administration of *awqāf*—religious endowments—and the distribution of their revenue), the qadiships, and the Offices of *Shaykh al-Islām* of the cities. As Aubin demonstrates, the Persian clerical notables were speedily incorporated into Ismā'īl's Turkman empire of conquest in the course of its consolidation. The obituary notices of the Şafavid chronicles confirm not only the continued social eminence of the *sayyids* and other established clerical families under Ṭahmāsp and 'Abbās I and throughout the seventeenth century, but also their continued dominance over the educational, judiciary and the religious institutions of the Şafavid state.²

What interests us here is not so much the relative prominence of this status group vis-à-vis other elements in the Şafavid polity, but their characteristics as a 'clerical estate', their relationship to the intellectual, religious and legal institutions, and the reception they granted to the immigrant Shi'ite theologians from the Arab lands, and to their students.

1 Institutional Bases and Culture of the 'Clerical Estate'

The Şafavid inherited from the Timurids and the Aqquyunlu the typical Islamic cluster of intellectual institutions consisting of the qadiships, the mosques and the *madrāsas* (colleges) and the religious endowments—*awqāf*. The state controlled these institutions through the office of the *Şadr*, an office with no exact equivalent in the Ottoman or 'Abbāsid polities. The Timurid decrees recorded in the *Sharaf-nāmeḥ* of Marvārīd (d. 1516–17) show two important facts about the office of the *Şadr*. As regards the social position of its occupants, we can note that the office tended to remain within the same families of notables, a fact indicating a strong hereditary tendency in the appropriation of the office.³ With regard to the extensive jurisdiction of the office, its twofold functions can be seen to consist in (a) the supervision and administration of the religious endowments and distribution of their revenue to the students and clerics and

2 For the reign of Ṭahmāsp, the evidence is compactly gathered in a chapter of T. A. Ab. (T. A. Ab., 1:143–153). For the subsequent period, the information about the politically prominent families of clerical notables from Kh. T. and T. A. Ab., especially the obituary notices given after the events of each year.

3 H.-R. Roemer, *Staatsschreiben der Timuridenzeit*, (Wiesbaden, 1952), fasc. ff. 4b, 7a.

to charitable undertakings; and (b) the supervision of the administration of the Sacred Law as the chief judiciary authority of the State.⁴

Owing to its financial control over most religious endowments and many religious activities, the office of the *Şadr* was the most important 'religious' office of the realm. In the militarized conquest-oriented state of Ismā'īl I, the *Şadr*, as a rule, simultaneously held the rank of an *amīr* (general).⁵ Ismā'īl's defeat by the Ottomans at the battle of Chāldirān in 1514/920 marked the end of his military expansionism. Shortly after Chāldirān, with the appointment of Mīr Jamāl al-Dīn Shīrangī, who remained in office until his death in 1525/931, the office of the *Şadr* became clearly differentiated from Şafavid military organization, and exclusively concerned with (financial) religious and judiciary affairs.⁶ The Şafavid *Şadrs* thus assumed the functions of the Timurid *Şadrs* as the foremost clerical administrator of the realm,⁷ with certain judiciary

4 Ibid., Commentary, pp. 143–146.

5 T. Akh., 111: under Years 915, 917, 919; Ross Anon.: 152a, 208b. See also K. M. Röhrborn, *Provinzen und Zentralgewalt Persiens im 16. und 17. Jahrhundert*, (Berlin, 1966), pp. 72–73.

6 In Khurasan, where the military threat of the Uzbeks continued, however, Mīr Muḥammad ibn Mīr Yūsuf held the offices of amirate and *şadārat* jointly from 921 to 927 (1515–21). (Ross Anon.: 292a; H. S., 4:553–554; T. Akh., 111).

7 This is clear from Ṭahmāsp's brief description of the functions of the office of the *Şadr* in his autobiography (T. Sh. Tp.: 3; see also T. A. Ab., 1:144), attesting to the continuity in the Şafavid institutional framework with the previous period. Over a century later Du Mans emphasizes the distribution of *awqāf* revenue to the needy and the deserving (*ahl-e istiḥqāq*) among the functions of the *Şadr* (Du Mans: 160). Therefore, Savory's facile but generally accepted assertion that the "prime task [of the *Şadr*] was to impose doctrinal unity on Persia by the energetic propagation of Twelver Shi'ism," which was achieved under Ismā'īl I, and that its importance declined thereafter (*Cambridge History of Islam*, 1:402), is both misleading and untenable. It is misleading insofar as it presents religious propaganda and assurance of doctrinal conformity as the main function of this office. It is true that this function was discharged by Ismā'īl's *Şadrs* on occasion (Ross Anon.: 271a; T. J. A.: 278). But the sources in no way support the contention that imposition of doctrinal uniformity was the *Şadr*'s primary function, nor that it was entrusted to him alone. We have already mentioned that the *Şadrs* were not typically Shi'ite theologians, and that they include at least one Sunni. In addition, what should be stressed is the continuity in the functions of *şadārat* with the Timurid and Aqquyunlu period: management of the religious endowments and the distribution of their revenue among the *sayyids* and the religious functionaries.

Furthermore, the assertion is completely untenable as regards the alleged decline of the importance of the office. Though there were naturally ups and downs, both the early and the late Şafavid sources clearly attest to the continued importance of the office, which, in fact was enhanced in the seventeenth century with the steady increase in the volume of religious endowment over a prolonged period of economic prosperity. At the close of the Şafavid era,

responsibilities which became more extensive in the seventeenth century.⁸ As we shall see presently, the hereditary tendency in the appropriation of the office also set in at the beginning of the seventeenth century, and soon became very pronounced.

Under the Ṣafavids, the administration of the religious endowments became centralized, and conducted under the supervision of one, or on occasion, two *Ṣadrs*, who appointed deputies, with or without the title of *nā'ib al-ṣadāra*, to the regions. It is not clear from the sources whether the *Ṣadr* controlled the appointment of the local *qāḏīs* in the sixteenth century; but in the seventeenth century, their centralized control over the religious institutions included the prerogative of appointment of *qāḏīs*.

However, the centralized control of the *Ṣadr* did not extend over the most richly endowed shrines—notably those in Mashhad and Ardabil—whose administrators (sing, *mutavallī*) were appointed directly by the Shāh. The administratorship (*tawliyat*) of the independent endowments of these shrines was firmly retained by the clerical notables, who were also often entrusted with other purely administrative functions.⁹

Before turning to other functionaries, it is important to emphasize the essentially administrative nature of the office of the *Ṣadr*. The primacy of this administrative (over the religious) aspect of the office is shown by the fact that both its geographical division under Ṭahmāsp and earlier, and, much more clearly its division into *Ṣadr-e Khāṣṣeh* (*Ṣadr* of the royal domains) and the *Ṣadr-e Mamālik* (*Ṣadr* of the [fiscally autonomous] provinces) in the seventeenth

Mīrzā Abū-Ṭālib, the *Ṣadr* of Suleymān, still ranks as the second, or at worst the third, most highly paid official of the realm (Tk. M.: tr. 86).

The real difference with the pre-Ṣafavid period was connected not with Shi'ism, but with the increasing degree of centralization of the administration of religious endowments as a part of the general tendency towards administrative centralization in the seventeenth century.

8 R. M. Savory, "The Principal Offices of the Ṣafavid State During the Reign of Ismā'īl I (907–30/1501–24)," *Bulletin of the School of Oriental and African Studies* 23 (1960): 79–83.

9 In 1563–4/971 Mīr Sayyid 'Alī Raḏāvī Qumī is appointed the administrator of the shrine of Mashhad, and the *vazir* of the realm (Kh. T.: 209). The lack of differentiation of political/administrative and religious/financial functions was especially pronounced in Ardabil. This is clearly shown by a *farmān* of Shāh Ṭahmāsp cited by Röhrborn (p. 72). Furthermore, in 1637, the *mutavallī* of Ardabil is said to have "both spiritual and temporal jurisdiction" (Olearius: 307). Finally, the ten *farmāns* issued by Ṭahmāsp II after the fall of Isfahan (between 1722/1135 and 1726–7/1139) clearly show the military (raising of troops), administrative and fiscal duties of the *mutavallī* of Ardabil. (cited by B. Fragner in *Turcica*, 6 [1975]: 177–225.)

century,¹⁰ followed a strictly administrative logic. Furthermore, it is instructive that Ḥazīn's detailed picture of the religious and intellectual circles in the early decades of the eighteenth century makes no references to the *Ṣadr*.¹¹ It is significant that 'Abbās II (1642–1666) appointed his famous *Ṣadr*, Mīrza Mahdī to Grand Vazirate, presaging the post-Ṣafavid transformation of *ṣadārat*. Under the Qājārs, whose rule began in the last decades of the eighteenth century, the term *Ṣadr* lost all religious connotations, and as *Ṣadr-e A'zam* (Grand Ṣadr) came to designate the highest *administrative* office of the State: that of the Prime Minister. But neither in the sixteenth century nor at any other time did the *Ṣadr* act as the authoritative custodian of the Shi'ite doctrine.

The *shaykh al-Islām* of a city was its chief religious dignitary, and the *qāḍī*, its religious judge. They were appointed by the state. The *qāḍīs*, and certainly the *shaykh al-Islāms*, were scholars, and were likely to have students and hold academic classes in their residence or elsewhere. In addition, there were the *madrāsas* under the direction of their respective professors (sing. *mudarris*). Chardin puts the number of the *madrāsas* of Isfahan in the 1660's at 57. Each of these had dormitories and maintained a number of students indefinitely on the income drawn from its endowments, and subventions from the *Ṣadr*.¹² Finally, there were the mosques with appointed prayer leaders (sing. *pīsh-namāz*). We know that in the seventeenth century, an administrator (*mutavallī*) with distinctly secular/financial functions, was appointed for each endowed mosque, in addition to the *pīsh-namāz* as the director of its religious activities.¹³ A *qāḍī* was usually also a professor; and it was possible for a *qāḍī* to hold the office of *pīsh-namāz* simultaneously.¹⁴

Given the royal appointment of the *shaykh al-Islāms*, and the important *qāḍīs*, and the underlying centralized financial control of the *Ṣadr*, this complex of financial, legal, educational and religious institutions had the potential

10 M. Rāvandī, *Tārīkh-e Ijtīmā'ī-ye Īrān*, (2nd ed.), (Tehran, 1977), 3:480.

11 Tk. H. L.

12 Chardin, 5: Ch. 2.

13 This is emphasized by Chardin who compares the great mosque's administrator (*mutavallī*) to a factory overseer. Chardin, 6:65.

Also Gemelli: 166. The less important religious functionaries connected with the mosques—the preachers (sing. *vā'iz*), reciters of the Qu'rān (*qārī*) and of *adhān* (*mu'dhdhin*)—as well as 'free-lance' *mullās* are excluded from our account of religious institutions.

14 J. Qā'im-maqāmi (ed.), *Yikṣad va Panjāh Sanad-e Tārīkhī*, (Tehran, 1969/1348), p. 26.

of being unified into a 'religious institution' incorporated into the 'Şafavid state' as were its counterparts in the Ottoman Empire.¹⁵ But it was not. Why?

The answer must be sought, at least in part, in the resistance of the Persian 'clerical estate' to the reception of the incoming Arab doctors and their students, who enjoyed the patronage of the Şafavid Shahs in exchange for the propagation of Shi'ism. As we shall see presently in detail, the first great immigrant Shi'ite theologian, Shaykh al-Karakī, (d. 1534/940) failed to capture the permanent control of the complex of religious-legal-intellectual institutions for the Shi'ite hierocracy. A Shi'ite doctor trained by him did hold the office of the *Şadr* for twenty years but exclusive control of the office reverted to the clerical notables. The holders of the office of the *Şadr*, over the subsequent 150 years, were drawn without exceptions, from the clerical estate.

The office(s) of the *Şadr* remained in the hands of a small number of notable families, with marked hereditary tendencies, even before the reign of Shāh Şafi (1629–42). From then onwards—that is, during the last century of Şafavid rule—*şadārat* became confined, with the (possible) exception of a single *Şadr*, to three eminent families, who were closely related to the Şafavids.¹⁶ Meanwhile, the tenure of the office became very long, usually for life. Shāh Sulţān-Ĥusayn (1694–1722) had a single *Şadr* who was his maternal uncle.¹⁷

TABLE 1 *Composition of the Şadrs under the important Şafavid Monarchs**

	A			B				
	Immigrant <i>Şadrs</i> or their		Clerical	Fathers, sons or relatives of		Other		
	Total descendants		notables	of whom		Other	other <i>Şadrs</i>	
				Şufis	Jurists	Adm. Clerics		
Ismā'īl I 1501–1524	6	–	5	2	–	3	1	–
Ṭahmāsp 1524–1576	11	1	10	1	2	7	–	5 ^a

15 H. A. R. Gibb and H. Bowen, *Islamic Society and the West*, 1, Pt. 2, (Oxford, 1957): Chs. VIII–XII.

16 Sanson: 13, Tk. M. Commentary: 111; Chardin, 6:49.

17 H. Mudarrisī Ṭabāţabā'ī, *Mithālhā-ye Şudūr-e Şafavī*, (Qum, 1974/1353), pp. 21–23.

	A					B			
	Immigrant Şadrs or their		Clerical notables			of whom		Fathers, sons or relatives of other Şadrs	
Total descendants						Şufis	Jurists	Adm. Clerics	Other
‘Abbās I 1587–1629	8	–	8	–	2	6	–	–	4 ^b
Şafī 1629–1642 and ‘Abbās II 1642–1666	2	–	2	–	–	2	–	–	2 ^c
Suleymān 1666–1694	3	–	–	–	–	3	–	–	2 ^d
Sultān- Ḥusayn 1694–1722	1	–	1	–	–	1	–	–	1 ^e

a Of these, three were the members of the family of Naqīb Işfāhānī, and two, of the notable *sayyids* of Shūshtar. Between them, the two families held the office of the *Şadr*, either independently or as joint-*Şadr* for over 40 years (T. Akh.: Years 938, 964, 965, 970–971, 975; Kh. T.: 145a–146, 183a–184, 207).

b All the four belonged to the Shāhristānī *sayyids* of Isfahan, who from the second generation onwards, became the closely related kin of Shāh ‘Abbās through marriage (T. A. Ab., 2:1089).

c Mīrzā Ḥalibullāh and his son Mīrzā Mahdī, descendants of al-Karakī. Although al-Karakī’s great grandson through his daughter, Mīrzā Ḥalibullāh, appointed *Şadr* by Şafī in 1631/1041 (Iskandar Beg Turkamān and Muḥammad ibn Yūsuf, *Dhayl-e Tārīkh-e Ālam-ārā-ye ‘Abbāsī*, (A. Suheyli-Khwansari, ed.), (Tehran, 1938/1317), p. 91), and the latter’s son Mīrzā Mahdī, who succeeded him in 1654/1064 (Mīrzā Muḥammad Tāhīr Vahīd Qazvīnī, *‘Abbās-nameh*, (I. Dihgan, ed.), (Tehran, 1951/1329), p. 143) were descendants of the *mujtahid*, there is every indication that they had by then been assimilated to the clerical estate as the inheritors of the vast landed estates in central Iran accumulated by their fathers. In fact, not only do they not appear as jurists, but also seem to have dispensed with their epithet of *sayyid*, while serving the Şafavids as high-ranking clerical administrators.

d Mīrzā Abū Şālīḥ and Mīrzā Abū Ṭālib from the notable family of the Raḍāvī *sayyids* of Mashhad.

e Mīrzā Sayyid Muḥammad Bāqir Ḥusaynī. His son and another close relative of his were appointed *Şadrs* by Ṭāhmāsp II. (Mudarrīsī Ṭabāṭabā’ī, pp. 22–23.)

* Based on T. Akh., Ross Anon., Kh. T., Ah. T., T. A. Ab. and V. S. A., additional information regarding the intellectual outlook drawn from R. Ad.

Turning now to the other important offices controlled mainly by the clerical notables, we should note an important trend which adversely affected the institutional domination of the clerical estate. It consisted of a marked decline in the prominence of the *qāḍīs* in the polity, especially with the establishment of a powerful centralized government by ‘Abbās the Great. This decline is reflected in the following table:

TABLE 2 Qāḍīs as % of the prominent Clerical Dignitaries

Period	%	(Absolute Numbers)
Ismā‘īl I 1501–1524	32	(12/38)
Ṭahmāsp 1524–1576	18	(20/113)
Qizilbash Interregnum 1576–1587	24	(5/21)
‘Abbās I 1587–1629	9	(4/46)

Sources: H. S. (written in 1520's/930's), 4:603–618, is used for the reign of Ismā‘īl I; Shaykh al-Karakī's name is not mentioned on those pages but was added. Kh. T. and T. A. Ab., 1:143–158 are drawn on for Ṭahmāsp's period. Kh. T. (written in 1594–5/1003), especially the obituary notices at the closing section of each year, is used for the Interregnum. Kh. T., Nq. A., but mainly T. A. Ab. are used for ‘Abbās I's period.

The absolute numbers given in brackets are of course not comparable as the sources are different. (The relatively large number of persons for Ṭahmāsp's reign is due to the fact that T. A. Ab.'s compact picture of the dignitaries of Ṭahmāsp's reign (1:143–158) is drawn with a hindsight different from the viewpoint of the earlier Kh. T.)

The lowered status honor of the *qāḍīs* indicated by the low figure for the reign of ‘Abbās is paralleled by a drastic decline in the importance of the office of *qāḍī mu‘askar*—the army judge (which, however, continued to exist, like the office of *khalīfat al-khulafā’* until the end of the Ṣafavid era, as something of a relic). This decline was not reversed in the seventeenth century.

To complete our picture with regard to the seventeenth century, we must add another important category of the clerical estate: the *sayyids* who, either because of the lack of vacant post or for other reasons, did not engage in any administrative functions, but whose (undefined) functions were religious.

Though they must have possessed some religious learning, this learning was secondary to the basis of their domination over the masses, which rested primarily on their *charisma of lineage* as the descendants of the Prophet and the Imāms. According to Du Mans, they collected the religious taxes (*zakāt*), and, more significantly, *khums*.¹⁸ In addition, they received regular stipends from the *awqāf* through the *Ṣadr*'s department, in exchange for praying for the perpetuity of the dynasty (*du'ā-gū'ī*).¹⁹ Chardin tells us that the Ḥusaynī *sayyids* of Isfahan, belonging to the ancient nobility of the kingdom, even arrogate *ijtihād* to themselves, and often accept penitence (*tawbeh*) as do the *mujtahids*.²⁰

The incorporation of the estate of clerical notables into the judiciary and administrative offices of Ismā'īl's regime of which we have spoken was of course accompanied by the violent elimination of those notables who openly opposed the regime, or were suspected of harboring hostile attitudes,²¹ and by the migration of those who were not willing to give up their formal profession of Sunnism.²² However, there are strong indications of the persistence of crypto-Sunnism among the Persian clerical elite throughout the sixteenth century.²³ There are also indications of political opposition to Ṣafavid rule on their part.²⁴ Despite the probable insincerity in their initial outward profession of Shi'ism, and the persistence of Sunni proclivities among them, there can be no doubt that the vast majority of them did in fact become Twelver Shi'ites by the seventeenth century. However, what is of crucial importance is that this formal change in doctrinal profession affected their cultural outlook very little, if at all. Comparing the descriptions of the intellectual interests and competence

18 Du Mans: 81.

19 Rāvandī, 3:485.

20 Chardin, 6:298.

21 H. S., 4:603–618.

22 E. Glassen, "Schāh Esmā'īl I und die Theologen seiner Zeit," *Der Islam*, 48 (1971–2): 262.

23 This partial retention of the Sunni outlook interestingly manifests itself in the case of those who migrated to India. It was said of Akbar's tutor, 'Abd al-Laṭīf, that "while in Persia, from which country he was a refugee, he was accused of being a Sunni, and in India of being a Shi'a." (J. N. Hollister, *The Shi'a of India*, [London, 1953], p. 130.)

24 Mīr Makhdūm Sharīfī, a notable from Shiraz, openly professed Sunnism, was appointed Ṣadr by Ismā'īl II, fled to the Ottoman Empire, and dedicated a polemical tract about the 'scandalous' religious practices (*faḍā'ih*) in Shi'ite Iran to the Ottoman Sultan, to whom he enjoins complete total and unconditional obedience (see *al-Nawāqid li-Bunyān al-Rawāfiq*, British Library MS or 7991). The historian Mīr Yahyā (author of *Lubb al-Tawārīkh*), belonging to the notable family of the Sayfī *sayyids* of Qazvin, was executed by the order of Ṭahmāsp in 1555/962 after being denounced as a Sunni and imprisoned two years earlier. (C. A. Storey, *Persian Literature. A Bio-bibliographical Survey*, [London, 1927–39], 1:111.)

of the members of the clerical estate given in *Ḥabīb al-Sīyar* (1520's) and *Jāmi' Muḥīdī* (1670's), one is struck by the constancy in their cultural outlook.²⁵ Perhaps it can be said that rhetoric figures somewhat more prominently in the former source, and religious sciences, mathematics and calligraphy in the latter, but in both cases the same broad range and catholicity of intellectual interests and training is evident. Philosophy, the religious sciences, grammar and logic, calligraphy, mathematics, astronomy, rhetoric, composition and literary style, and, less frequently, history and composition of puzzles (*fann-e mu'ammā*), appear as the main subjects of study.²⁶ Though we may infer from our sources that a few did naturally specialize in the religious sciences,²⁷ there can be no doubt that the broad and eclectic cultural outlook continued to be typically characteristic of the clerical mandarins under the Ṣafavids.

2 Geographical Background and Culture of the Imāmi Hierocracy

The cultural outlook of the Imāmī '*ulamā'* of the Arab lands was markedly different from that of the Persian clerical estate. They had had no comparable ties with any state and therefore lacked a similarly broad legal, administrative, financial and political base, had for centuries acted as private jurists and religious advisors to the Shi'ite minorities in the Arab Iraq, Syria, or in the isolated Bahrain. Consonantly with their more narrowly professionalized function as advisors to the Shi'ite communities in matters of dogma, ritual and Sacred Law, the cultural outlook of the Shi'ite '*ulamā'* was strictly religious.²⁸ Though philosophy—usually in conjunction with rational theology (*kalām*), Arabic grammar—as a tool of religious jurisprudence, and, to a much lesser extent mathematics, were included in the syllabus of learning, the overwhelming preponderance of strictly religious interests is clearly reflected in the publications

25 H. S., 4:603–618; J. M., 3, Pt. 1: 298–379, 382–390.

26 Astrology, numerology, medicine and architecture appear as professionalized branches of learning and not so much as the ingredients of the general culture of the literati.

27 Of the 37 persons extracted from H. S., two appear as exclusively religious scholars, and two to have religious expertise in the religious sciences and at least one other branch of learning. The number of the exclusively religious specialists can be put at seven out of a total of some 100 persons mentioned in J. M. In both cases, no specialization is specified for a substantial number of the persons mentioned. It does not seem unreasonable to assume that the outlook of this last group, with no evident specialization, conforms to the general diversified pattern.

28 Q. U.: 204–352.

of the Shi'ite '*ulamā*' of the Ṣafavid period as reported in Shi'ite biographical encyclopedias,²⁹ and in the Ṣafavid chronicles.³⁰

The geographical factor is of crucial importance in understanding the cultural orientation of the Shi'ite hierocracy. To show the importance of the centers of Shi'ite learning in the Arab lands, it seems useful to begin with a preliminary consideration of the origins of the prominent Shi'ite '*ulamā*':

TABLE 3 *Geographical origins of the prominent Shi'ite 'Ulamā' of the Ṣafavid Period**

Date of death	Place of birth							Total
	Iran	Arab Lands					Total	
		Total	Jabal Āmil	Arab Iraq	Bahrain	Other		
I. 907–979 1501–1572	5	8	5	1	1	1	13	
II. 980–1050 1572–1641	16	13	9	3	1	–	29	
III. 1051–1100 1641–1689	18	10	5	–	5**	–	28	
IV. 1101–1150 1689–1737	14	12	2	2	8	–	26	
TOTAL							96	

* As reported in the Shi'ite bibliographical compendia, of which R. J. and Q. U. are used as the basis of our tabulation. Six brief entries of minor Bahrani '*ulamā*' from Q. U. (pp. 288–289) were excluded. So were 13 undatable entries in R. J. (of whom six resided in Iran, and seven abroad). Had these two sets of persons been included, they would quite probably have given an even stronger representation of the dominant trends shown in this and the following table.

** Two persons from Ḥuwayza are included in the Bahrain entry because of the great cultural-linguistic similarity of the two areas.

29 Q. U., R. Ad. and R. J. have been consulted for this purpose.

30 The obituary notices in Ah. T., Kh. T., and T. A. Ab. These are of course less detailed than the previous sources, and relate only to the most eminent of the '*ulamā*'.

Table 3 is primarily useful in indicating a shift from the clear predominance of Jabal ʿĀmil over the other Arab regions in the first 140 years of our period to an equally clear predominance of Bahrain in the last 50. But it does not reflect the extent of influence of the Shiʿite traditions of the Arab lands because it does not show the movement of the Shiʿite *ʿulamāʾ* of Iran to the centers of learning abroad. The extent of this cultural influence is better reflected in the following table, which shows the main residence of the important Shiʿite *ʿulamāʾ*:

TABLE 4 *Geographical Distribution of the prominent Shiʿite ʿulamāʾ of the Ṣafavid period**

Date of death	Main residence									
	Iran					Abroad				Total***
	Total	of whom	of whom	Total	of whom	of whom	of whom	of whom		
from	1st gen.	immigr.	Jabal	Mecca	Iraq	Bahrain	Other			
	Iran			ʿĀmil						
I. 907–979 1501–1572	6	4	2	8	3	–	2	1	2	14 (13)
II. 980–1050 1572–1641	19	12	7	11	3	3	3	1	1	30 (29)
III. 1051–1100 1641–1689	18	16	2	12	2	3	3	3***	1	30 (28)
IV. 1101–1150 1689–1737	17	13	4	10	–	–	2	8	–	27 (26)
TOTAL										101 (96)

* Sources: Those used for Table 3 (R. J. and Q. U.).

** Observations made under Table 3 apply equally to this table.

*** A total of five cases of double entry have had to be made. The figures in brackets in the totals column show the absolute number of persons involved.

The combination of the total number of *ʿulamāʾ* resident abroad, and the number of first-generation immigrant doctors in Iran for each period (the figures underlined in Table 4) give us a good index of the degree of pre-

ponderance of the influence of the Arab centers of Shi'ism.³¹ The fact that the marked preponderance of these centers continued despite the emergence of a great center of learning in Isfahan under 'Abbās the Great (the first three decades of the seventeenth century) is explained by the considerable immigration of Shi'ite *'ulamā'* from Jabal 'Āmil to Isfahan.³² But the students of the immigrant doctors representing this influx were predominantly drawn from the Iranian population. They remained active in Iran (as row III of the table shows, sixteen of them rose to prominence during the subsequent period as compared to a total of fourteen scholars who were either residents abroad or Arab immigrants). The vitality of Isfahan continued into the last decades of the seventeenth and the first decades of the eighteenth century, while its closer proximity to Bahrain, in addition to the flourishing trade in the Persian Gulf, brought a pool of Shi'ite scholars in Bahrain into the network of erudite religious communication (see row IV of Table 4). However, it should be emphasized that even in the latter part of the seventeenth and the first quarter of the eighteenth century, a substantial proportion of the community of Shi'ite religious scholars resided in the Arab lands. Thus, the common cultural outlook of the Shi'ite *'ulamā'* did not stem from common bases in the Ṣafavid polity—as did that of the clerical notables—but from the identity of their cultural functions as the teachers of, and advisors in, religious jurisprudence, ritual and dogma. Unlike the estate of clerical notables, they constituted an elite of *religious professionals*.

31 An item of factual information contained in Table 4 concerns the emergence of a Shi'ite scholarly community in Mecca in the seventeenth century. This community consisted mainly of scholars from Jabal 'Āmil, and Iran—notably Astarabad; and it was there that the Akhbārī movement was launched by Muḥammad Amīn Astarābādī, though not without encountering the opposition of the *'ulamā'* of Jabal 'Āmil.

32 After becoming the capital of 'Abbās' empire, roughly one-half of the total number of the important *'ulamā'* residing in Iran inhabited it. After an initial disproportionately large influx with the founding of the *madrasas* (see row II of Table 5), about the same proportion of immigrants was absorbed by it.

TABLE 5

	Date of death	Main residence			
		Total for Iran		Resident of Isfahan	
		Total	from Iran	1st gen. immigrants	
I.	907–979 1501–1572	6	1	–	1
II.	980–1050 1572–1641	19	9	4	5
III.	1051–1100 1641–1689	18	8	7	1
IV.	1101–1150 1689–1737	17	8	6	2

(This table is a further breaking down of the data of Table 4).

Most of the immigrant Shi'ite *'ulamā'* found an (exalted) institutional niche in Šafavid Society in the more narrowly religious institutions: the shaykh al-Islāmate of the important cities and the *pīsh-namāz* of the royal household, and of the most important mosques. We have rarely noticed instances of an eminent *mujtahid* or *'ālim* being appointed *qāḍī* (not even of the most important cities). Instead, those of them who chose to accept the royal patronage, were invariably appointed as *Shaykh al-Islāms*,³³ or (less frequently)

33 Al-Karakī was given supervisory primacy over other *shaykh al-Islāms*. The other eminent *mujtahid* of Ismā'il's time, Shaykh Zayn al-Dīn, the second Martyr (d. 1557–8/965), was Shaykh al-Islām of Harat for some two years (from 928 to 930) before returning to Syria (H. S., 4:610). Mīr Sayyid Ḥusayn, 'the Mujtahid of the Age' was the Shaykh al-Islām of Ardabil under Ṭahmāsp (Kh. T.: 224a; T. A. Ab., 1:145). Shaykh 'Alī Munshār Karakī (d. 1576–7/984) was the Shaykh al-Islām of Isfahan (Kh. T.: 249). Mīr 'Abd al-Šamad Ḥusayn al-'Āmilī (d. 1576–7/984) was appointed Shaykh al-Islām of Harat and of Khurasan (T. A. Ab., 1:156), and his renowned son Bahā' al-Dīn 'Āmilī, became the Shaykh al-Islām of Isfahan in 1597–8/1006 (T. A. Ab., 1:156; Nafisī, pp. 20–45). Finally, al-Ḥurr al-'Āmilī, arriving in Iran in the last quarter of the seventeenth century, was appointed Shaykh al-Islām of Mashhad.

pīsh-namāzs.³⁴ The number of immigrant doctors was not large enough to exclude the Persian clerical notables from the majority of such offices. The appointees to *pīsh-namāzī*, through the nature of the office, tended to be strictly religious professionals.³⁵ It seems probable that under the influence of the eminent Shi'ite doctors, the appointments to shaykh al-Islāmates also tended to go increasingly to religious professionals, though contrary instances are not lacking.³⁶ In short, we can say that the Shi'ite religious professionals came to absorb the offices of *pīsh-namāzī*, and shaykh al-Islāmate; and to assimilate the outlook of their holders, thus constituting a decentralized Shi'ite hierocracy in Iran. In addition, this hierocracy contained members who hold no office. A man of learning who had acquired fame and risen to the exalted rank of *mujtahid*, could continue to teach and lead a pious life in total independence from the state, and was revered all the more if he chose to do so.

As *mujtahids*, *shaykh al-Islāms*, scholars and *pīsh-namāz* of the most important mosques, the members of the Shi'ite hierocracy became increasingly conspicuous in Ṣafavid society: (see p. 186, Table 6).

As the term '*ulamā'*' (the learned, scholars) indicates, teaching is, and always has been a primary function of the Shi'ite doctors. As has been pointed out, even those appointed to the office of *shaykh al-Islām* would usually continue to hold their classes. Owing to its amorphousness and flexibility (the students could take lessons in different subjects from *any* professor within the geographical vicinity and often moved to other cities to join the classes of eminent professors), the educational system proper too absorbed its share of the immigrant '*ulamā'*' as professors (sing. *mudarris*) of the 'transmitted sciences' and Shi'ite jurisprudence. Given the declaration of the Imāmī doctrine and jurisprudence as the official and only valid religious tradition, the immigrant Shi'ite '*ulamā'*' had no difficulty in capturing the teaching of the 'transmitted' religious sciences (*manqūl*)—as distinct from 'rational' theology and philosophy (*ma'qūl*), and are repeatedly mentioned as the professors of *manqūl* to the '*ulamā'*' of the subsequent generations, and to the prominent members of the clerical estate. However, even within the intellectual institutions, they could not oust the professors of the rational sciences; and their attempt to take over the judiciary and financial branches of the complex of 'religious' institutions both met with the firm resistance of the clerical estate

34 T. A. Ab., 1:157–158; Kh. T.: 97, 201.

35 E.g., J. M., 3, Pt. 1:310–315.

36 Kh. T.: 177; J. M., 3, Pt. 1:360, 375–376. On the other hand, as evidence of assimilation of the Shaykh al-Islāms into the hierocracy, the following references may be cited: J. M., 3, Pt. 1:307–308, 310–315, 361–363.

TABLE 6 *Members of the Shi'ite Hierocracy* as % of the Prominent Clerical Dignitaries***

Period	%	(Absolute Numbers)
Ismā'īl I 1501–1524	5	(2/38)
Ṭahmāsp 1524–1576	12	(13/113)
Qizilbash Interregnum 1576–1587	19	(4/21)
'Abbās I 1587–1629	20	(9/46)

Sources: Those used for Table 2.

* *Mujtahids* and *pīsh-namāz* of the most important mosques of the royal household.

** The above, plus the 'clerical estate'—scholars, *qāḏīs*, *Ṣadrs*, administrators of important holy shrines, and powerful provincial *sayyids*.

and encountered internal obstacles; consequently it came to naught. It is to this undiscovered struggle that we should now turn.

3 The Struggle for Hierocratic Domination

3.1 *The Sixteenth Century*

Though there is no inherent logic in the pattern of change reflected in Tables 2 and 6, a comparison between the two suggests that, roughly speaking, the clerical estate's overall loss of institutional power due to the decline of qadi-ship corresponded to the Shi'ite hierocracy's gain in prestige and control over the shaykh al-Islamātes. In other words, the configuration of the complex of religious-legal-education institutions changed: a fairly well differentiated hierocracy of religious professionals was structurally accommodated within it while the salience of the legal components of the complex was reduced. What underlay this change was a tangled struggle for domination between our two groups. The nature and course of the struggle are difficult to detect and chart because one of the two parties involved, the party of religious professionals,

was itself undergoing a major internal transformation determined by two contrary factors: the trend towards professionalization vis-à-vis a major change in composition owing to the recruitment of its younger members from the opposing camp, namely, the clerical estate. Such detection and charting can therefore only be done with a historical hindsight as the actors involved were at times only dimly conscious of the full repercussions of their action and the ultimate goal they were striving towards.

Glassen has noted the hostility with which the prominent members of the Persian clerical estate encountered the eminent doctor Shaykh 'Alī al-Karakī (d. 1534/940) and his party at the time of his final arrival in Iran.³⁷ This hostility persisted throughout the sixteenth century, thus militating against a smooth mutual assimilation between the slowly immigrating Shi'ite doctors and the Persian clerical estate. In fact, the clerical estate bitterly resented the intrusion of the Shi'ite religious professionals under the protection and patronage of the ruler, and their pre-emption of the term *'ulamā'*—the learned. One clerical notable and historian of Ṭahmāsp's reign, Qāḍī Aḥmad Ghaffārī (d. 1567–8) even dared to state bluntly in his *Tārīkh-e Jahān Ārā*:

... But in his [Shāh Ṭahmāsp's] view (opinion), they were turning the ignorant—*juhalā'*—into the learned—*fuḍalā'*—and were attributing the station of the ignorant to the learned. Therefore most of his domains became devoid of men of excellence and knowledge, and filled with men of ignorance; and only a few men of [true] learning are to be found in the entire realm of Iran.³⁸

However, Ṭahmāsp's determined support assured the survival of the Shi'ite hierocracy and paved the way for its eventual triumph. Soon after the rise of Ismā'īl the Ṣafavid, al-Karakī moved from his native Jabal 'Āmil in Syria to the closeby Arab Iraq, and is reported to have visited Ismā'īl in Isfahan as early as 1504–5/910 in Isfahan.³⁹ He repeated his visits to Ismā'īl and saw him in his camps⁴⁰ in Harat⁴¹ and just before the battle of Chāldirān.⁴² He finally moved to central Iran towards the end of Ismā'īl's reign.⁴³ But his definitive chance to

37 Glassen, "Isma'īl und Theologen," esp. pp. 262–263.

38 Cited from a manuscript of T. J. A. in M. Rāvandi, *Tārīkh-e Ijtima'i-ye Īrān*, (Tehran, 1977), 3:483.

39 Ross Anon.: 113(a).

40 Kh. T.: 102(a).

41 Ross Anon.: 198(a).

42 *Ālam Ārā-ye Shāh Ismā'īl*, (A. Muntazir-Şāhib, ed.), (Tehran, 1971/1349), pp. 479–481.

43 Kh. T.: 102(a).

act as the supreme member of the Shi'ite hierocracy came after the death of Ismā'īl I, who after all, was himself the incarnation of God.

Ismā'īl's son, the young Ṭahmāsp, was a devout Twelver Shi'ite, who unlike his father and forefathers, had no pretense to divine incarnation. He greatly respected al-Karakī who is often referred to as 'the Propagator of the [Shi'ite] Religion' (*muravvij-e madhhab*). In 1533/939, a year before al-Karakī's death, he issued a *farmān* which can be regarded as the milestone marking the definitive transition from 'extremism' to Twelver Shi'ism.⁴⁴ The *farmān* designate al-Karakī the *Nā'ib* (Vicegerent/Deputy) of the Imām, thus devolving the supreme religious authority upon him as the most qualified or "the Seal of the *mujtahids*" (*khātām al-mujtahidīn*) and as the guardian of the heritage of the Seal of the Prophets (Muḥammad).⁴⁵

Al-Karakī's self-designation as the Deputy of the Imām, however, precedes this explicit royal recognition, and begins with his ambitious political project as the foremost Imāmī jurist. In 1510/916, in a tract on taxation of agricultural land (*kharāj*), he explicitly put forward his views as the Deputy of the Imām during his Occultation.⁴⁶ With the creation of the first Shi'ite empire in history by Ismā'īl, al-Karakī took up the unprecedented challenge of bringing the Ṣafavid political order within the ambit of the Shi'ite religious norms, and of securing an important institutional base for its custodians. To assure the involvement of the '*ulamā*' in political organization, he not only emphatically ruled in favor of the permissibility of receiving salaries from 'tyrannical rulers', paid out of land taxes, but also envisioned some supervision over the distribution of these taxes by the Deputy of the Imām.⁴⁷ To enhance the world-oriented social aspect of Shi'ism, in the controversial issue of the Friday prayer during the Occultation of the Imām, he ruled that it was incumbent, thus assuring the weekly gathering of the believers, and, incidentally, securing for the Shi'ite '*ulamā*' positions as prayer leaders (sing. *pīsh-namāz*) of the mosques.⁴⁸

Having taken the above consistent ideological position, al-Karakī embarked upon the conquest of the religious institutions for the Shi'ite hierocracy, beginning with the most important: the office of the *Ṣadr*. In 1527–8/934, for the first (and last) time, an immigrant Imāmī doctor, Mīr Ni'matullāh Ḥillī

44 This transition entailed the formal disavowal of the 'extremist' fusion of religious and political domination and the onset of the Twelver Shi'ite differentiation of political and hierocratic domination.

45 Kh. T.: 104(a); V. S. A.: 461.

46 Khj.: 35, 42.

47 Khj.: 15, 27, 35, 42.

48 H. Algar, *Religion and the State in Iran: 1785–1906*, (Berkeley, 1969), p. 23, n. 88.

(d. 1534/940), a student of al-Karakī's, himself "claiming *ijtihād*," was appointed the joint-*Ṣadr*,⁴⁹ sharing the office with a clerical notable, Mīr Qavām al-Dīn Husaynī, the *naqīb* of Isfahan. Mīr Qavām died in the following year, and Amīr Ghiyāth al-Dīn Manṣūr (d. 1542/949), a distinguished scholar and the scion of a renowned family of clerical notables from Shiraz, succeeded him as the joint-*Ṣadr*.⁵⁰ The Shi'ite hierocracy and the Persian clerical estate clashed in the persons of Shaykh al-Karakī, the *mujtahid*, and Ghiyāth al-Dīn Manṣūr, the scholar-administrator.

Al-Karakī and Ghiyāth al-Dīn Manṣūr were worlds apart in their intellectual outlook. The writings of the 'Seal of the *Mujtahids*' were exclusively religious and jurisprudential.⁵¹ By contrast, Ghiyāth al-Dīn Manṣūr, one of whose various titles was "the Seal of the Philosophers" (*khātām al-ḥukamā*), had numerous publications in the 'rational sciences' (philosophy and philosophical theology) in the tradition of his father who was famous for his controversy with the philosopher Jalāl al-Dīn Davvānī.⁵² According to *Takmilat al-Akhhār*, he surpassed the other scholars ('*ulamā*') in philosophy, astronomy, mathematics and medicine, but "had no accomplishment in religious jurisprudence." (*ū rā az fiqh bakhshī nabūd*).⁵³ Controversy raged between the two men, and the pious young Shah exercised his decisive political authority in favor of the 'Deputy of the Imām.' Under the events of the year 1529–30/936, Ṭahmāsp writes in his autobiography:

At this time learned controversy arose between the *Mujtahid* of the Age (*mujtahid al-zamānī*), Shaykh 'Alī 'Abd al-'Ālī [al-Karakī], and Mīr Ghiyāth al-Dīn Manṣūr, the *Ṣadr*. Even though the *mujtahid* of the age was triumphant, *they* [sic] did not acknowledge his *ijtihād*, and were bent on hostility. We took note of the side of Truth, and affirmed him in *ijtihād*.⁵⁴

The italicized '*they*' must refer to the hostile clerical notables, the vehemence of whose hostility points to the crucial importance of the royal patronage for al-Karakī's success. Two years later, in 1531–2/938, the *Mujtahid* of the Age secured the dismissal of Ghiyāth al-Dīn Manṣūr, the *Ṣadr* and the "Seal of

49 T. Sh. Tp.: 12.

50 T. Sh. Tp.: 13; T. J. A.: 285.

51 See the list of his publications in R. Ad., 5:247.

52 Kh. T.: 136; Ah. T.: 303–304; R. Ad., 4:258–260.

53 T. Akh., 111: under Year 938.

54 T. Sh. Tp.: 14. This crucial encounter is also reported in other major sources (T. Akh., 111; Kh. T.: 135–136; Ah. T.: 304). Emphasis on the word '*they*' added.

the Philosophers". Mīr Mu'izz al-Dīn Muḥammad Iṣfāhānī, a clerical notable, but this time also a strict jurist and a student and protégé of al-Karakī, was appointed *Ṣadr*.⁵⁵ The influence of al-Karakī lingered on after his death in 1534/940. After the dismissal of Mīr Mu'izz al-Dīn in 1536/942, Mīr Asadullāh Shūshtarī, a student of al-Karakī's who had also been highly recommended by him to Shāh Ṭahmāsp,⁵⁶ was appointed *Ṣadr* and held the office for over twenty years.⁵⁷ But al-Karakī's success in establishing the Shi'ite doctors' control over the office of the *Ṣadr* was temporary, and, as we have seen, the monopolistic control of the office reverted to the clerical estate after the death of Shūshtarī.

Al-Karakī's attempt to unify all religious institutions within the framework of the state also encountered considerable opposition *from within* the Shi'ite hierocracy. It came under vehement attack by the eminent doctor, Ibrāhīm al-Qaṭīfī, who, resentful of royal favors showered upon al-Karakī, upheld the ideal of pious antipathy to earthly powers and rejection of all worldly domination. Qaṭīfī staunchly opposed the incorporation of the '*ulamā'*' into the Ṣafavid political organization. He uncompromisingly rejected any association with the ruler as proof of interest in worldly gains, and of lack of piety, adducing a strongly worded *ḥadīth* attributed to the Prophet: "When you see a reader of the Qur'ān seeking shelter with the ruler, know that he is a thief".⁵⁸ Al-Qaṭīfī wrote a treatise on the 'impermissibility' of the Friday prayer during the Great Occultation,⁵⁹ and ruled on the 'reprehensibility' of receiving gifts from the ruler,⁶⁰ and on the 'impermissibility' of acceptance of land assignments (subject to the land tax, *kharāj*) from him, while enjoining the avoidance of all transactions with him insofar as possible.⁶¹ In short, he opposed al-Karakī on every major ideological point,⁶² as well as attacking him personally for his "love of the world"—*ḥubb al-dunyā*—as demonstrated in his vast amassed landed fortune.⁶³

Mīr Ni'matullah Ḥillī (d. 1534/940), though he had been a student of al-Karakī's and had almost certainly been appointed *Ṣadr* through his support, took the side of al-Qaṭīfī in the controversy, and made an attempt to organize

55 T. Akh., III: Year 938.

56 Ah. T.: 398.

57 T. J. A.: 303; Kh. T.: 183a–184.

58 Khj.: 96.

59 Q. U.: 349.

60 Khj.: 155–157.

61 Khj.: 102.

62 Ibid.

63 Khj.: 144, 146 ff.

a clerical party against the *Mujtahid* of the Age; which attempt cost him his office and brought about his banishment.⁶⁴ But more consistently than in the case of this *Ṣadr* who was himself deeply involved in the State, quite a few of the prominent *‘ulamā’*, upheld the attitude of pious antipathy to political involvements, and shunned any association with the earthly ruler. These could be put under no authoritative or organizational pressure to acknowledge the claims of al-Karakī, and of his equally political grandson, Mīr Sayyid Ḥusayn after him, to be the “*Mujtahid* of the Age”. As the most eminent member of this group in the second half of the sixteenth century, we may mention the *mujtahid*, Mullā Aḥmad Ardabili, the Muqaddas (d. 1585/993) who shunned all political associations⁶⁵ and who wrote a treatise on land taxation (*kharāj*) upholding al-Qaṭīfī’s point of view.⁶⁶

The designation of the Deputy of the Imām, accompanying that of the ‘Seal of the Mujtahids’ (*khūtam al-mujtahidīn*) in Ṭahmāsp’s *farmān* was primarily significant in formally putting an end to the complete fusion of *political* and *religious* leadership; that is, as the ruler’s acknowledgement of a differentiated supreme religious authority. But the term ‘Deputy of the Imām’ did not come into formal usage. Instead, the designation ‘*Mujtahid* of the Age’, was used to confer the supreme hierocratic authority. After al-Karakī, it was bestowed upon his not-too-politically-active son, Shaykh ‘Abd al-‘Alī (d. 1584–5/992–3)⁶⁷ and after the latter upon al-Karakī’s grandson through his daughter, Mīr Sayyid Husayn al-Karakī (d. 1592–3/1001),⁶⁸ who was very active politically. However, the bestowal of the title of *Mujtahid* of the Age, did not amount to a formal appointment, and its recognition was not binding according to the Imāmi doctrine of *ijtihād*. As other members of the Shi’ite hierocracy came increasingly to claim and/or be accredited with the rank of *mujtahid*, from the beginning of the seventeenth century onwards, it was the Shaykh al-Islāmate of Isfahan which emerged as the highest office of the state reserved for the hierocracy.⁶⁹ But the primacy of the position of Shaykh al-Islām of Isfāhān—fully reflected in ceremonial occasions such as the coronations of the kings from 1629

64 Kh. T.: 103–103a.

65 Q. U.: 235.

66 Khj.: 169 ff.

67 Kh. T.: 342a–343; R. Ad., 5:248–249.

68 While stating that all the *‘ulamā’* acknowledged his *ijtihād*, the author of T. A. Ab., nevertheless consider Mīr Ḥusayn’s self-designation as the ‘Seal of the *Mujtahids*’ excessive (T. A. Ab., 1:458).

69 Because of the writings on Ṣafavid institutions rely heavily on Tk. M., which was written after the eclipse of the office of Shaykh al-Islām resulting from the creation of the office of Mullā-bāshī, this fact is not appreciated in the literature. But see Chardin, 9:515.

onwards⁷⁰—was tacit, and not formal. It was only with the creation of the office of Mullā-bāshī in the year 1712/1124 that formal institutionalized recognition was granted to an eminent doctor as the head of the Shi‘ite hierocracy.⁷¹

To recapitulate briefly, the Shi‘ite hierocracy failed to capture the religio-administrative office of the *Ṣadr* because of the vested interest of the cleric-administrators who continued to hold that office. Despite the favorable disposition of supreme political power in the person of Shāh Ṭahmāsp, the charisma and authority of the ‘Deputy of the Hidden Imām’ did not become fused with the authority of ‘the most learned *mujtahid*’, and did not find institutional embodiment in a supreme hierocratic office. This failure was also due, in no small part, to the deep intra-hierocracy division, resting on two antithetical political attitudes.

The failure to control the religio-legal-administrative institutions of the Ṣafavid caesaropapist state did not, however, adversely affect the *religious* authority of the Shi‘ite doctors but rather promoted its clearer *differentiation* from political domination. The most influential sixteenth century commentary on the Qur‘ān is the *Zubdat al-Bayān*, written by Mullā Aḥmad Ardabīlī, the Muqaddas. Its ‘political ethic’, dealing with authority, contains a novel element of tremendous importance. In the chapter of *Zubdat al-Bayān* on “Enjoining the Good and Forbidding the Evil,” we can read:

And the ‘imitation’ (*taqlīd*) of the *Mujtahid* is good and permissible or rather incumbent with the existence of proof upon the *ijtihād* of the *Mujtahid*.⁷²

Here, as in the two major near-contemporary works on the ‘principles of jurisprudence’—Bahā’ al-Dīn ‘Āmilī’s *Zubdat al-Uṣūl*⁷³ and Ḥasan ibn Zayn al-Dīn’s *Ma‘ālim al-Uṣūl*⁷⁴—we find the conjunction of the notions of *taqlīd* (imitation) and *ijtihād* (competence to determine the application of legal norms), both of which were—significantly—firmly *rejected* by the early Imāmīs.

70 Chardin, 9:481 ff.; Gemelli: 147–148; L. Lockhart, *The Fall of the Safavi Dynasty and the Afghan Occupation of Persia*, (Cambridge, 1958), p. 72.

71 See the author’s “The Office of the Mullā-bāshī in Shi‘ite Iran,” *Studia Islamica*, LVII (1983), pp. 135–146.

72 Z. B.: 344. Earlier, the Muqaddas had apparently held the extreme view that *taqlīd* is permissible even in the ‘Principles of Religion’ (*Uṣūl al-Dīn*). V. S. A.: 494–495.

73 Z. U.: pages unnumbered; Part 4 “*fi-l-ijtihād wa’l-taqlīd*”.

74 M. Din: 232.

Let us begin with *taqlīd* (imitation, following). Kulaynī, the Renovator of the tenth/fourth century, is firm in his rejection of *taqlīd*, as it leads the believer astray.⁷⁵ Al-Mufīd, similarly rejects *taqlīd* outright.⁷⁶ His disciple al-Murtaḍā, however, breaks with the traditional view and justifies the permissibility, and desirability of *taqlīd* in the sense of the recourse of the layman to the jurist (*muftī*) to seek advice.

Some three centuries later,⁷⁷ Ibn Muṭahhar al-Ḥillī, the 'Allāma, follows al-Murtaḍā's argument closely. He justifies *taqlīd* on account of its practical necessity, as layment do not have the necessary time to devote to acquiring the expert knowledge necessary for determining the ethically and ritually correct behavior in conjunction with new occurrences;⁷⁸ and to attempt to do so would prevent them from earning their livelihood.⁷⁹ He reaffirms the permissibility of *taqlīd* in *furū'* (the derivatives),⁸⁰ and rules that it is incumbent upon the layman if he is unable to acquire the necessary juristic competence himself.⁸¹ Like al-Murtaḍā, the 'Allāma is more concerned with establishing the *permissibility* of *taqlīd* than in making an emphatic assertion of its *incumbency* as an ethical obligation.

The acceptance of *ijtihād* by the Imāmīs came much later, and the first major theologian to break with the Shi'ite tradition in that respect is in fact al-Ḥillī, the 'Allāma. Al-Mufid had rejected *ijtihād* in general.⁸² Similarly, al-Murtaḍā rejected it in principle, though recognizing a very limited scope for it in certain practical matters.⁸³ The final acceptance of *ijtihād* appears to have resulted from the rationalist trend in Shi'ite religion inaugurated by Naṣīr al-Dīn Ṭūsī (d. 1274/672), and continued into the fourteenth century by his student the

75 Muḥammad ibn Ya'qūb Kulaynī al-Rāzī, *Uṣūl al-Kāfi*, (with Persian tr. and comm. by J. Mustafavi), (Tehran, n.d.), 1:68–69.

76 M. J. McDermott, "The Theology of al-Shaykh al-Mufid—Its Relation to the Imamite Traditionalists and to the Baghdad Mu'tazilites," unpublished Ph.D. Dissertation, University of Chicago (1971), pp. 257–260.

77 *Uddat al-Uṣūl*, a treatise on principles of jurisprudence written by al-Ṭūsī, the last of the three great Shi'ite theologians of Baghdad, contains no discussion of *taqlīd* and the juristic authority of the *'umalā'*. See its abridged translation and summary by A. Gorji, in A. Davvānī (ed.), *Hizāreh-ye Shaykh-e Ṭūsī*, (Tehran, 1970/1349), Volume 2.

78 T. W.: ch. 3, Discussion 2 (pages unnumbered).

79 M. W.: 247.

80 T. W. ch. 4, Discussion 2.

81 T. W. ch. 4, Discussion 3.

82 R. Brunsvig, "Les Usul al-Fiqh imāmīte à leur stade ancien," in *Le Shi'isme imāmīte* [Colloque de Strasbourg], (Paris, 1970), p. 204.

83 *Ibid.*, p. 210.

‘Allāma al-Ḥillī. In fact, the ‘Allāma himself seems to have accepted *ijtihād* with something of a dramatic suddenness.⁸⁴ It is no accident that the later works on the principles of jurisprudence often begin with al-Ḥillī’s definition of *ijtihād* as the exertion of capability on the part of the jurist for the acquisition of ‘probable opinion’ (*ẓann*) as to the [appropriate] commandment according to the *Sharī‘a* (*ḥukm sharī‘*).⁸⁵ Al-Ḥillī’s acceptance of *ijtihād* constitutes a crucial step in the enhancement of the juristic authority of the ‘ulamā’; but other steps remained to be taken. It is true that the correlation of *ijtihād* and *taqlīd* does in fact occur in *Tahdhib al-Wuṣūl ‘ila ‘Ilm al-Uṣūl*,⁸⁶ but he still deals with the juristic authority of the ‘ulamā’ under the heading: “On the *muftī* (jurist) and the *mustaftī* (questioning layman)”;⁸⁷ and, more importantly, relating *ijtihād* to competence with respect to specific problems and fields, and does not restrict it to *ijtihād muṭlaq*: the general competence of the person of *mujtahid* in all fields of the Sacred Law.⁸⁸

This last crucial step was taken in the Ṣafavid period by Ardabīlī the Muqaddas, and his contemporaries. Al-Karakī, the ‘*Mujtahid* of the Age’ ruled emphatically against the permissibility of following a dead *mujtahid*⁸⁹ thus assuring the continued transitiveness of juristic authority, and precluding its exclusive attribution to the eminent jurists of the past as in Sunnism. Though the disagreements which existed on this point continued for some time,⁹⁰ al-Karakī’s opinion eventually prevailed. The juristic authority of the (living) ‘ulamā’ came to be treated in the works on the principles of jurisprudence under a heading formally conjoining the notions of *ijtihād* and *taqlīd*. Of these, by far the most important are *Zubdat al-Uṣūl* and *Ma‘alim al-Dīn*. In the former, Shaykh-e Bahā’ī defines *ijtihād* as “the competence through which one is able to deduce the derivative ethical (*sharī‘*) commandment from the fundamental”,⁹¹ and is content to establish the permissibility of *taqlīd*. In the latter, Ḥasan ibn Zayn al-Dīn (d. 1602–3/1011), defines *taqlīd* as “acting according to the saying

84 In *Minhāj al-Karāma*, presumably written before his works on the *Uṣūl al-Fiqh*, al-Hillī categorically states that the Shi‘ites do not accept *ra’y* (personal opinion) and *ijtihād*. (Persian tr. by S. A. Husayni Chalusī under the title *Jazaba-ye Vilāyat*, [2nd ed.], [Tehran, 1967/1346], p. 25.)

85 T. W.: Pt. 12, Discussion 1.

86 T. W.: Pt. 12, ch. 4, Discussion 3.

87 T. W.: Pt. 12, ch. 4.

88 M. W.: 243; T. W.: Pt. 12, Discussion 1.

89 M. ‘Abduh Burujirdī, *Mabānī-ye Ḥuqūq-e Islāmī*, (Tehran, 1962/1341), p. 205.

90 *Maṣā‘ib al-Nawāṣīb*, Library of Majlis (Tehran), MS 2036, IV, #20 (folios unnumbered). In fact, they continue down to the present century.

91 Z. U.: Pt. 4: {???}.

of another without reason(ing)";⁹² and is strictly concerned with establishing its permissibility (*jawāz, idhn, ibāḥa*).⁹³ As regards *ijtihād*, the Shaykh-e Bahā'ī follows al-Ḥillī in considering the division of *ijtihād* according to problems and fields (*tajazzā*) permissible. Zayn al-Dīn notes the divergence of opinion on this question, argues against specialized competence (*ijtihād mutajazzī*), stresses the importance of the general competence (*ijtihād muṭlaq*) as necessary for the valid deduction of all derivative commandments.⁹⁴

It is clear from these discussions, as well as from Ardabīlī's,⁹⁵ that our theologians are still very much in process of laying the foundations of hierocratic authority in the face of a strong contrary Shi'ite tradition, whose lingering influence forces them to be cautious in justifying their break with it. Nevertheless, the decisive conjunction of *ijtihād* and *taqlīd*, and the emergence of the notion of *ijtihād mutlaq*, lodging hierocratic authority clearly in the *person* of the *mujtahid*, were both significant in their own right, and as indicative of the direction of the subsequent developments. Furthermore, it is of crucial importance that, without waiting for the resolution of various minute problems connected with reconciling the doctrine of *ijtihād* and *taqlīd* with the Shi'ite traditional heritage, the Muqaddas proceeded with its *incorporation in the Shi'ite ethic* by subsuming it under the ethical duties of "Enjoining the Good and Forbidding the Evil". As we have seen, he presented obedience to the hierocratic authority of the *mujtahid* in matters relating to the Sacred Law as an ethical obligation. Furthermore, the Muqaddas affirmed the layman's duty to act according to the ruling of the *mujtahid*, once such ruling was issued,⁹⁶ and asserted the incumbency of 'following' (*taqlīd*) the 'most learned' of the jurists.⁹⁷

Thus, in the Ṣafavid period, the Shi'ite ethic, which, thanks to the repetition of the doctrine of Imāmate as a theological substitute for political theory, made no reference to temporal domination,⁹⁸ came to contain provisions relating to and legitimating hierocratic authority.

92 M. Din: 236.

93 M. Din: 237.

94 M. Din: 232–233.

95 Z. B.: 343 ff., esp. 346–347.

96 Z. B.: 344.

97 Z. B.: 345.

98 See the author's "Religion, Political Action and Legitimate Domination in Shi'ite Iran: fourteenth to eighteenth centuries A.D.," *Archives européennes de sociologie* 20 (1979): 59–109.

3.2 *The Seventeenth Century*

It was not until the seventeenth century that the Persian clerical estate countered the Shi'ite doctors' bid for hierocratic domination with a radically different interpretation of Shi'ism and a counter-ideology of their own. We may speculate about the causes of this delayed reaction. It seems entirely plausible that as neo-Shi'ites they lacked the self-confidence necessary to challenge the authority of their religious teachers. It is also plausible to suppose that they did not perceive any serious threat emanating from the Shi'ite doctors. Be that as it may, once the intellectual representatives of the clerical estate set forth to create their distinct variant of Shi'ism, they rediscovered the rich heritage of the Traditionalism of the ninth and tenth century theologians of Qum. In reviving Akhbārī Traditionalism, they discarded the legalistic exoteric rationalism of the *mujtahids* in favor of a gnostic rationalism which advocated inner-worldly salvation through the hermeneutic comprehension of the sacred texts.

Early in the seventeenth century, Mullā Muḥammad Amīn Astarābādī (d. 1624/1033) encouraged by his teacher Mīrzā Muḥammad ibn 'Alī Astarābādī (d. 1619/1028), both of whom were resident in Mecca,⁹⁹ set out to revive the Traditionalism of ninth-century Qum, and in his *Fawā'id al-Madanīyya*, fulminated against the innovations of the three famous Buyid theologians, al-Mufīd, al-Murtaḍā and al-Ṭūsī, and of the Allāma al-Ḥillī.¹⁰⁰ Astarābādī attacked the *mujtahids* for applying reason in jurisprudence like the Sunnis, and sought to re-establish sound traditionalism through exclusive reliance on the statements of the Imāms. Al-Ḥurr al-'Āmilī, the Shaykh al-Islām of Mashhad (d. 1708–9),¹⁰¹ in his *Wasā'il al-Shī'a* collected Traditions attributed to the Imāms which were not found in the four “canonical” books but which he considered reliable.

The Akhbārī school flourished in the seventeenth and eighteenth centuries. It is significant that both its founder Mullā Muḥammad Amīn Astarābādī and his master belonged to the Persian ‘clerical estate’. Akhbārī Traditionalism was endorsed by the two eminent representatives of gnostic Shi'ism—Majlisī the Elder, and Mullā Muḥsin Fayḍ. Therefore, it should be emphasized that, though with the adhesion of al-Ḥurr al-'Āmilī, it gained popularity among the Arab Shi'ite *'ulamā'*, and especially in Bahrain, Akhbārī Traditionalism first met with the opposition of the *mujtahids* and the mainstream *'ulamā'* of Jabal 'Āmil, one of whom, wrote the *Fawā'id al-Makkiyya* in refutation of Astarābādī's *Fawā'id al-Madanīyya*.¹⁰²

99 Q. U.: 322.

100 W. Madelung, “AKHBARIYYA”, *Encyclopedia of Islam*², *Supplement*.

101 G. Scarcia, “AL-HURR AL-'AMILI,” *Encyclopedia of Islam*² 3:588–589.

102 Q. U.: 280.

Two very important aspects of Akhbārī Traditionalism served the vested interests of the clerical estate in their effort to meet the challenge of the Shi'ite hierocracy for exclusive hierocratic domination. It explicitly challenged the hierocratic authority of the *mujtahids*; and, by implication, it greatly enhanced the charisma of lineage of the ruling dynasty and of the *sayyids* forming the clerical estate.

The Akhbārīs firmly rejected *ijtihād*, thus working havoc with the newly laid foundations of hierocratic authority. For them.

Idjtiḥād, leading to mere *ẓann* [probable opinion, as opposed to certainty] and *taqlīd*, i.e., following the opinions of a *mujtahid*, are forbidden. Every believer must rather follow the *akhbār* of the Imāms for whose proper understanding no more than a knowledge of Arabic and the specific terminology of the Imāms is needed. If an apparent conflict between two traditions cannot be resolved by the methods prescribed by the Imāms, *tawaqquf*, abstention from a decision, is obligatory.¹⁰³

It is interesting to note that Mullā Muḥsin Fayḍ, in his treatise devoted to the refutation of *ijtihād*, the *Safīnat al-Najāt* (Vessel of Salvation), adduces the 'authority verse' of the Qur'ān to condemn all recourse to *mujtahids*. As obedience is due to God, the Prophet, the Imāms, and none else, the norms of the Sacred Law can be directly obtained from the Traditions (*akhbār*) of the Infallible Imāms.¹⁰⁴ Thus, Akhbārī Traditionalism posed a serious and direct challenge to the principle of legitimacy of hierocratic authority in jurisprudence and consequently hindered the consolidation of a differentiated hierocracy of religious professionals.

Akhbārī Traditionalism bore the imprint of the outlook of the clerical estate who tended to prefer philosophy and hermeneutics and devotional mysticism centering around the figures of the Imāms to the syllogistic hairsplitting of the jurists. Furthermore, as we shall see presently, it implied an essentially stratified model of the religious community, separating the happy few, the intellectual virtuosi capable of inner-worldly salvation through gnosis, and the mass of ordinary believers whose lot was the devotional piety to the figures of the Imāms and the (uncomprehending) observance of their explicitly transmitted instructions. The devotionalism advocated by the proponents of Traditionalism made it attractive to ordinary believers, and it grew into a movement of very considerable importance. This importance is attested to by the impact of the

103 Madelung, "AKHBARIYYA."

104 Mullā Muḥsin [Fayḍ] Kāshānī, *Safīnat al-Najāt*, (ed. and tr., M. R. Tafrahi Naqasani), (n.p., 1976–7/1397), pp. 36–39. Elsewhere, Fayḍ accordingly defines the function of the *nā'ib 'āmm*, who should be virtuous and familiar with the ways of the Imāms, as simply directing the layman's attention to the relevant Traditions of the Imāms (K. Mk.: 104–105).

movement on Majlisī's strategy in the consolidation of the Shi'ite hierocracy which we are about to consider. Unlike al-Karakī, the Seal of the *Mujtahids* some one and a half centuries before him, Majlisī, who was in fact by no means unsympathetic to Akhbarism,¹⁰⁵ concentrated his efforts in the enhancement of the *de facto* hierocratic domination through incursions into the peripheral areas of popular religion rather than its *de jure* legitimation.

Having considered the ideological tool with which the clerical estate equipped itself to counter the doctrine of *ijtihād*, let us turn to the course of the struggle between our opposing camps. The figures in Row III of Table 4, reflecting the numerical preponderance of Iranian '*ulamā*' in the Shi'ite scholarly community, provide a convenient starting point for our present discussion. With the emergence of Isfahān as the foremost metropolitan center of Shi'ite learning in the seventeenth century, for the first time in history, the majority of Shi'ite religious doctors consisted of Iranians, many of whom in fact came from the clerical estate. What were the consequences of this shift in the ethnic-cultural composition of the Shi'ite '*ulamā*' resulting from the infusion of the recruits from the clerical estate for the outlook of hierocracy, and for its institutional entrenchment? At first, we witness a period of mutual assimilation.

As we have seen, towards the end of his life, al-Karakī's influence began to permeate the clerical estate, and two important clerical notables who were students of his were appointed *Ṣadrs*. However, the reverse trend took place, modifying the outlook of the hierocracy under the impact of the influence of the clerical estate. This reverse tendency is nowhere clearer discernible than in the family of al-Karakī himself. He had a number of students among the Persian clerical notables to some of whom he also married his daughters. Not counting those descendants of his who became merged with the clerical-administrative estate and held the office of the *Ṣadr* for some three decades (see above, p. 175), two of his descendants through his daughters attained the rank of the *mujtahid*: Mīr Sayyid Ḥusayn in the late sixteenth, and Mīr Muḥammad Bāqir, Mīr Dāmād (d. 1630–1/1040) who conducted the coronation of Shāh Ṣafī in 1629 as the Shaykh al-Islām of Isfahan. Together with his friend and contemporary, Bahā' al-Dīn 'Āmilī, more commonly referred to as the Shaykh-e Bahā'ī (d. 1620–1/1030) they dominated the intellectual life of Isfahan. Although he came to Iran as a young boy with his learned father from Jabal 'Āmil, Shaykh-e Bahā'ī's education, notably in Qazvīn, followed the typical eclectic Persian pattern.¹⁰⁶ Shaykh-e Bahā'ī and Mīr Dāmād are the towering intellectual figures in Shi'ism of the first half of the seventeenth century. Through them the

105 R. S. J.: 5. Majlisī also refers the reader to the last volume of his *Bihār al-Anwār*.

106 S. Nafisi, *Aḥvāl va Ash'ār-e Shaykh-e Bahā'ī*, (Tehran, 1937/1316), pp. 19–28.

culture of the Persian clerical estate as the bearers of the philosophical tradition made its maximum impact on the outlook of the hierocracy.

As we had occasion to remark, Shaykh-e Bahā'ī was prone to mysticism. Even though he was chiefly an authority in the 'transmitted sciences' and 'the principles of jurisprudence', he was also an accomplished mathematician.¹⁰⁷ His eminent friend Mīr Dāmād was a student of the 'rational sciences', and drew directly on the philosophical heritage of Davvani and of al-Karakī's opponent Ghīyāth al-Dīn Manṣūr, as well as the latter's student Fakhr al-Dīn Samākī (another outstanding representative of the 'catholic' intellectual outlook of the Persian clerical estate.¹⁰⁸ Drawing on this philosophical tradition, Mīr Dāmād founded the school of gnostic philosophy (*'irfān*), which has come to be referred to as the School of Isfahan.

But the impact of the culture of the mandarins of the clerical estate, the philosophical tradition, on the outlook of the Shi'ite hierocracy did not prove lasting. Already before the death of Mīr Dāmād, his most brilliant student Mullā Ṣadrā Shīrāzī (d. 1640/1050) came under the fierce attack of some members of the Shi'ite hierocracy for his heretical—because gnostic/philosophical—views.¹⁰⁹ Owing to the secularism of 'Abbās II (1642–66), and to his proneness to mysticism, political power was used to check the mounting opposition from the religious professionals, and to maintain three important representatives of the mystical-philosophical outlook in the highest ranks of the Shi'ite hierocracy: Muḥammad Taqī Majlisī (d. 1659–60/1070), Mullā Muḥsin Fayḍ (d. 1679/1090), and finally, Mullā Muḥammad Bāqir, Muhaqqiq-e Sabzavārī (d. 1679/1090), whom 'Abbās II had appointed the Shaykh al-Islām of Isfahan.¹¹⁰ Suleymān (1666–1694) seems to have disowned 'Abbās II's secularism¹¹¹ and treated our opposing camp even-handedly. He showed a favorable attitude to the proponents of the philosophical outlook for the most part of his reign. He also greatly favored Sabzavārī's brother-in-law and student Āqā Ḥusayn Khwānsārī (d. 1688/1099)—a man of similar intellectual persuasion—and entrusted him with various assignments.¹¹² Khwānsārī's son, Āqā Jamāl

107 Ibid., pp. 51, 68.

108 S. J. Ashtiyani, [ed.], *Anthologie des philosophes iraniens depuis le XVII^e siècle jusqu'à nos jours*, (Tehran, 1972), 1, (Persian Introduction): vii.

109 Q. U.: 334–335.

110 T. Hq., 1:267; R. Ad., 5:242.

111 This is borne out by the inscriptions on his earlier coins. See E. Kaempfer, *Dar Darbār-e Shāhanshāhān-e Īrān*, (being the Persian translation of *Amoenitatem exoticarum etc.*, [1712] by K. Jahandari), p. 51.

112 R. Ad., 5:239.

(d. 1710/1122) also acquired great fame, and his student Shaykh Ja'far Kamareh'i (d. 1703/1105) became the Shaykh al-Islām of Isfahan under Shāh Sulṭān-Ḥusayn.¹¹³ These two men were perhaps the last important representatives of the gnostic/philosophical outlook within the Shi'ite hierocracy not to suffer persecution.

On the other hand, Suleymān also maintained a good relationship with the dogmatic party even though in 1686–7/1098, he reportedly issued a death warrant for Mullā Muḥammad Ṭāhir Qumī, one of the most vociferous opponents of the philosophical party within the hierocracy. He forgave Mullā Ṭāhir after the intercession of other *'ulamā'*,¹¹⁴ and is known to have invited Shi'ite doctors to take up residence in Isfahan.¹¹⁵ Above all, he supported Muḥammad Bāqir Majlisī. In fact, under Suleymān, the dogmatic party was already gaining the upper hand, even though its decisive triumph came only with the succession of Shāh Sulṭān-Ḥusayn in 1694.

As the preceding pages indicate, the impact of the Persian intellectual tradition upon the cultural outlook of the Shi'ite hierocracy did not consist in gradual mutual assimilation and uniform osmotic permeation. Rather, it produced a sharp rift; and the two hostile divisions persisted until the final extinction and expurgation of the proponents of the philosophical tradition from the ranks of the Shi'ite hierocracy. In the seventeenth century, the clash of the two irreconcilable outlooks first became conspicuous with the hostility of the strict religious professionals and jurists to the great philosopher Mullā Ṣadrā (d. 1640). Mullā Ṣadrā was subjected to ex-communication (*takfīr*), and countered by an uncompromising and vehement attack on the literalist or 'official' (*rasmī*) *'ulamā'* in his only treatise written in Persian: *Risāla-ye Seh Aṣl*.

Mullā Ṣadrā's conception of *'ilm* (knowledge) ultimately as pure existence, informed as it was by a fundamental premise of his philosophical system: the identity of the intellect and the intelligible,¹¹⁶ diverged radically from the dogmatic notion of *'ilm* as the religious and jurisprudential sciences taught and studied by the literalist *'ulamā'*. As regards religion specifically, he considered

113 Shaykh Ja'far is the author of a book entitled *Tuḥfa-ye Sulṭānī dar Ḥikmat-e Ṭabī'ī va Ḥikmat-e Ilāhī* (printed in Tehran, 1960–1/1339), where he attempts to integrate 'natural' and 'divine philosophy' (comprising the five 'principles of religion'). According to Ḥazīn Lāhījī, he had been promised the Grand Vizirate, but his opponents changed the Shah's mind (Tk. H. L.: 33). In his instance, the philosophical outlook can be seen in direct conjunction with the administrative bent.

114 T. Hq., 1:179.

115 Sayyid Muḥammad Ṭabāṭabā'ī, *Rijal*, (Najaf, 1965/1385), 3:225–226.

116 F. Rahman, *The Philosophy of Mollā Ṣadrā*, (Albany, 1975), pp. 224, 236–244.

the object of studying the revealed and transmitted texts—the Qur'ān and the *ḥadīth*—to arrive at their inner meaning through *hermeneutic interpretation*, and not through the pedestrian syllogistic logic of the literalist theologians and jurists.¹¹⁷ This objective could be undertaken only after the acquisition of insight through the 'science of the self' (*ilm-e naḥs*), of which the orthodox the 'official' (*rasmī*) 'ulamā' were devoid.¹¹⁸ But above all, the head-on collision with orthodox dogmatism comes with Mullā Ṣadrā's much highlighted conception of *ma'ād* (resurrection; return to origin; afterlife) which is intimately connected with the 'knowledge of the (real) self' (*ma'rifat-e naḥs*).¹¹⁹ Mullā Ṣadrā sets his inner-worldly notion of *ma'ād* as the intellect's (mystical) cognition of origin and destination—beginning and end¹²⁰—against the dogmatic conception of *ma'ad* as otherworldly physical resurrection, which constituted one of the five pillars or principles of the Shi'ite creed. A generation later Qāḍī Sa'īd Qumī devoted his *Kilīd-e Bihisht* (The Key of Paradise) to a systematic exposition of *mabda'* (origin) and *ma'ād* (destination, end, salvation) within the framework of the philosophy of the School of Isfahan, totally bypassing the Shi'ite dogma.¹²¹

As an anecdote reporting a conversation between Mīr Dāmād and Mullā Ṣadrā indicates,¹²² not all the members of the philosophical group were as blunt and unbending in stating their views. In fact, Mullā 'Abd al-Razzāq Lāhījī, one of Mullā Ṣadrā's most eminent students, took a much more conciliating attitude; and his *Gawhar-e Murād* is a systematic statement of the principles of the Shi'ite creed within philosophical framework comprising 'the knowledge of the self' and 'the knowledge of God', or 'psychology' and theology.¹²³ Nevertheless, Mullā Ṣadrā's statements were worth dwelling upon as they pointed out some of the irreconcilable features of the two mutually hostile outlooks.

In a perceptive passage written some twenty years after Mullā Ṣadrā's death, Du Mans mentions two antagonistic groups of clerics: the *fuqahā* (jurists) and the 'ulamā'. It is significant that Du Mans reserves the term 'ulamā' for

117 Seh Asl: 74, 84–86.

118 Seh Asl: 5–7.

119 Seh Asl: 7, 36–45. Chardin was to note that the Sufis firmly deny (physical) resurrection. (Chardin, IV: ch. II.).

120 Seh Asl: 6–7, 20, 36, 68; K. A. J.: 79, 83, Rahman, pp. 254–262; H. Corbin, *En Islam Iranien*, (Paris, 1972), 4:95–105, esp. 96–97.

121 *Kilīd-e Bihisht*, (S. M. Mishkat, ed.), (Tehran, 1936/1315).

122 Corbin, *Islam Iranien*, 4:20.

123 Mullā 'Abd al-Razzāq Lāhījī, *Gawhar-e Murād*, (Tehran, 1958/1377, H. Q.).

the gnostic/philosophical group; a fact reflecting their predominance under ‘Abbās II (more exactly, in 1660). The *fuqahā* are presented as literalist explainers of ceremonies, rituals and obligations and the expounders of a Paradise with *ḥūrīs*, while the ‘*ulamā*’ are those who say the Qur’ān has seven layers of veils (*haft pardeh*), and who lay their emphasis on generalities (*kullīyyāt*): “ils veulent partout des démonstrations géométriques pour l’unité d’un Dieu . . .” The ‘*ulamā*’ consider the *fuqahā* “bipedal animals” (*heyvān-e do-pā*), the *fuqahā* consider the ‘*ulamā*’ ‘heretics’ (*mulḥid*).¹²⁴

Briefly, Du Mans’ *fuqahā* can be characterized as dogmatic reactionaries who violently opposed mysticism, and who firmly rejected philosophy as the ‘innovation’—*bid‘a*; a highly pejorative term—of the Greek infidels. Intellectually they advocated retrenchment into strictly religious learning. Their attack on the gnostic philosophers in the hierocracy had already begun under ‘Abbās II. Mullā Muḥammad Ṭāhir Qumī, the Shaykh al-Islām of Qum, who was “extremely bigoted against the Sufis and against whoever did not take part in the Friday prayer [on account of his doctrinal objection to that practice during the Occultation of the Imām],”¹²⁵ attacked Muḥammad Taqī Majlisī and Mullā Khalīl Qazvīnī,¹²⁶ both of whom, as we have seen, were favored by ‘Abbās II. His intolerant attacks redoubled under Suleymān. Under Suleymān, dogmatic reaction found a number of powerful adherents under the leadership of Muḥammad Bāqir Majlisī (d. 1699/1111), the son of the eminent representative of gnostic Shi‘ism of the clerical estate who dramatically changed his allegiance to the opposing camp and wrested the Shaykh al-Islāmate of Isfāhān out of the philosophical party’s hands for himself. The dramatic *volte-face* by Majlisī the Younger signified that the imprint of the doctors of the hierocracy upon the outlook of the recruits from the clerical estate was to prevail. And it was to prevail with a vengeance.

The dogmatic reactionaries invariably accused their opponents of heresy and of Sufism. It was in these terms that Shaykh ‘Alī b. Muḥammad al-‘Āmilī, (d. 1691–2/1103) an immigrant to Isfāhān attacked Fayḍ and Sabzavārī.¹²⁷ Al-Ḥurr al-‘Āmilī, the Shaykh al-Islām of Mashhad, another immigrant doctor, used his specialty to adduce 1,000 *ḥadīths against the Ṣufīs*.¹²⁸ Mullā Aḥmad Tūnī, an ‘*alim* from Khurasan joined the struggle on the side of the dogmatists,¹²⁹

124 Du Mans: 60–61.

125 T. Hq., 1:177.

126 Ibid., 1:178.

127 Ibid.

128 Ibid., 1:179, 285.

129 Ibid., 1:180.

and Ni'matullāh Jazā'irī of Shūshtar (d. 1700/1112) wrote a posthumous attack on Shaykh-e Bahā'ī for his association with "the heretics, Sufis and lovers—*'ushshāq*, i.e., those believed in the Sufi doctrine of divine love".¹³⁰ Above all, Majlisī the Younger, having made some qualified statements justifying the Sufis,¹³¹ finally took pains to explain his father's proneness to Sufism as insincere and tactical, and embarked on a wholesale attack on the mystical tradition.¹³² It should be noted that the party of dogmatic reaction could also enlist the support of the Shi'ite *'ulamā'* abroad. Thus Shaykh 'Alī b. Muḥammad (fl. 1660's and 1670's/1070's and 1080's) wrote polemics against both Mullā Muḥsin Fayḍ and Mullā Muḥammad Bāqir Sabzavārī.¹³³

It is highly significant that, hand in hand with the accusations of heresy and Sufism, went accusation of faulty formal comportment in different rituals and prayers, and criticisms for incorrect Arabic pronunciation.¹³⁴ In these finicky criticisms of the philosophical party for using the incorrect vowels, "like the masses",¹³⁵ and for failure to perform ritualistically proper, guttural, pronunciation in an alien language, we can see the manifestations of ritualized style of the hierocracy, which, since the beginning of the nineteenth century has been captured in the stereotype of the hypocritical and obscurantist *mullā*, notably by the poet Qā'ānī.¹³⁶

4 Sociological Properties of Gnostic and Orthodox Shi'ism as Determinants of the Final Consolidation of the Shi'ite Hierocracy

From the strictly doctrinal viewpoint, the office of the *'ulamā'* is 'secular' in very much the same way as the office of the Lutheran ministers is secular.¹³⁷ In both cases the absolute transcendence of God obviates the personal charisma of any priestly functionary. As with Lutheranism centuries later,

130 Ibid., 1:257–258.

131 Ibid., 1:280–284.

132 Ay. H.: 233–236, 575–582.

133 Q. U.: 300.

134 T. Hq., 1:176; Ay. H.: 237.

135 T. Hq., 1:176.

136 Rāvandi, 3:517. The components of this stereotype include the incorrectly guttural pronunciation of Persian common words, and an exaggerated propensity for the use of *fatha* instead of the more congenial *kasra* among the vowels.

137 E. Troeltsch, *The Social Teachings of the Christian Churches*, (tr. O. Wyon), (London, 1931), 2:517–521.

in Islam, divine charisma is reified in the Word, and there is no room for any priestly distribution of grace. The same is true of Shi'ite Islam after the Occultation of the last divinely inspired Imām. If this strict doctrinal aspect were the only relevant consideration, the very applicability of the term hierocracy to the Shi'ite *'ulamā'* would be somewhat questionable.

However, it is not. In the eyes of the Shi'ites, something of a charismatic quality had always inhered in the persons of the great theologians by virtue of the great favors bestowed upon them by the Hidden Imām.¹³⁸ Numerous 'charismata' or minor miraculous deeds—*karāmāt*—not the least of which was attenuated forms of contact with the Hidden Imām in dreams, visions, and during the Ḥajj ceremonies in Mecca,¹³⁹ came to be attributed to the *'ulamā'*. Great emphasis came to be put on the charismatic quality of the *'ulamā'* with the transition from rationalism of the sectarian phase to the orthodoxy of the later Ṣafavid period. The pages of the *Qiṣaṣ al-'Ulamā'* are replete with the lengthy accounts of the *karāmāt* attributed to the eminent Shi'ite divines.¹⁴⁰ In addition, the *'ulamā'* arrogated to themselves the function of *shafā'a* or intercession in the Hereafter,¹⁴¹ and consulting the Qur'ān upon demand of the laymen to determine whether or not an act should be undertaken—*istikhāra*—figured prominently among their functions.¹⁴² This attribution of supernatural charisma to the Shi'ite *'ulamā'* enhanced their professional status as advisors on correct ritualistic practice, and gave their authority a distinctly 'hierocratic' aspect. With the increasingly universal acceptance of the 'incumbency' of the Friday prayer during the Occultation of the Imām, the function of leading the Friday prayer—and by extension all the daily prayers—added another dimension to the hierocratic aspect of the *'ulamā's* office.

The dogmatic party had a tremendous advantage over the proponents of gnostic Shi'ism for emphasizing and exploiting the charismatic quality and hierocratic aspect of religious authority. The attainment of gnosis is inevitable the prerogative of the spiritual elite,¹⁴³ and its pursuit is largely an asocial matter. Routine professional guidance of the masses to attain salvation appears as religiously based worldly dominion, and is seen as motivated by worldly

138 Ibn Bābawayh was said to have been born into this world through a prayer of the Hidden Imām (Corbin, *Islam Iranien*, 4:126); and the Imām is said to have written a eulogy in praise of al-Mufid. (Ay. H.: 577.)

139 T. Hq., 1:273 ff. and the references given in the following note below.

140 E.g., Q. U.: 205 ff., 230–231, 233, 236–237, 244 ff., 298–299, 303–304.

141 Khj.: 1:276.

142 Q. U.: 304–305.

143 Seh Asl: 27.

ambition, and love of power and fame.¹⁴⁴ “Know that the Traditions in derogation of the world, of the seeking of fame among men, and of sociability with men (*al-instīnās bi-l-nās*) are many and famous in the compendia of Traditions and elsewhere,” wrote Mullā Ṣadrā in his “*Breaking of the Idols of Ignorance*”.¹⁴⁵ With its uncompromising intellectualism¹⁴⁶ and indifference to the pedestrian religious needs and concerns of the masses, gnostic Shi'ism of the seventeenth century militated against the formation of a popularly rooted hierocracy; and, faced with the rivalry of a clamoring dogmatic party from within the hierocracy, was doomed to failure once its supreme political patronage was withdrawn.

The comparison between gnostic Shi'ism and Lutheranism is instructive in this conjunction. “Luther was completely indifferent towards the organization of the church as long as the Word could be spread in purity”,¹⁴⁷ Mullā Ṣadrā would go further, and consider in political interest of the ‘*ulamā*’ in the maintenance of hierocratic domination a deflection from and hindrance towards the true interpretation of the Word and hence salvation through gnosis. This foremost spokesman of gnostic Shi'ism condemns hierocratic domination outright as *worldly* domination and as such indistinct from political domination. The legitimation of all hierocratic office is radically undermined.

By contrast, the dogmatic party under the leadership of Muḥammad Bāqir Majlisī could and did make a determined effort to consolidate the hierocratic domination over the masses. Majlisī's massive output of religious writings reached down to the masses, and succeeded in capturing their imagination and enlisting their loyalty. As we shall see, for the philosophers' incomprehensible notion of inner-worldly *ma'ād*, he produced fantastically detailed pictures of Paradise and Hell, and captivating lurid accounts of the questioning of the dead in their graves. For their abstract discussions of God as ‘necessary existence’, he substituted simplistic and rigidly dogmatic statements of the tenets of the Shi'ite creed, which were much more palatable for the consumption of the intellectually untrained masses.

144 Seh Asl: 64, 91. The Mullā does not hesitate to use strong words. In one passage, he refers to the worldly orthodox or official ‘*ulamā*’ as those “apes, swine and worshippers of the Worldly Idol (*tāghūt*) in the robe of piety and propriety.” (Seh Asl: 48.)

145 K. A. J.: 110.

146 Even the general expositions of the Shi'ite creed within the framework of the philosophical system of the School of Isfahan such as the abovementioned *Gawhar-e Murād* of Lāhijī and *Tuhfa-ye Sultānī* of Shaykh Ja'far are not for popular consumption. Compare them to any of Majlisī's Persian works.

147 M. Weber, *Economy and Society*, (G. Roth and C. Wittich, eds.), (Berkeley, 1978), p. 1175.

Mullā Ṣadrā fulminated against the wandering dervishes, the *qalandars*, and expressed concern that not only the masses (*ʿawāmm*) but also “men of crafts and industry” were leaving their occupations to follow these Ṣufi mystagogues.¹⁴⁸ But given the pattern of social distribution of knowledge at his time, his gnostic philosophy, even in the form popularized by some of his disciples such as ʿAbd al-Razzāq Lāhījī, could at best have an impact on some of the more literate “men of crafts and industry” and could not hope to compete with the *qalandar* mystagogues and thaumaturgists for enlisting the masses. The group which could do this was the dogmatic party of the Shiʿite hierarchy. It could do so by institutionalizing thaumaturgy and miracle-making in a slightly sublimated form, by ‘shiʿitizing’ popular rituals, by incorporating a large part of popular superstitions, and, finally, by stating the main tenets of the Shiʿite creed in dogmatic terms easily graspable by the illiterate masses.

Hand in hand with the dogmatic party’s dissemination of the Shiʿite dogma, sacred history and devotional blue-prints, went the ritualistic stereotypification of religious functions—inordinate attention to the appropriateness of specific prayers for specific days of the year and for specific occasions,¹⁴⁹ emphasis on the correctness of accent and Arabic pronunciation, on the correct number of ritualistic repetitions of specific verses of the Qurʾān, and the like. Nor did the religious professional—*mullās*—hesitate to dabble in the important popular parareligious practices such as charm-writing (*duʿā nivīsi*),¹⁵⁰ in addition to the less obviously quasi-magical and very widespread practice of *istikhāra* (consultation of the Qurʾān to determine whether or not to undertake a specific action), which they monopolized.¹⁵¹ These practices amounted to deliberate obfuscation of the rational content of communication between the religious professional and the layman in favor of the ritualization of its form, which had tremendous appeal to the religious propensities of the illiterate masses. This ritualization, together with the quasi-magical functions, greatly enhanced the ‘hierocratic’—as distinct from the purely juristic—aspect of the *ʿulamāʿ*’s authority over the mass of Shiʿite believers.

Gnostic Shiʿism implied a sharp religious stratification into the spiritual elite (*khawāṣṣ*) and the masses (*ʿawāmm*). The gnostic perception of the face of

148 K. A. J.: 3.

149 See Majlisī’s compilation of these prayers (sing. *duʿā*) *Zād al-Maʿād*, of which there are various nineteenth-century editions.

150 Du Mans: 221.

151 For the importance of these quasi-magical practices in popular religion, and the *ʿulamāʿ*’s involvement in them, see Chardin, 4: ch. 10.

God in all beings was a privilege from which the masses were barred.¹⁵² Given the widespread illiteracy and the skewed distribution of knowledge, any feasible social arrangement to regulate the relationship between the (true) men of religion, and the masses would involve a structure of extra-cognitive or extra-spiritual domination, which, as we have seen, Mullā Şadrā firmly rejected in his vehement criticism of the popular Şufi *shaykhs* and of the worldly 'ulamā' of the surface or 'huskers'—'*ulamā' al-qishr*.¹⁵³ By contrast, religious stratification was far from posing an insoluble problem for Majlisī and his party. On the contrary, it was used as the basis for the creation of a firm and lasting structure of hierocratic domination. Though heartily contemptuous of the masses,¹⁵⁴ Majlisī had no scruples about stooping to conquer.

Though, for strategic reasons, he was not unwont to try to distort and preempt positively valued terms such as *ʿārif* (man of gnosis or knowledge) from the philosophers' vocabulary,¹⁵⁵ Majlisī attacked the philosophers in his words as well as his deeds: philosophy—this (irreligious) 'innovation' of the Greek infidels—implied a presumptuous use of human reason when all the necessary and correct guidelines were laid down for mankind in the teachings of the Prophet and the Imāms; it was therefore reprehensible.¹⁵⁶ (It goes without saying that mystical notions were heretical and Sufism a foul and hellish growth.)¹⁵⁷ On the constructive side, Majlisī's efforts included the codification of religious and parareligious practices of the Shi'ite religious professionals. His *Mishkāt al-Anwār* is a manual which begins with "the correct manners of reading the Qur'ān (including the proper preliminary ablution, the manner of concluding), and moves on to prescribe numerous prayers (sing. *duʿā*) to cure numerous illnesses, tooth aches, headaches and the like, and to prevent earthquakes and natural disasters. He ends with the discussion of the appropriate invocations (*adhkār*) at the end of the daily prayers. In *Zād al-Maʿād*, he provides the religious professionals with a compendium of supererogatory prayers prescribed for specific days of the year. Finally, he attempts to capture some territory for the religious professionals from the practitioners in the neighboring

152 K. Mk.: 9–10.

153 Seh Asl: 84.

154 Ay. H.: 234. Majlisī, like so many other Shi'ite 'ulamā' after him, uses the phrase '*awāmm k-al-anām* (masses who are like cattle). Occasionally, the phrase *bal hum aḍallū* (nay, rather they are further astray) is also added by them when referring to the common people. (These are paraphrases of the Qur'ānic verse VII, 179, which refers to those who refuse to accept Islam.)

155 Ay. H.: 251; 407.

156 R. S. J.: 4.

157 E. G. Browne, *Literary History of Persia*, (Cambridge, 1924), 4:404.

parareligious fields of astronomy and divination.¹⁵⁸ In *Ikhtiyārāt*, basing his prescriptions on a mixture of considerations drawn from astrology, geography and sacred history, he determines the appropriateness of the days of the year for specific activities, the significance of natural and astral phenomena, the proper times, places, and conditions of copulation, the hours of *istikharā* and the days and manner of seeking help from the “men of the invisible world” (*rijāl al-ghayb*). It is interesting that in conjunction with this last topic,¹⁵⁹ Majlisī has to admit the absence of reference in the Traditions gathered by the Shi‘ite scholars to the “men of the invisible world,” but opines that they must be the souls of the 14 Immaculates (the Prophet, Fāṭima, and the 12 Imāms), and of the Prophets Khiḍr and Eliās, who are identified by the Ṣufis as the ‘Poles’ (of the Universe) (sing. *Qutb*).¹⁶⁰ Here we gain the first glimpse into Majlisī’s strategy of undermining popular Ṣufism through the pre-emptive appropriation of its notions. Furthermore, the same strategy was followed in appropriating the Ṣufi *shaykhs*’ function of divine intercession exclusively and in a sublimated fashion for the vividly depicted, even though other-worldly, Imāms.

In view of its intrinsic sociological properties, the eventual triumph of Shi‘ite orthodoxy is not surprising. By the end of Suleymān’s reign, Majlisī had already emerged as the *primus inter pares* of the religious dignitaries of Iran: the Shaykh al-Islām of Isfahan. With the accession of Shah Sultān-Husayn, in whose coronation a Majlisī took the leading part as the Shaykh al-Islām of the Capital (1694), the triumph of the Shi‘ite hierocracy became definitive. Secure in his office in the Ṣafavid state and with great influence over the new pious king, Majlisī immediately embarked on a vigorous religious policy which was inaugurated with a strict prohibition of wine-drinking and banishment of the Ṣufis of Isfahan, and proceeded with the large-scale conversion of the minorities, earning him the title of *Dīn-parvar*—the Nurturer of Religion.¹⁶¹ He also vehemently opposed gnostic Shi‘ism and firmly demanded doctrinal compliance with his (authoritative) statements of Shi‘ism. Thus, the Shi‘ite orthodoxy, as (initially) embodied in his writings, was born.

158 To my knowledge, Majlisī does not deal with the techniques of divination, but sets up something of a rival practice. In this way, his attempt differs from Shaykh-e Bahā’ī’s who, in 1593–4/1002 wrote a book comprising numerous tables for divination for ‘Abbās the Great, parts of which were published, with an introduction by M. Vijdānī, in Tehran in 1943/1322.

159 Muḥammad Bāqir Majlisī, *Ikhtiyārāt*, (? , 1910/1328 Q.), p. 117.

160 *Ibid.*, p. 118.

161 Lockhart, p. 76; *A Chronicle of the Carmelites in Persia and the Papal Mission of the XVIIth and XVIIIth Centuries*, (London, 1939), 1:474.

Majlisī's writings have enjoyed tremendous popularity through the nineteenth century down to the present time; and there is hardly a feature of contemporary Shi'ism which is not either fully depicted or at least presaged in his writings. It must be admitted that it is with this hindsight that I have talked of the 'triumph' of the Shi'ite hierocracy under the leadership of Majlisī. But to avoid any misrepresentation of the course of events, it should be pointed out that at the close of the Ṣafavid era, the triumph of the hierocracy does not appear as definitive. It is true that Majlisī did institute the persecution of the gnostic philosophers alongside the Ṣufis—not distinguishing between the two—and that their persecution continued after Majlisī's death—as is epitomized in the tragic banishment of the philosopher Muḥammad Ṣādiq Ardistānī (d. 1721–2/1134), leading to the death of his children,¹⁶² and in the trepidations of many another gnostic philosopher in the early decades of the eighteenth century.¹⁶³ Nevertheless, Ḥazīn's valuable autobiography—despite or rather because of his interest in mysticism and philosophy and the consequent bias against the dominant dogmatic party—leaves us in no doubt about the extensiveness of the incidence of the gnostic-philosophical outlook amongst the literati of the first decades of the eighteenth century.¹⁶⁴ This widespread persistence of gnostic Shi'ism in the third decade of the eighteenth century also explains the otherwise puzzling antipathy of the author of *Tadhkirat al-Mulūk* for the dogmatic Mullā-bashī and his mention of Āqā Jamāl Khwānsārī—the representative of the gnostic-philosophical tradition—whom he regards as the superior doctor.¹⁶⁵

Be that as it may, gnostic Shi'ism of the philosophers of the School of Isfahan, severely debilitated by Majlisī, was forced, after his death to subsist *outside* the Shi'ite hierocracy; and, as such, was perhaps doomed to virtual extinction. After decades of devastation and civil war in the eighteenth century, from dominating the main stream of Shi'ism in the seventeenth century, gnostic philosophy of the School of Isfahan was carried to the nineteenth century as a small rivulet, owing its continued flow in some measure to the unusual

162 B. Si.: 52.

163 Tk. H. L.: 53; B. Si.: 51–52.

164 See also J. Ashtiyani's introduction to Mullā Ṣadrā's *Shawāhid al-Rubūbiyya*, (Mashhad, 1967/1347), pp. 117–125. The autobiography of Ḥazīn Lāhijī, the eighteenth-century poet and man of letters is a mine of information about the Persian literati and clerical notables on the eve of the collapse of Ṣafavid dynasty. He travelled widely from one center of learning to another and studied gnostic philosophy, theology, and the religious sciences, and astronomy with various eminent masters. The Afghan invasion forced him to take refuge in a number of provincial towns where he frequented the '*ulamā'*', and clerical notables (Tk. H. L.).

165 Tk. M.: 1–2, tr. 41–42; and the author's "Office of *Mullā-bashī'*".

longevity of its sole important exponent in Isfahan, Mullā ‘Alī Nūrī (d. 1830–1/1246);¹⁶⁶ and, despite the brilliance of Mullā Hādī Sabzavārī (d. 1869–70/1289)¹⁶⁷ in the nineteenth century, it ceased to be a significant element in the culture of the Shi‘ite Iran.

Though not necessarily with the foresight of helping our exposition by the provision of a felicitous contrast, Mīrzā Muḥammad Riḍā Ṣahbā Qumsheh-ī, a contemporary of Mullā Hādī, and the foremost bearer of the philosophical tradition after his death, and Mullā ‘Alī Kanī, the most prominent member of the Shi‘ite hierarchy in Tehran died on the same day in 1888–9/1306. A day of national mourning was declared for the passing away of the *mujtahid* and thousands took part in his funeral procession. But very few were seen taking part in the funeral procession of the philosopher aside from his forlorn student and successor Mīrzā Abu’l-Ḥasan Jilveh (d. 1896 or 7/1314).¹⁶⁸

Let us conclude by contrasting the (partial) failure of al-Karakī’s attempt to take over the administrative-religious-legal complex of institutions on the basis of a Shi‘ite political ethic in the first decades of the sixteenth century, with Majlisī’s success in the consolidation of a Shi‘ite hierarchy of religious professionals in the last decades of the seventeenth. Al-Karakī’s weapon was a political ideology, which he hoped, would find institutional embodiment through the *monarch* at the apex of the body politic. Though, as we shall see, not entirely absent, political ethic and ideology are fairly irrelevant to Majlisī’s prime objectives. He used Shi‘ism *qua* religion and irrespective of the specific content of its political ethic as a weapon for the enhancement of differentiated *hierocratic domination directly upon the masses*, and without the intermediary of the state as the apparatus of political domination. It was on the basis of the groundworks laid by Majlisī that a Shi‘ite hierarchy, with firm roots among the people, and therefore with a power base independent of the State, could emerge with the restoration of peace and stability under the Qājārs (1785–1921). This created the basic preconditions for the repeated occurrence of instances of ‘Church-State’-type conflict which are rare in the ‘caesaropapist’ political tradition of Islam.

166 Ashtiyani, p. 106.

167 Ibid., pp. 142–158.

168 M. Mudarris Chahārdihī, “Āqā Muḥammad Riḍā Ṣahbā Qumsheh-i,” *Yadigar* 1 (1946/1325): 77.

The Office of *Mulla-Bashi* in Shi‘ite Iran*

The *Tazkirat al-Muluk*, our most important source on late Safavid political and administrative organization (written *ca.* 1730), begins with the description of the office of *Mulla-bashi* as the most important religious office of the realm. Nothing had been heard about the office in the late seventeenth century sources, and very little indeed was to be heard about it in the sources on the second half of the eighteenth and the early years of the nineteenth century. How can the brevity of the life span of the highest religious office of the Safavid state be accounted for? How are we to explain its late emergence in the Shi‘ite polity and its subsequent speedy demise?

1

Minorsky’s succinct comments on the office of *Mulla-bashi*, generally accepted as valid, are as follows:

The office of MULLA-BASHI was easily overlooked by European authorities, for, according to the T.-M., the title was first officially conferred on Muhammad Baqir Majlisi by Sultan-Husayn, who ascended the throne in 1105/1694 . . . The office of *Mulla-bashi* survived down to Nadir Shah’s [1736–1748] time . . . In later times the title seems to have been applied chiefly to the teachers of the Princes.¹

Minorsky goes on to express his surprise at “the strange dislike of the author [of the *Tazkira*] for . . . Majlisi, the all-powerful restorer of the Shi’a orthodoxy,” and identifies the last incumbent of the office as Mir Muhammad Husayn ibn Mir Muhammad Salih Khatun-abadi (d. 1739/1151).² Here is the text of the *Tazkirat al-Muluk* on which Minorsky’s comments are based:

* An earlier version of this chapter was published in *Studia Islamica*, 57 (1983): 135–46.

1 V. Minorsky (ed.), *Tadhkirat al-Muluk* (London: E. J. W. Gibb, Memorial Series, N.S., XVI, 1943), Commentary, p. 110.

2 *Ibid.*, pp. 110–111.

During the reigns of the previous Safavid rulers, the Office of Mulla-bashi was not a specific office, rather the most excellent of the scholars of each age was in effect the Mulla-bashi . . . Towards the end of the reign of Shah Sultan-Husyan, a scholar named Mir Muhammad Baqir, even though he was inferior to Aqa Jamal in learning, was appointed to the office of Mulla-bashi, . . . and founded the madrasa of Chahar-Bagh and himself became its rector. After his death a certain Mulla Muhammad Husayn became Mulla-bashi.³

The statement that Mir Muhammad Baqir was appointed *Mulla-bashi towards the end* of Shah Sultan-Husayn's reign (1694–1722) predisposes us to question the identity of the former with Mulla Muhammad Baqir Majlisi who died in 1699/1111. A careful examination of *The Vaqayi' al-Sanin va'l-A'vamm*, a chronicle written by Sayyid 'Abd al-Husayn Khatun-abadi (d. 1693–4/1105) and continued after his death by other members of his family, confirms our doubt and enables us to see that the identification of Majlisi as the first religious dignity on whom the title of *Mulla-bashi* was conferred is incorrect. From this source we also learn that the new *madrasa* in Chahar-Bagh was inaugurated in 1710/1122, some eleven years after Majlisi's death and that its rector for life whom the passage in the *Tazkirat al-Muluk* refers to is not Muhammad Baqir Majlisi but Mir Muhammad Baqir Khatun-abadi (d. 1715/1127), a close relative of the author of the *Vaqayi' al-Sanin*.⁴

Furthermore, drawing on the same source we can establish that the last *Mulla-bashi* referred to in the *Tazkira* is not, as Minorsky and others⁵ presume, the above-mentioned Mir Muhammad Husayn Khatun-abadi but another *'alim*: Mulla Muhammad Husayn, son of Mulla Shah-Muhammad Tabrizi, who had been appointed the Shaykh al-Islam of Isfahan in 1715/1126 and was promoted to the rank of *Mulla-bashi* in the following year.⁶

Finally, Minorsky's assertion that the office survived down to the reign of Nadir Shah should be corrected. Though Karim Khan Zand (1747–1779), owing

3 Cf., *Ibid.*, p. 41. This and the subsequent passage from the *Tazkirat al-Muluk* have been translated from the original because of minor inaccuracies in Minorsky's translation. Emphasis added.

4 Sayyid 'Abd al-Husayn Khatun-abadi, *Vaqayi' al-Sanin va'l-A'vamm* (M. B. Bihbudi, ed.) (Tehran: Islamiyya, 1973/1352), pp. 559–561.

5 H. Muddarisi Tabataba'i, *Mithalha-ye Sudur-e Safavi* (Qum: Hikmat, 1974/1353), p. 21.

6 *Ibid.*, pp. 567–569.

to his indifference to religious matters, did not appoint a *Mulla-bashi*,⁷ the office survived into the Qajar era. It is true that *Mulla-bashi* did become a title for the teachers of the Princes towards the mid-nineteenth century, and depreciated even further, being applied to a provincial governor's buffoon by the beginning of the twentieth.⁸ Nevertheless, in the last decade of the eighteenth and the beginning of the nineteenth century, we do encounter the *Mulla-bashi* among the officials of the Qajar patrimonial state.

The *Vaqayi' al-Sanin* allows us to go beyond the rectification of the above-mentioned errors of modern scholarship, and to correct an error on the part of the author of the *Tazkira* as well. A passage in the *Vaqayi'* establishes 1712/1124 as the year of the creation of the office:

On the last Sunday of the month of Rabi' al-Thani of the year 1124 (June 15, 1712), the Illustrious Vice-gerency and Exalted Majesty ordered that His Excellency the Mujtahid of the Age, Amir Muhammad Baqir, may God protect him from harm, be the leader (ra'is) of all the 'ulama' and the religious notables, and the dignitaries, and that in the assembly of His Majesty no one have priority over the Mujtahid of the Age in seating or standing. That he deliver the reports, and that everyone give precedence and priority to that most learned of the 'ulama'. In short, that none of the sadrs and the 'ulama' and the sayyids have precedence over him in any matter.⁹

On his tombstone, Mir Muhammad Baqir Khatun-abadi is identified as the first rector of the *madrasa* in *Chahar-bagh*, the tutor of Shah Sultan-Husayn and the *Mullabashi*.¹⁰ Therefore, the office formally instituted for him in 1712 is no other than the one to be described in the *Tazkirat al-Muluk* as follows:

... the leader (*sar-kardeh*) of all *mullas* ... [He] had a special place near the throne, and none of the learned or the *sayyids* would sit closer than him to the kings. Except by requesting the stipends of the students and the deserving, and by removing oppression from the oppressed, by interceding on behalf of the guilty, and by investigating the problems of the

7 J. R. Perry, *Karim Khan Zand. A History of Iran, 1747–1779* (Chicago: University of Chicago Press, 1979), pp. 220–222.

8 Minorsky, Commentary, p. 111, n. 2.

9 Khatun-abadi, p. 566.

10 Sayyid Mushi al-Din Mahdavi, *Tazkirat al-Qubur ya Danishmandan va Buzurgan-e Isfahan* (Isfahan: Thaqafi, 1969–70/1348), p. 158.

Sacred Law, and by giving instructions concerning prayers, and religious affairs, he would not at all interfere in any other matter.¹¹

However, Mir Muhammad Baqir Khatun-abadi is still referred to as the 'Mujtahid of the Age'. The title of *Mulla-bashi* does not make its appearance in the *Vaqayi' al-Sanin* until after the death of Mir Muhammad Baqir in 1715/1127, when we are informed that "the learned Mulla Muhammad Husayn, son of Mulla Shah-Muhammad of Tabriz, was appointed *Mulla-bashi*."¹²

2

Minorsky's incorrect attribution of the title to Majlisi is an instructive mistake: it can justifiably be said that Muhammad Baqir Majlisi was *in effect* the first Safavid *Mulla-bashi*, as the position he had carved for himself was that to be made into a formal office some eleven years after his death—that is, in 1712/1124—for the benefit of the homonymous Muhammad Baqir Khatun-abadi and for Mulla Muhammad Husayn after him. Once formally instituted, the monarch's teacher would be the most likely occupant for the office; and the office would naturally tend to assume the character of the Chaplaincy of the Royal household, given the patrimonial organization of Safavid government and the 'caesaropapist' character of the ruler's authority.

In the sixteenth and the most part of the seventeenth centuries the structural relationship between the religious and the political institutions in Shi'ite Iran did not differ appreciably from the 'caesaropapist' pattern to be found in the Sunni Ottoman Empire. The mosques and the educational system under clerical control were integrated into the caesaropapist state through the centralized administration of the religious endowments (*awqaf*) by the highest clerical functionary of the state, the *sadr*, on behalf of the king. Furthermore, the '*ulama*' as *qadis* manned the judiciary branch of the Safavid state. Close scrutiny of Safavid sources reveals that until the last decades of the seventeenth century, the religious and judiciary institutions remained under the firm control of a distinct status group whom we may refer to as the 'clerical estate.' This group consisted of a landed nobility with strong local roots who were incorporated into Safavid political organization as an estate of clerical administrators, engaged in a number of judiciary and quasi-political, quasi-religious functions.

11 Cf. Minorsky, p. 41.

12 Khatun-abadi, p. 569.

In the seventeenth century, in order to establish their exclusive hierocratic authority as religious professionals, the the Arab Shi'ite doctors, coming into Iran at the invitation of the Safavid rulers, and the native clerics they subsequently trained, had to contend with the rivalry of this powerful clerical estate of religio-political administrators and *qadis*, and with their intellectual representatives: the proponents of philosophy and of *'irfan*.

With the support of the Safavid kings, the Shi'ite hierocracy of incoming doctors and their native trainees was accommodated into the Safavid polity in the sixteenth and early seventeenth century at the expense of the 'clerical estate'. The offices of the *qadi*, a prerogative of the 'clerical estate', declined sharply, while the immigrating Shi'ite doctors were accommodated, usually as *shaykh al-Islams* of the important cities. Nevertheless, the financial control of the religious endowments remained exclusively under the control of the 'clerical estate', whose members monopolized the office of the *sadr* throughout the seventeenth century.¹³

Under 'Abbas I (1587–1629), the main center of Shi'ite learning shifted from Syria to Isfahan. During the reigns of 'Abbas I and Safi (1629–1642), the *madrasas* of Isfahan produced a large number of Shi'ite doctors. The struggle for hierocratic domination between the Shi'ite doctors and the clerical notables was in the making. It intensified under 'Abbas II (1642–1666). 'Abbas II strongly supported the philosophically-oriented intellectual representatives of the clerical estate and their 'high' Sufism against the party of dogmatic religious professionals—the Shi'ite doctors. It is only with the ascendancy of Muhammad Baqir Majlisi, as the leader of the latter group, under Suleyman (1666–1694), that we may speak of the triumph of the emergent hierocracy of dogmatic religious professionals. This ascendancy was signalled by Majlisi's appointment in 1687/1098 as the *Shaykh al-Islam* of the capital, Isfahan,¹⁴ and was consolidated under his leadership over the ensuing twelve years.

Majlisi's achievement consisted in the consolidation of a Shi'ite hierocracy of religious professionals in the last decades of the seventeenth century which continued, after his death, through the first decades of the eighteenth century. Through the state, he set out to suppress Sufism and Sunnism,¹⁵ while personally devoting himself to the propagation of the Shi'ite doctrine and the elaboration of directives for a wide variety of rituals as the basis for the creation of

13 See the author's forthcoming *Shadow of God and the Hidden Imam* (Chicago: The University of Chicago Press, 1983), Chapter 5.

14 Khatun-abadi, p. 540.

15 S. A. Arjomand, "Religious Extremism (*Ghuluww*), Sufism and Sunnism in Safavid Iran: 1501–1722," *Journal of Asian History* xv, n° 1 (1981), pp. 28–33.

a specialized hierocracy of religious professionals. He did so by replacing the Sufi Shaykhs and by establishing exclusive control over the religious lives of the masses without the intermediary of the state which had sustained the clerical notables as its religio-administrative functionaries. With his efforts at the final phase of a prolonged struggle between two distinct groups with competing pretensions to religious authority, a Shi'ite hierocracy relative independent of the caesarapist state, though still in uneasy coexistence with the countervailing power of the clerical notables, finally consolidated itself.

We may remark in passing that the dislike of the author of *Tazkirat al-Muluk* for Mir Muhammad Baqir and his preference for Aqa Jamal, having ceased to seem strange once it was established that Mir Muhammad Baqir is another person than the great Majlisi, becomes fully understandable in the light of the rivalry between intellectual representatives of the clerical estate and the dogmatic party which eventually established itself as the hierocracy defining and guarding orthodox Shi'ism. Aqa Jamal Khwansari (d. 1710/1122) was among the last representatives of the philosophically-oriented School of Isfahan, whose influence was on the wane, while Mir Muhammad Baqir Khatun-abadi succeeded Majlisi as the head of the emergent hierocracy of the religious professionals after an interval of some thirteen years. The rivalry between Mir Muhammad Baqir and Aqa Jamal as the leading personalities of the contending camps is evident from the account of the inauguration of the royal *madrassa* in *Chabar-bagh* given in our chronicle.¹⁶ His dislike for Mir Muhammad Baqir indicates that the unknown author of the *Tazkirat al-Muluk* must have sided with the clerical estate and with Aqa Jamal Khwansari as its intellectual representative.

The emergence of an independent hierocracy of religious professionals did not affect the Safavid rulers' claim to supreme caesarapist authority on behalf of the Hidden Imam. These claims had come under the attack of the party of religious professionals when in opposition to 'Abbas II. Such attacks, however, were stopped once the nascent hierocracy could enlist the badly needed royal favor of Suleyman and especially of the devout Sultan-Husayn. The caesarapist claims of the ruler were condoned, while Majlisi took it upon himself to legitimate kingship as supreme temporal authority on behalf of the Shi'ite hierocracy.¹⁷

16 Khatun-abadi, pp. 559–562.

17 Muhammad Baqir Majlisi, *Ayn al-Hayat* (Tehran: 'Ilmi, 1954–1333), pp. 499–502.

Under these circumstances, and given the essentially patrimonial nature of Safavid government¹⁸ despite its bureaucratic centralization, the designations of *Mulla-bashi* or Chaplain of the Royal Household seems to have been the logical title for the position which Majlisi had in fact created for himself as the *Shaykh al-Islam* of Isfahan, which position subsequently became a distinct office—namely, the head of an institutionally differentiated but heterocephalous hierarchy.

The office of *Mulla-bashi* was retained after the Afghan invasion, and was occupied by Mirza 'Abd al-Hasan under Tahmasp II (1722–1736). Mirza 'Abd al-Hasan was strangled with a bow-string because of his Safavid loyalty on the eve of Nadir's 'election' as king in March 1736.¹⁹ Mulla 'Ali 'Akbar was thereupon appointed *Mulla-bashi* and held the office until Nadir's assassination in 1748/1160 when he too was killed with Nadir's other close associates.²⁰ Nadir's 'pan-Islamic' religious policy and the demotion of Twelver Shi'ism from the religion of the state to the fifth School of Law (*madhhab*) cannot be dealt with here.²¹ What is important for us to note is the crucial role of the *Mulla-bashi*, 'Ali Akbar, in Nadir's religious policy and its consequences. Mulla 'Ali Akbar was closely involved in Nadir's negotiations with the Ottomans even before his appointment as *Mulla-bashi*,²² and played a crucial role in the conference with the Sunni 'ulama' in 1743/1156 in which the first document of 'Islamic unity' was signed and sealed. As a part of the arrangement to secure the recognition of Shi'ism by the Sunnis, on the 26th of Shawwal 1156/13th of December 1743, Mulla 'Ali Akbar mounted the pulpit of the grand mosque of Kufa to pronounce, for the first time in Shi'ite history, the legitimacy of the first three Rightly-guided Caliph.²³

Although this particular act could conceivably be justified as *taqiyya*,²⁴ Nadir's anti-Shi'ite religious policy irreparably alienated the Shi'ite hierarchy from the Afshar state, and from its chief religious official, the *Mulla-bashi*.

18 For a general characterization of patrimonialism, see M. Weber, *Economy and Society* (G. Roth and G. Wittich, eds.) (Berkeley, 1978), pp. 1006–1069. The dominion is treated as the ruler's patrimony and an extension of the royal household.

19 J. Hanway, *An Historical Account of the British Trade Over the Caspian Sea* (London, 1753), p. 127.

20 M. Bamdad, *Tarikh-e Rijal-e Iran* (Tehran: Zavvar, 1968/1347), 2:435.

21 See R. Sha'bani, "Siyasat-e Madhhabi-ye Nadir," *Vahid* 7 no. 9 (1970/1348).

22 Mudarris Razavi, ed., *Mujmal al-Tavarikh* (Abu'l-Hasan ibn Muhammad Amin Ghulistaneh) (Tehran: Intisharat-e Danishgah-e Tihran, 1977/1356), Commentary, p. 373.

23 'Abdullah ibn al-Husayn al-Suwaydi, *Mu'tamir al-Najar* (Cairo, 1973/1393), pp. 50–53.

24 *Ibid.*, pp. 54–55.

As has already been pointed out, Karim Khan Zand made no effort to incorporate the Shi'ite hierocracy into the state. The latter subsisted in the Arab Iraq, and showed signs of inner vigor and revival during the anarchic 1780's and early 1790's. This revival took the form of the *Usuli* movement under the leadership of Aqa Muhammad Baqir Bihbihani (1705–1803), a descendant of Majlisi through his daughter. After over six decades of intervening anarchy. On the basis of the groundwork laid by his illustrious ancestor, Bihbihani's leadership assured the re-emergence and consolidation of hierocratic power independently of the state.

Aqa Muhammad Khan, the founder of the Qajar Dynasty who ruled most of Iran from 1785 to 1796 affirmed the continued adherence of his state to Twelver Shi'ism established in Iran by the Safavids. Especially in view of his lay descent, this fact made it all the more imperative for him to establish his rule and that of his Dynasty as *temporal* rule. This could only be done by the exclusion of pretensions to religious authority resting on charisma of holy lineage which, if retained, would have made a Safavid pretender more qualified to rule.²⁵

Aqa Muhammad Khan did not live long enough after his coronation to deal with this problem, but his successor Fath 'Ali Shah (1796–1834) did. As a new dynasty, the need to legitimate their rule must have been felt acutely by the first Qajar monarchs. As Weber remarks, "if the legitimacy of the ruler is not clearly identifiable through hereditary charisma, another charismatic power is needed; normally this can only be hierocracy."²⁶ The need to secure such legitimation, Fath 'Ali Shah turned to the Shi'ite hierocracy many of whose prominent members responded favorably, most notably, Mirza Abu'l-Qasim Qumi, the *Muhaqqiq*, and Sayyid Ja'far Kashfi. The Shi'ite hierocracy responded favorably to the initiative taken by the first Qajar rulers, but firmly insisted on the differentiations of the religious from the political authority and hence the autonomy and autocephaly of the hierocracy. They legitimated kingship, but legitimated it as authority pertaining to the temporal sphere. The religious

25 A serious attempt was made to revive Safavid caesaropapism, with a strong emphasis being put on the religious character of the rule of the Safavid descendants of the Imams. Mir Muhammad, a grandson of Shah Suleyman who specialized in the study of religious sciences and became known as Mir Muhammad *Mujtahid*. In the years of anarchy which followed Nadir's assassination, he was drawn into politics by the Safavid loyalists and ruled in Mashhad for 40 days in 1163 (January–February 1750) as Suleyman II. But this last attempt at the revival of the Safavid hierocratic caesaropapism collapsed, and Mir Muhammad whose charisma of Safavid lineage had already deprived him of his eyes, also had to suffer the mutilation of his tongue. (Mirza Muhammad Khalil Mar'ashi Safavi, *Majma' al-Tavarikh* (A. Iqbal, ed.), [Tehran, 1949/1328], pp. 90–97, 114–138).

26 Weber, p. 1147.

sphere was left to the exclusive hierocratic authority of the *mujtahids*, and Safavid caesaropapism was definitively discarded in principle.²⁷

The rejection of the Safavid caesaropapist rule on behalf of the Hidden Imam, and the *de jure* and *de facto* autonomy and autocephaly of the Shi'ite hierocracy spelled the demise of the highest religious office of the caesaropapist state, that of the *Mulla-bashi*.

In 1791/1205, Aqa Muhammad Khan Qajar sent his *Mulla-bashi*, Mulla Muhammad Husayn of Mazandaran, to Kirman-shah to invite Aqa Muhammad 'Ali *Mujtahid*, the son of Aqa Muhammad Baqir Bihbihani, to the capital.²⁸ This mission marked the beginning of the *rapprochement* between the Qajar state and the Shi'ite hierocracy, and decisively sealed the fate of the office of the *Mulla-bashi*. The *Mulla-bashi* still remained the chaplain of the Royal Household, but, given the autocephaly of the Shi'ite hierocracy and its independence from the patrimonial government, his jurisdiction no longer extended beyond the Qajar household. The office was noted by a European traveller in the early nineteenth century.²⁹ Mulla Muhammad Husayn's son, Mulla 'Ali Asghar succeeded him as the *Mulla-bashi*.³⁰

Mulla 'Ali Asghar, however, appears as a miserable figure in the royal household. His duties seem to have been so restricted as to have given him ample opportunity for dissolute drunkenness. *Mulla-bashi* 'Ali Asghar was often reprimanded for his bibulousness, and was even bastionadoed for this propensity by the order of Fath 'Ali Shah.³¹ The office of the *Mulla-bashi* was not abolished. We know that a certain Ḥājji Mullā Muḥammad Amīn (d. between 1826 and 1828/1241 and 1243) held the office, and that the office was still a reputable sinecure by the middle of the nineteenth century.³² However, during the reign of

27 S. A. Arjomand, "The Hierocracy and the State in Pre-Modern Iran: 1785–1890," *European Journal of Sociology*, xxii, no. 1 (1981).

28 Mirza Muhammad Taqi Sipih, *Nasikh al-Tavarikh* (M. B. Bihbudi, ed.) (Tehran: Islamiyya, 1965/6/1344), 1:60; Rida Quli Khan Hidayat, *Rawdat al-Safa-ye Nasiri* (Tehran: Khayyam, 1960–61/1339), 9:241.

29 Tancoigne, *A Narrative of A Journey into Persia* (London, 1820), p. 191.

30 Ahmad Mirza 'Azud al-Dawleh, *Tarikh-e 'Azudi* (K. Kuhi Kirmani, ed.) (Tehran, 1949/1328), p. 37.

31 Ibid. We hear of Mulla 'Ali Asghar's son in 1833/1247, but as an administrator of the province of Kirman and no longer as the *Mulla-bashi*. (Sipih, 2:11; Hidayat, 10:44). Algar misreads the passage in the *Rawdat al-Safa* and wrongly assumes that the official in question, Nizam al-'ulama', the son of the former *Mulla-bashi* 'Ali Asghar, is Mulla 'Ali Asghar himself. (H. Algar, *Religion and the State in Iran: 1785–1906*) [Berkeley; University of California Press, 1969], p. 52.

32 Mulla Muhammad Malik al-Kuttab, the *Mulla-bashi*, was appointed to the 'Consultative Chamber' (*Maslahat-Khaneh*) set up by Nasir al-Din Shah in 1858. (K. Isfahanian, ed.,

the Sufi and anti-clerical Muḥammad Shāh (1834–1848), *Mullā-bāshī* ceased to be the title of the highest religious functionary at the central court, and passed on to the tutor of the Crown Prince, Nasir al-Din, who resided in Tabriz. Even so, this tutor, Ḥājī Mullā Maḥmūd Tabrīzī (d. 1855/1272), who subsequently moved to Tehran with the new monarch, Nāṣir al-Dīn Shāh (1848–1896), and retained his privileged position, was much more commonly addressed by the title of Niẓām al-‘Ulamā’. And it was this latter title of Niẓām al-‘Ulamā’ which came to be officially used, in preference to *Mullā-bāshī*, to designate Mullā Maḥmūd’s successors to the privilege of being “the first among the ‘ulamā’ in royal audiences.”³³

By the latter part of the century, however, the title had so depreciated as to be bestowed on certain clerics and men of learning by common acclamation.³⁴ By the beginning of the twentieth century, we have the provincial governor’s buffoon mentioned by Minorsky.

With a handful of eminent *mujtahids* acquiring enormous power and prestige as the heads of an autonomous Shi‘ite hierocracy during the reign of Fath ‘Ali Shah, the office of the Royal Chaplain, the *Mulla-bashi*, thus withered away.

P.S.

More light is thrown on the coining and significance of the title of *Mulla-bashi* by the passage describing the office in the *Dastur al-Muluk*, an administrative handbook originally commissioned by Shah Sultan-Husayn on which the slightly later *Tazkirat al-Muluk* is partly based:

The king enquired about religious problems and scientific subtleties through him, and he was thus addressed by the title of *Mulla-bashi* . . . He is required to be in attendance in the company of the Victory-favored (king) in all journeys.³⁵

Majmū‘a-ye Asnad va Madarik-e Farrukh Khan Amin al-Dawleh [Tehran: Tehran University Press, 1970–71/1350], 3:331, 347). Dr. Ḥusayn Mudarrisi Ṭabāṭabā‘ī has kindly informed me that he has seen a manuscript of *Zahr al-Rabī‘* written for Muhammad Amin the *Mullā-bāshī*. Interestingly—as if to acknowledge the transfer of religious authority discussed in this paper—the *Mullā-bāshī* donated the book to the ‘ulamā’ *imāmiyya* after his death *ca.* 1828 (Library of Masjid A‘zam, Qum, MS No. 190).

33 Mirza Hasan Ṭīmad al-Saltaneh, *al-Ma‘athir va’l-Alhar* (Tehran, 1888), p. 24; *Hidayat*, 10:603.

34 Ṭīmad al-Saltaneh, p. 211.

35 Mirza Rafī‘a, *Dastur al-Muluk* (M. T. Danish-Pajuh, ed.), Tehran, n.d. I am grateful to Mrs. Jennie Fitzgerald for pointing out to me that Mr. Muhammad Taqi Danish-Pajuh had noticed Minorsky’s mistake and correctly established the identity of Mir Muhammad Baqir Khatun-abadi in his introduction to Mirza Rafī‘a’s treatise (*Ibid.*, pp. 13, 26).

Shi‘ite Jurists and Iran’s Law and Constitutional Order in the Twentieth Century*

Egypt and Iran shared a dual legal system of state law (*qānun*) and religious law (*shari‘a*) as well as a common pattern of modernization of the state and its judiciary organization. The perception that the *shari‘a* allowed judges too great a latitude to be suitable for a modern state was widely held in the late nineteenth century both in Iran and in Egypt, giving legal reform a high priority in the project of state modernization. In both countries, the ulema (*‘ulamā*) who served as judges of the *shari‘a* courts resisted legal reform because it threatened their vested interests. (Brown 1995:118–9)

In 1918, Max Weber (1948:94–96) could still assert that the legal profession as an independent status group existed only in the West, even though a modern legal profession was in the process of formation in Egypt and Iran by then. “The legal profession is located at the crux of the rule of law,” which, as a recent study concludes, “could not conceivably function without this group committed to the values of legality.” (Tamanaha 2004:59) In Egypt and Iran, this modern legal profession had to contend with the traditional estate of clerical jurists and judges, which had historically constituted an independent status group and carried out very important judiciary functions. The relationship between and the modern legal profession and the religious profession or the old clerical estate, however, varied enormously in the two countries. As compared to Egypt, the legal profession developed much later in Iran and remained weak under the monarchy, to be further weakened and nearly destroyed by the Islamic revolution. The clerical estate as religious jurists, by contrast, played an important role in the construction of Iran’s constitutional order and legal system throughout the twentieth century.

There were no legal reforms in Iran comparable to the creation of the national courts (*al-mahākīm al-ahliyya*) in 1883 in Egypt, nor anything like the guidelines provided for these courts by way of semi-official codification of the Hanafi law in the posthumously published work of Muhammad Qadri Pasha (d. 1886), *Murshid al-hayrān*. Customary (*‘orfi*) law in the first half of

* Originally published in S. A. Arjomand and N. J. Brown, eds., *The Rule of Law, Islam and Constitutional Politics in Egypt and Iran*, 2013, pp. 15–56.

nineteenth-century had been administered by the governors, holders of state-land (*toyul*) and village headmen, and the royal court, the *Divānkhāna*, was the highest court of the realm and also functioned as a court of appeal. (Arjomand 2005) The bulk of judiciary functions, however, was carried out by the courts of the religious jurists, the *mojtaheds*, known as (*mahāzer-e sharʿ*). As in the Safavid era, “the four crimes” (*ahdāth arbaʿa*), namely murder, theft, injury and rape, were excluded from the jurisdiction of the *sharʿi* courts and left to the Shah and the head (*amir*) of his *Divānkhāna*, with the consent of the Shiʿite hierarchy.¹ (Rāvandi 1990:247–49) This left the penal provisions of the *shariʿa* effectively in abeyance, except in criminal cases found difficult by the customary courts and referred to the *sharʿi* courts. Nāser al-Din Shah (1848–96) took a keen interest in all the murder cases in the realm, and on rare occasions early in his reign, as in a case settled by retaliation (*qesās*) by the family of the victim in Shiraz in 1860/1278, delegated this right to provincial governors.² But in a decree of 1871/1287, he forbade provincial governors to try any murder case, thereby reaffirming his exclusive authority over the lives of his subjects. (Nashat 1982:50–51) The attempts to control the contradictory verdicts of the *sharʿi* courts in 1855, and to reform the royal court, restyled in 1858 *Divānkhāna-ye ʿāliyya*,³ were largely ineffective. In 1860/1277, however, Nāser al-Din Shah, set up a parallel traditional court of grievances (*mazālem*) over which he presided every Sunday, carefully avoiding making it a court of appeals. (Lambton 1991:19–20) Four years later (1864/1281), he devised a system of chests of justice (*sanduqhā-ye ʿadālat*) for receiving petitions from the subjects in major cities. (Schneider 2006:34–37) Finally, when inaugurating the new judiciary (*ʿadliyya*) in 1887/1304, he transferred his judicial authority to it. The new judiciary was divided into five courts.⁴ Each court (*majles*) was functionally designated in imitation of the Ottoman reformed judiciary, but in fact became known as the court of so and so (its chairman) with no regard for jurisdictional differentiation. The personnel of the new central judiciary at one point consisted of thirty-two officials, thirty servants and an enforcement corps of twenty men (singular, *farrāsh*), under one officer and two lieutenants.

1 I use Max Weber’s term for an independent religious institution. The term is certainly applicable to the Shiʿite religious institution in Iran as, in contrast to the Sunni hierarchy, it was organized independently from the state since the late eighteenth century.

2 *Ruznāma-ye rasmi* (the official gazette), 504 (Jumādā I, 1278).

3 Also *Divānkhāna-ye ʿozma*.

4 An earlier abortive attempt to reorganize the judiciary along Ottoman lines in 1871 had provided for six courts or divisions.

(Mohit-Tabātabā'i 1968:69–73) The enforcement men were in charge of executing the verdicts of the *shar'i* courts as well. (Lambton 1991:20)

The dual judiciary system inherited by the constitutional government in 1907 was basically the one sketched above. The ubiquitous outcry was against the complete lack of organization in the state judiciary (*'adliyya*), on the one hand, and on the other, the chaos created by the contradictory verdicts (*nāsekh va mansukh*) of the *shar'i* courts in the absence of any judiciary hierarchy and appeal system.⁵ And there was broad consent, if not unanimity, that the remedy to the deplorable conditions of both state and religious courts was the rationalization of judiciary procedure and the unification of judiciary organization. There was no explicit hint of secularization, and no Persian word for that concept, though the fact that the reform was to be carried out by the constitutional government obviously implied state control over the unified judiciary of the future.

1 The Emergence of Shi'ite Constitutionalism

Shi'ism was exposed to Western constitutionalism later than Sunni Islam, and for decades made no significant response to it. Prototypically, Islamic constitutionalism appeared in the writings of a group of Islamic modernists among the reformist bureaucrats, notably Khayr al-Din Pasha in Tunisia and Namik Kemal in Turkey, who participated in the drafting of the Tunisian Constitution of 1861 and the Ottoman Constitution of 1876 respectively, and argued that representative, constitutional government captured the spirit of Islam. This argument was also made forcefully, but without any particularly Shi'ite inflection, by the Iranian consul in Tblisi, Yusuf Khan Mostashar al-Dawla, in a short tract published in 1871, *Yak kalama* (One Word). In this period, Ahmad ibn Abi Diyaf (2005, esp. p. 75), another Tunisian bureaucrat and drafter of its constitution, based his constitutionalist reading of Islamic history on his remarkable intuition that the *shari'a* imposed a limitation upon autocratic monarchy, or in his words, "monarchy limited by law (*qānun*)," was indeed the normative form of government in Islam after the pristine Caliphate. According to him, it was violated in some historical periods but was restored by the great Ottoman dynasty.

5 One of the leading constitutionalist *mujtaheds* of Tehran, Sayyed Mohammad Tabātabā'i, thus admitted in early 1906 that judiciary reforms would primarily be at the expense of his own estate, the ulema; nevertheless, "the people will be relieved from oppression, as they will not need us and will not come to our houses [where the *shar'i* courts were held]." (Cited in (Zarang 2002:137).

Similar assertions were made by the proponents of constitutionalism in Iran three decades later. One pamphleteer asserted that constitutional government had been founded by Prophet Muhammad and was first demanded from the rulers of Europe by the returning crusaders who discovered it as the secret of the Muslim's success; and a leading journalist claimed it as the pristine form of government in Islam that had subsequently been forgotten by Muslims. (Cited in Ājudāni 2003–4, pp. 367–68, 371–72)

The peculiarity of Iran as the only Muslim country where Shi'ism was the established religion left an indelible mark on the character of Islamic constitutionalism in general as it developed in the twentieth century. By the nineteenth century, what distinguished the Shi'ite from the Sunni branch of Islam was firmly institutionalized clericalism and a powerful Shi'ite hierocracy that was independent of the state. Unlike the Ottoman constitutionalists who needed to persuade the Sultan directly, the Iranian constitutionalist also had the option of turning to the Shi'ite hierocracy. As a result of the conscious strategy of the constitutionalist movement to draw the leaders of the Shi'ite hierocracy into the political arena in order to pressure the Shah to grant Iran a constitution, the aims of the movement were presented as fully consistent with Islam, and implicitly with the interest of the hierocracy to limit the power of the autocratic state. Therefore, from the very beginning in the spring of 1905, the constitutionalist movement's demands were couched in religious terms. An early open letter by one of the main constitutionalist secret societies in May 1905 demanded the limitation of the powers of governmental and religious authorities according to the *shari'at* (Lambton 1965, 3:650); and in January 1906 (Dhi-Qa'da 1323), Mozaffar al-Din Shah (1896–1907) ordered the prime minister to establish a "governmental house of justice" (*'adālatkhāna-ye dawlati*) in order to "implement the ordinances of the sacred *shari'at* . . . in such a way that all classes of the subjects (*ra'īyyat*) be equally treated" and to draft a constitutional charter "according to the laws (*qawānin*) of the incumbent *shar'*." (Cited in Rahimi 1978:60–61) 'Ayn al-Dawla, the reactionary prime minister procrastinated, and by the time the bylaws of the house of justice had been drafted and endorsed by the king in the summer of 1906, popular demand had escalated into nothing short of a constitution. (Zarang 2002:138) It took a few more months of intense popular pressure and a different prime minister, however, to have a constitution drafted.

It is interesting to note that the term *mashruta* (literally, conditional) for constitutional government, emanating from the Ottoman Empire, was resisted even after the constitution was signed by Mozaffar al-Din Shah on his deathbed at the end of December 1906. His successor, Mohammad 'Ali Shah, resisted the term and proposed "*shari'a*-permissible" (*mashru'a*), instead of *mashruta*,

and the Majles representatives almost acquiesced in accepting the term! In February 1907, however, the new monarch was prevailed upon to issued a decree confirming that Iran was now included among the constitutional states (*doval-e mashruta-ye sāheb-e konstitusion*). (Afshar 1990:23[fasc. 11], 26[fasc. 13]; Arjomand 2009a:56) This formulation avoided “*shari'a*-permissibility” as the defining feature of the new state but instead defined it in universal terms by possession of a constitution. The constitutionalists were nevertheless forced into a defensive position almost immediately, as a result of the emergence of a traditionalist movement in opposition to the Majles, and even two years later, in a pamphlet entitled *Lālān* (the dumb), the clerical constitutionalist Thiḡat al-Islam of Tabriz⁶ would feel constrained to affirmed, in defense of the new constitutional order, that the “Iranian constitutionalism” (*mashrutīyyat*) was not to imitate foreign constitutionalism and “does not wish any reprehensible innovation to occur in religion.” (Cited in Ājudāni 2003–4, p. 205) Nor was the original coupling of constitutional government and the demand for a reformed judiciary forgotten. In January 1911, the *Ruznāma-ya Majles* (parliamentary gazette) could reaffirm that “the judiciary (*‘adliyya*) is the soul of constitutionalism and the primary cause of the creation of constitutional government and national sovereignty.”⁷ (Cited by Zarang 2002:126)

Islamic constitutionalism during the first decade of the twentieth century bore the distinctive mark of Shi'ism. This formative Shi'ite contribution was occasioned by the prominence in the Constitutional Revolution (1906–11) of the Shi'ite jurists who assumed national leadership against the Shah and autocracy, and who consequently generated a deeper and more serious constitutional debates about Islam than any around the time of the Ottoman Constitution. During the process of constitution-making and judicial reforms in Iran, all the major issues and problems concerning the place of Islam in a modern constitutional order surfaced in this public debate and in the new free press. Foremost among these was the problem of the conformity of legislation with the *shari'a*—or what, following the British colonial legal language, was much later to become the “repugnancy clause” in the 1956 Constitution of the Islamic Republic of Pakistan. The problem came to light as soon as the Majles set up a drafting committee to complete the Fundamental Law early in 1907.

Shaykh Fazlallah Nuri (d. 1909), one of the three high-ranking *mujtaheds* of Tehran who had led the popular protest against the Shah, fell out with the constitutionalists and launch a traditionalist movement in opposition to

6 He was also the leader of the Shaykhi sect within Twelver Shi'ism.

7 In October 1911, a critic of Moshir al-Dawla's reforms considered their shortcomings a direct result of constitutionalism (*mashrutīyyat*). (Afshar 1990:156 [fasc. 106])

the Majles. His objections were quickly accepted by the clerics who remained in the constitutionalist camp. The illusion of the identity of Islam and constitutionalism was further shaken as the secularizing implications of constitutional law and parliamentary legislation became clear with the discussion of proposals for judicial reform in the Majles. The illusion was never given up, however, and was in fact made more robust by being transformed into Nuri's proposal for 'shar'ī or 'shari'a-permissible' constitutionalism (*mashruta mashru'a*). Although few of these problems were definitively or satisfactorily resolved by it, the idea of *shar'ī* constitutionalism became clearly defined and elaborated. As distinct from secular constitutionalism, this form of Islamic constitutionalism considered the *shari'a* a firm limitation on government and legislation. (Arjomand 2008)

The core idea of *shari'* constitutionalism was embodied in Article 2 of the 1907 Supplement to the Fundamental Law, which declared: "At no time must any legal enactments of the National Consultative Assembly . . . be at variance with the sacred principles of Islam . . ." Furthermore, a committee of no less than five religious jurists of the highest rank (*mojtahedin-e terāz-e avval*) was given the power to "reject, repudiate, wholly or in part, any proposal which is at variance with the sacred laws of Islam." Furthermore, Article 27 of the Supplement made the validity of all legal enactments conditional upon their conformity with the standards of the Sacred Law, and further stated that the judiciary power "belongs to the *shar'ī* courts in matters pertaining to the Sacred Law (*shar'īyyāt*) and to civil courts in matters pertaining to customary law (*'orfīyyāt*)." Article 71 made the administration of justice in matters of the Sacred Law (*omur shar'īyya*) the prerogative of the "just *mojtaheds*", and Article 83 of the Supplement required the approval of the hierocratic judge (*hākem-e shar'*) (*sic*) for the appointment of the prosecutor general by the king.⁸

The committee of five *mojtaheds* was never formed because the great majority of Shi'ite jurists selected by the Second Majles (1909–11) in several rounds considered it beneath their dignity to accept, and the majority of clerical supporters of the Majles withdrew from politics in disillusionment. Only two politically ambitious clerics in the Majles, Sayyed Hasan Modarres and

8 Nor did the Supplement recognize the principle of secularism in its bill of rights: the freedom to publish ideas (Article 18), to form associations (Article 21) and to learn and teach sciences and crafts (Article 18) were made contingent to being in conformity with the interest of the established religion. Article 79 concerning "political and press misdemeanor (*taqsīrāt*)," which presumable cover cases relating to Articles 18 and 20, requires a trial by jury and not by any *shar'ī* court.

Hajj Mirza Yahya, the Imam Jom'ā of Khoi, did perform the supervisory role of insuring consistency of legislation with the *shari'a* in a fashion, without formally instituting a committee. (Arjomand 1993) Nevertheless, the existence of Article 2 enabled Modarres, in particular, to act informally but very effectively as the "*majtahed* of the highest rank," and for the pro-constitution "sources of imitation" in Najaf to put considerable pressure on the Majles to assure conformity of legislation with the *shari'a*.⁹

2 Law Professors and Shi'ite Jurists in the Modernization of Iran's Legal System

The first decade of the constitutional era witnessed the emergence of the nucleus of a modern legal profession. Mirza Hasan Khan Moshir al-Molk, who later inherited his father's title of Moshir al-Dawla and still later assumed the surname Pirniā, founded a new School of Political Science in Tehran in 1899 and wrote a textbook on International Law (*Hoquq-e bayn al-melal*) for it, served as Minister of Justice in several constitutional governments and became the major architect the new court system set up in 1911.¹⁰ He had great difficulty in recruiting a cleric to teach Shi'ite jurisprudence because of the opposition of the ulema who claimed the exclusive right to teach it in their seminaries. (Forughi 1937:726–27) Mohammad 'Ali Khan, son of Zoka' al-Molk,¹¹ the director of the new School of Political Science in Tehran, who taught history there and later inherited his father's title and then chose Forughi as his surname, wrote the first book in Persian on constitutional law in 1907, expounding the principles of constitutional governments and national sovereignty (significantly rendered *saltanat-e melli*). ([Forughi] 1907:15) In the preface, he mentioned that the School of Political Science had been set up for teaching law (*hoquq*), which is the modern form of the science of civic politics (*siyāsat-e modon*). ([Forughi] 1907:2–3) Mohammad-'Ali Khan Zoka' al-Molk served as Minister of Justice after Moshir al-Dawla, from December 1911 to June 1912, and again from August 1914 to April 1915. (Shaji'i, 3:89–97) Mohammad Mosaddeq al-Saltana, later Mosaddeq, also taught at the School of Political Science after

9 Early in December 1927, the *majtahed* of Isfahan, Hajj Āqā Nurallāh, who led a protest movement against conscription and judiciary reforms, pressed the government to commit itself to setting up the committee of the five *majtaheds*, but he died on December 26 and the government did not have to keep its promise. (Cronin 2010:179).

10 He later served as Prime Minister four times between 1915 and 1924.

11 This is how he is identified on the title page of his book.

obtaining his doctorate in Switzerland and entering politics and joining government. The quintessential law professor at the School of Political Science and later the Faculty of Law of the University of Tehran was, however, Mostafa Khan, Mansur al-Saltana, later 'Adl.

Mansur al-Saltana had studied law in Paris. In 1909, while serving as Deputy-Minister of Justice, he wrote the first textbook on Iran's nascent constitutional law, offering a legal commentary of the 1906 and 1907 Fundamental Laws and covering the legislation of the first session of the Majles (1907–1909). He noted the introduction of the jury into the Iranian legal system by the Press Law of 27 February 1908/24 Moharram 1326, pursuant to Article 79 of the Constitution, and the irregular passage of the Electoral Regulations of 1 July 1909/12 Jumādā 11 1327 in Azerbaijan through a national inquest after the expiry of the session. (Manusr al-Saltana 1909:43–44, 131–34) He also commented on an important constitutional gap: while entrenching Article 2 of the 1907 Supplement to the Fundamental Law as unalterable “until the appearance of the Proof of God [i.e., the Hidden Imam],” it did not specify how other Articles may be altered! In other words, there were no provisions for amending the Constitution. (Ibid: 357) Although he subsequently served as the care-taker (*kafil*) for Ministry of Justice in several cabinets, teaching law and writing legal textbooks remained his true passion, and he lived to train the next two generations of Iranian lawyers.

The founders of the Iranian modern legal profession were completely dependent on the religious jurists for judiciary reorganization.¹² In March 1911, Hasan Pirniā, Moshir al-Dawla, whose earlier efforts at judiciary reform had been frustrated (Gheissari 2008:53), accepted the portfolio of the Ministry of Justice once more. (Shaji'i, 3:67–88) He had agreed to do so only after Sayyed Hasan Modarres, acting informally in the Majles as “the *majtahed* of the highest rank,” assured him of his full support and cooperation. (Zarang 2002:191) Moshir al-Dawla was convinced that it was impossible to pass a judiciary reform bill in the face of the traditionalist clerical opposition which considered the *shari'a* the only legitimate law, and instead devised the strategy of authorizing the Majles Judiciary Committee to draft a law for the government to enforce provisionally. He persuaded the Majles to allow this with great difficulty. (Forughi 1937:730–31) The Committee included some clerical jurists, notably Sayyed Mohammad-Reza Sadat-Afja'i, Sayyed Nasrallah Taqavi (Sadat-Akhavi) and Sayyed Mohammad Fatemi-Qomi, and met in the evenings in either Moshir al-Dawla's or Modarres's house alternately. (Zarang 2002:184–85) On 18 July 1911/21 Rajab 1329, the Majles Judiciary Committee passed its provisional law

12 All the more so as some of the reactionary governors, for instance in Fars in 1909 (Amin 2003:491), continued to hold their own customary courts and obstructed judiciary reform.

on judiciary organization, which was given to the government for implementation. In November 1911, as Moshir al-Dawla was leaving office, another drafting committee that included Zoka' al-Molk Forughi, Taqavi and Fatemi-Qomi, completed the *Qānun-e Osul-e Mohākemat-e Hoquqi* (Law of the Principles of Civil Procedure). Zoka' al-Molk, who succeeded Moshir al-Dawla as Minister of Justice in December 1911, put it into effect. He then became the first president of the new Court of Cassation to assure its continued implementation. Forughi's other clerical advisors included Mirzā Täher Tonekāboni and Shams al-'Olamā' Qarib-Gorgāni. The twin law of procedure in criminal law was completed during the prolonged closure of the Majles following the Russian occupation of northern Iran (1911–14), but was the government ordered its implementation on a provisional basis. (Forughi 1937:731) In March 1917/Jumādā 1 1335, the Cabinet passed *Qānun-e Jazā-ye 'Orfi* (Customary Penal Law) as a decree-law.

Modarres stated his reason for supporting judiciary reform, which was undoubtedly shared by all the other clerical jurists who took an active part in it: "The content of civil and criminal matters is what is given in the law (*qānun*) of Islam, and one must not give away even a poppy seed's worth of it... We must take the content of judicial laws from our religious rules, and the procedure for their execution from the general laws of the world." (Cited in Zarang 2002:186) Furthermore, despite the cogent argument of the reformers that the penal provisions of the *shari'a* had been in abeyance for centuries, Modarres insisted on provisions for a special *shar'i* criminal court. (Zarang 2003:169)

In other words, Modarres admitted that Islamic procedural law was defective and needed to be modernized by following the rest of the world—i.e., the West—but the substantive content of the laws, to be modernized through codification, was to be taken entirely from the Shi'ite jurisprudence (*feqh*). If the law professors engaged in the legal reforms disagreed with the second part of the proposition, they did not dare say so in public. In fact, the traditionalist clerical opposition was so strong that the secular courts did not use the term *hokm* for their verdict for quite some time, and the reformers confined their codification to procedural law. (Forughi 1937:730–32) When the reformed high court of Azerbaijan reopened in Tabriz in September 1915, its chief justice issued a proclamation to allay rumored suspicions of secularization: "The procedure of the judiciary (*'adalatkhāna*) throughout the realm rests firstly on the commandments of the holy *shar'* and secondly on the administrative regulations and laws written by the sacred pen of the known religious jurists of the highest rank."¹³ (Afshar 1990:50[fasc. 36])

13 He further claimed that the names of religious jurists of the highest rank concerned were printed at the end of every published law.

The reformers had accepted the principle that the substance of the codified laws should not diverge from that of Shi'ite jurisprudence, and even in the subsequent phase of legal modernization, respected it. The opening Article of the *Qānun-e Mojāzāt-e 'Omumi* (Public Penal Law) of January 1926/Day 1304, passed shortly after Reza Shah had ascended the throne, justified the stated penalties as necessary for the maintenance of order, and allowed the application of the *shar'ī* penalties to those "crime discovered and persecuted according to Islamic standards." (Sāleh 1969:239–40) In the 1930s, Mosaddeq's son-in-law, Ahmad Matin-Daftari, prepared the draft of a new and thoroughly modern penal law, but it was buried in the drafting committee. (Ibid: 238) Although the second part of the above-mentioned Article 1 of the 1926 law was intended to be a dead letter and remained so, it was only in 1973/1352 that it was quietly removed from the text of the law by an amendment. (Mehrpur 1993:32–36)

Returning to the situation in 1911, while working alongside his clerical colleagues in the drafting committee, Modarres was in a strong enough position to keep the modern law experts in check. All the same, the grand *mojtaheds* of Najaf who had critically supported the constitutionalists during the restoration of autocracy (June 1907–July 1908) were not taking any chances regarding incipient secularization. One of them, Ayatollah 'Abdallāh Māzandarāni, wrote to the Majles Speaker Mo'tamen al-Molk Pirniā, who was the brother of Moshir al-Dawla, expressing his alarm at the rumors that the new draft law of judiciary organization would violate Article 27 of the Supplement to the Fundamental Law by making the verdicts of the *shar'ī* courts subject to appeal. He stated that any appeal from "the *shar'ī* verdict of an authoritative *mojtahed* is illegitimate according to the principles of the Ja'fari *madhhab* [Twelver Shi'ism]," and asked that his letter be read in the Majles and responded to so as to relieve his "terror and anxiety." The letter was read out in the Majles on May 23, 1911/24 Jumādā I, 1329, and the Majles replied that Article 27 would be respected and "the verdicts issued by the *shar'ī* courts will be definitive and final, and would not be referred to the courts of appeal and cassation." (Zarang 2002:196–97)

In the end, the 1911 provisional Law of Judiciary Organization accommodated the judicial authority of the Shi'ite jurists copiously. The lowest courts of arbitration (*solhiyya*) were to be run by a judge of customary law (called the *amin-e solh*), who received the petitions in the first instance. The court also had another judge called (*hākem-e solh*), however, who was an apprentice-jurist knowledgeable in the *shari'a*, to whom the first judge could refer the case if he deemed fit. (Mosaddeq al-Saltana 1915:9, 58–59) The next level of the hierarchy was dual and comprised the courts of the first instance (*ebtedā'i*) and the *shar'ī* courts. The *shar'ī* courts consisted of a *mojtahed*-president (*hākem*), and two assistant judges close to the rank of *ejtehād*. The courts of first instance

had a president and two other judges, one of whom, interestingly, had to be knowledgeable in Shi'ite jurisprudence. (Ibid: 15, 60–61) The appeal system for the two sets of courts was different. Appeal courts of second instance (*estināf*) were to be set up in Tehran and four of the provinces. The *shar'i* courts were to have extraordinary gatherings of religious judges of the province to deal with appeals as well as possible dismissals and replacements of the clerical judiciary personnel. All judges of the *shar'i* courts, including the *mojtahed*-presidents were to be licensed state employees. *Pace* the assurance given to Ayatollah Māzandarāni by the Majles, this introduced an appeal system against the verdicts of the *shar'i* courts, and it barred the *mojtaheds* who did not work for the Ministry of Justice from holding courts. Attorneys at law were also to be recognized and licensed by the Ministry of Justice. (Mosaddeq al-Saltana 1915:47–58) Finally, provisions were made for a highest court of appeal, a Court of Cassation (*tamiz*) for the whole country to be set up in Tehran.

The issue of overlapping jurisdiction of the secular and *shar'i* courts had been hotly debated in the Majles (Zarang 2002:198–202), but it was not clearly discussed and settled in the 1911 Law of Judiciary Organization. The *shar'i* courts had exclusive authority over cases of marriage and divorce, bankruptcy, appointment of supervisors to religious endowments (*awqāf*) and cases that could only be settled by *shar'i* proof or taking the oath. The courts of first instance were not categorically barred from dealing with *shar'i* matters,¹⁴ however, and were only required to refer the cases to the *shar'i* courts in cases of “ignorance the *shar'i* norms or instances of their applicability.” (Article 143) Complicated and vague arguments for resolving cases of overlapping jurisdiction gave priority to “the *shar'i* courts of the just *mojtaheds*” in principle, but Article 148 procedurally resolved them in favor of secular courts in cases of “original mutual consent” to submit the case to them. Mosaddeq (1915:164) interprets this “mutual consent” to be implicit in the parties not initially challenging the jurisdiction of the secular courts! In practice, however, the scarcity of qualified secular judges probably led “to the referral of most cases to the *shar'i* courts.” (Lambton 1991:21) One of the first judges of the appeal circuit for the Kerman province, Nazem al-Eslam, reports that the scribes who kept the records in the houses of the *mojtaheds*, which were the *shar'i* courts, and occasionally dabbled in representing parties to the case, had become the new lawyers and assumed the title of attorney at law. (Cited in Rāvandi 1990:270) The deplorable state of the reformed judiciary more generally is the subject of biting satirical poems by an insider, Adib al-Molk Farahani. (Cited in Amin 2003:477–78)

14 They were required to include at least one judge knowledgeable in Islamic jurisprudence.

The 1911 Law of Judiciary Organization also established the separation of the functions of the judge and the prosecutor in the courts of first and second instance and cassation. (Mosaddeq al-Saltana 1915:34) The office of the public prosecutor was designated by the French and Arabic terms *parquet* and *mudda'i al-'umum*, which were later Persianized into *dāsetān*. It is interesting to note, in retrospect, that the introduction of the office of the public prosecutor raised the issue of the “authority of the jurist” (*velāyat-e faqih*) as it was understood at the time and before Khomeini’s theory of theocratic government. Already in 1907, when the concept was being introduced in the discussion of the section on judiciary organization in the Supplement to the Fundamental Law, a number of Majles deputies found that the authority now being granted to prosecute on behalf of the public belonged in fact to the jurists as deputies of the Hidden Imam. (Zarang 2002:175–76) This objection had been overruled by requiring, as we have seen, the permission of the [unspecified] hierocratic judge (*hākem-e shar'*) for the appointment of prosecutor general in Article 83. The 1911 law also implicitly recognized the Shi'ite traditional authority of the jurist. The jurisdiction of the public prosecutor included cases affecting the insane and minors with legal guardians. However, concerning the insane and minors without legal guardians, who were by default subject to the authority of the jurist according to Shi'ite jurisprudence, “the prosecutor should first inform the just and fully qualified *mojtahed* before interfering.” (Article 124 as cited in Mosaddeq al-Saltana 1915:30)

The implementation of the provisional laws of 1911 and the subsequent ones did not go far, and its limited effect beyond Tehran is doubtful. This, at any rate, was the justification given by 'Ali-Akbar Davar in 1927 for the dissolution of the judiciary and the sweeping modernization of judiciary organization and codification of Iranian law. Davar had served in the reformed *'adliyya* at its inception as a district attorney in 1910 before going to Switzerland to study law, like Mosaddeq, and opened a law practice in Tehran upon his return. His burning political ambitions immediately took him to the political arena, and he was elected to the Majles in 1922 with the help of Reza Khan, the Minister of War who soon became Prime Minister. He became Reza Khan's advocate in the Majles, and presented a bill to appoint him the commander-in-chief of the armed forces in February 1925, followed by a subsequent one at the end of October, terminating the reign of the Qajar dynasty. As there were no provisions for amending the constitution, he then devised a constituent assembly for the transfer of monarchy to Reza Khan and his descendants. ('Aqeli 1996) Davar thus became one of Reza Khan/Shah's closest political allies, alongside another ambitious politician, Sardar Mo'azzam Khorāsāni, who chose the surname Teymurtāsh.

In February 1927, Davar, took over the Ministry of Justice and, ignoring Mosaddeq's plea that the judiciary (*'adliyya*) was the soul of the Constitutional Revolution, announced its dissolution. The Sixth Majles (1926–28), the last one to be elected relatively freely under Reza Shah, gave Davar extraordinary powers for three months to set up a uniform modernized national judiciary by executive decrees. When the new judiciary was inaugurated in April 1927, a significant number of clerics (at least 6) were among the first appointed judiciary cadre of some 40 judges and prosecutors. (Āqeli 1990:161–73) By the latter part of 1929, the judiciary cadre had expanded into about 260, including seven clerics in the highest court, the Court of Cassation, of whom three were *mojtaheds*. (Āqeli 1990:167, 173–74) Only two regular hierocratic judges of *shar'ī* courts are mentioned by Āqeli (1990:179, 182–83), but a new kind of *hākem-e shar'* also appears as integrated into the hierarchy of secular courts in four instances.¹⁵

Hand in hand with complete reorganization, Davar embarked on a major program of codification, with formal legislation amounting to the rubber-stamping of the codes by the Majles, which Davar and Reza Shah's other aids had succeeded in taming completely. Davar himself chaired the all-important commission for drafting new civil code and invited Mostafa 'Adl (Mansur al-Saltana) to join it. Clerical jurists were especially prominent in that committee, however, and dominated the codification. Taqavi and Fatemi-Qomi, who had advised Forughī on the preparation of a civil code in the earlier decade in secret as they feared traditionalist clerical opposition (Forughī 1937:733), also joined the committee openly. The other clerical jurists recruited by Davar for the drafting committee were Mohsen Sadr (Sadr al-Ashraf), Shaykh Mohammad-Rezā Iravāni, Mohammad-'Ali Kāshāni. Fātemi-Qomi led the team in the completion of Book I of the Civil Code, which met with the approval of the leading authority of the Shi'ite hierocracy, Grand Ayatollah Shaykh 'Abd al-Karim Ha'eri-Yazdi, and received a bejeweled walking staff from Reza Shah in recognition of his leading role. (Gheissari 2008:54) New members were added to the committee for drafting the subsequent Books of the Civil Code: the young modern law professors, Ahmad Matin-Daftari, Javād 'Āmeri and Shaykh Mohammad-Taqi 'Abdoh-Borujerdi, a cleric who taught Shi'ite jurisprudence at the University of Tehran, and a clerical judge, Shaykh 'Abd al-'Ali Lotfi, who later discarded his clerical robe and served as Mosaddeq's Minister of Justice from July 1952 to August 1953. Two other clerical jurists joining to the drafting committee are

15 One *hākem-e shar'* for the lower court of Rasht, one for an arbitration court and two for the appeal courts of the provinces of Isfahan and Fars. Āqeli's list may well be incomplete, and there were probably more such judges integrated to the new system of state courts since 1911, but such appointments discontinued before long.

noteworthy for their active participation in the Constitutional Revolution: Sayyed Mohammad-Reza Afja'i, who had, like Taqavi, been an active constitutionalist since 1906 and had served a draftsman in the earliest legal reforms, and Shaykh Asadollāh Mamaqāni, the author of an interesting early justification of constitutionalism from the viewpoint of Shi'ite jurisprudence, *Maslak al-imām fi salāmat a-Islām* (Istanbul 1910/1328) who later became a civilian and served as Minister of Justice in 1944.

Davar remained dependent on clerical jurists, and desperately needed to reduce this dependence to achieve his goal of modernization of the judiciary through secularization of the courts and judges. To train judges for the reformed judiciary, the Ministry of Justice had set up a Law School in 1919, and hired a number of French instructors in the following years, but the number of law graduates was inadequate. Davar therefore sent a number of young judges to Europe for training, including Matin-Daftari, who joined the law professors engaged in codification upon his return, but quickly stepped up, being still in his early thirties, to become first the Minister of Justice, and a month later, in October 1937, Iran's youngest Prime Minister. Davar also pressed the Ministry of Science to amalgamate the Law School and the Schools of Political Science into a Superior School of Law and Political Science, which became the Faculty of Law of Tehran University a few years later. (ʿĀqeli 1990:86–87) Its small faculty of a dozen Iranian, French and Italian professors, and included the doyen of the modern legal profession, Mansur al-Saltana ʿAdl, who taught civil law, and at least two clerical jurists for teaching Shi'ite jurisprudence systematically. (Banani 1961:75; ʿĀqeli 1990:187) The Faculty of Law became the organ of secular legal education and produced judges and lawyers who were overwhelmingly laymen. After its inauguration, a law enacted in December 1936 required judges to hold a degree from the Faculty of Law of Tehran University or a foreign university, thus completing the secularization of the judiciary personnel. (Banani 1961:73) Sayyed ʿAli Shāyḡān, who had written his doctoral dissertation in French on Islamic law, just as Mosaddeq had done earlier (2003:22), wrote the first university textbook on personal status law on the basis of Shi'ite jurisprudence in Persian (Shāyḡān 2006, 2:198), took over the Deanship of the Faculty of Law of the University of Tehran from ʿAli-Akbar Dehkhoda (who was not a lawyer). Shāyḡān, however, became distracted by politics before long, just as had been the case with Matin-Daftari.

The drafting commission vigorously produced the cornerstone of Iran's modern law, the Civil Code. The Book 1 of the Civil Code was to be approved by the Majles in 1928/1307 with the deputies rising instead of casting votes. In October 1933, Reza Shah decided to move Dāvar to the Ministry of Finance. Mohsen Sadr who had reluctantly discarded his clerical robe to remain in the

judiciary, took over the Ministry of Justice for the next four years, and passed Book II and III of the Civil Code through the Majles in 1935/1314.¹⁶

The *shar'i* courts were left in limbo, alongside the modernized judiciary hierarchy of state courts. Partial appellate jurisdiction over *shar'i* courts had been given to the secular courts in 1922 and 1926.¹⁷ In 1929, the Majles passed a law explicitly prohibiting the *shar'i* rules of procedure as they were incompatible with the rationalized judiciary procedures transplanted from the West. In the same year, a dress code for the judges was decreed, and the clerical members of the judiciary were required to discard their clerical garb. Most of them complied and became civilians, though a few resigned and one obtained a special dispensation from Dāvar to continue wearing his turban and cloak. (ʿĀqeli: 164, 1919) The final blow came with the law of the *shar'i* courts in 1931/1310, which restricted their jurisdiction as special courts narrowly to disputes over marriage and divorce,¹⁸ and to the appointment of trustees and guardians (under the supervision of the Attorney General). Furthermore, cases could only be referred to them by secular courts with the authorization of the Attorney General, and their verdicts had to be sent back to the referring secular court and be pronounced by it. This law can be taken to mark the end of the *shar'i* courts in Iran. Though they were never formally abolished, there is no mention of them in the reorganization of the Ministry of Justice in 1936 or in any subsequent legislation.¹⁹ (Banani 1961:78–79)

16 The final version of the Civil Code, which remains in force after minor modifications after the Islamic revolution of 1979, was passed by the Majles in 789 articles on September 16, 1939, with 378 articles being added on June 23, 1940. (Banani 1961:74)

17 In December 1927, the government was forced to make a concession to restore the *shar'i* courts in order to end a serious clerically-led protest movement begun in October with the closure of the bazaars of Shiraz and Isfahan. The protest leader, Hajj Āqā Nurallāh Esfahāni, died before the end of the year, however, and nothing was done about carrying out this concession. (Cronin 2010:175–79)

18 Dāvar had already announced in his inaugural reform speech in February 1927 that the jurisdiction of the *shar'i* courts would be restricted mainly to marriage and divorce. (ʿĀqeli 1990:144)

19 The 1911 Law of Judiciary Organization, as we have seen, refers to the *shar'i* courts as (*mahāzer-e shar'iyya*). Traditionally, an important function of these courts had been the registration of marriage, divorce and property deeds. With the withering of their jurisdiction, this function appears to have been assimilated to that of the offices of the public notaries in the civil law systems, and many of the courts (*mahāzer*) in the hands of the *mojtaheds* or their clerks seem to have been converted to Offices of Public Notaries integrated into the new Ministry of Justice on the basis of an experimental law of registration of documents in 1929. The new Public Notaries were almost exclusively clerics (there was only one layman among the 23 listed for Tehran by ʿĀqeli: 186) With

Dāvar's Civil Code, by contrast, no longer alluded to the old theoretical dualism. Although it began with a statement of principles which were a verbatim translation from the French Civil Code, it nevertheless included much of the Shi'ite personal status and contract law in substance. (Banani 1961:71–72; 'Āqeli 1990:188) The procedural informality of what Weber called Kadi justice was put aside and all parties accepted the necessity of hierarchical organization of courts, and the separation of the functions of the judge and the prosecutor became firmly established. In substance, however, the codifiers had remained faithful to Modarres's principle, and Iran's Civil Code bore the unmistakable mark of the craft of the clerical jurists who made it. According to Shāyḡān (1946:40), except for the first ten general articles adopted from the French Civil Code, "the methodology and composition of the Civil Code consists almost entirely in imitation without alteration from Islamic jurisprudence and its classification system."

Meanwhile, Reza Shah consolidated his power and his rule became authoritarian and dictatorial in the early 1930s, and increasingly personal and patrimonial with his extensive land grab in the Caspian provinces. Mosaddeq (2003:196) later recalled a visit to Reza Shah on the eve of the elections to the Seventh Majles in 1928 to complain of government interference. Reza Shah denied any knowledge of such interference and called his Minister of the Court, Teymurtāsh, to reassure Mosaddeq. Teymurtāsh took Mosaddeq to his office to propose a deal that is revealing of the wedge driven by authoritarianism between the two elements of the modern nation-state. He proposed a common list of twelve candidates to become the basis of a coalition between government and opposition. The list was to contain six candidates from the state (*dawlat*) and six from the nation (*mellat*), including Mosaddeq and Modarres. Mosaddeq did not accept the deal and lost his seat, as did Modarres and other independents who had not come to terms with Teymurtāsh. Henceforth, the Majles became the rubber stamp of Reza Shah's authoritarian state. The neo-patrimonial authoritarianism of Reza Shah took its toll on the modernized judiciary, when he forced Dāvar to violate judiciary independence by a specious constitutional interpretation of Article 82 of the Supplement to the Fundamental Law,²⁰ by an ordinary law passed in August 1931 that was designed to allow the removal of a particular judge, Dr. Mahmud Afshār-Yazdi. ('Āqeli 1990:200–205) Reza Shah then moved Dāvar from the Ministry of Justice

the passing of the permanent Law of Registration of Deeds and Property in March 1932/ Esfand 1300, however, these clerics too were forced to discard their garb or find alternative employment. (Banani (1961:72–73)

20 Article 82 stated that no judge could be moved from a court without his consent.

to that of Finance against his wish, and eventually pushed the latter to commit suicide in 10 February 1937, the day after the tenth anniversary of his dissolution of the first reformed judiciary in which he had begun his career in 1910.

As we have already seen in several cases, political careers proved too great a distraction for the leaders of the new and slowly expanding generation of legal profession. Ambitious law professors and judges, including Matin-Daftari, 'Ali Amini and many others Dāvar had especially recruited to reorganize the judiciary, opted out of the profession into government service. All told, those who had served in the new judiciary constituted some 10.5% of all the cabinet ministers in the six decades of constitutional government.²¹ Pirniā, Forughī, Matin-Daftari, Mosaddeq and Amini, also became Prime Ministers. Conversely, there was little self-recruitment for the highest position in the judiciary. From the sixty Ministers of Justice between the Constitutional Revolution and the Islamic Revolution (1906–1979), only 6.7% had had their careers in the judiciary, while 41.7% had served in the Ministry of the Interior and a further 16.7% in the Ministry of Finance. (Shaji'i 1993, 1:253) This extremely low level of internal recruitment to the highest judiciary office of the Iranian state was damaging to the prestige of judges, and to the autonomy and political independence of the legal profession. It could only result in the weak solidarity of the legal profession, which enabled Mohammad Reza Shah to weaken it further after the fall of Mosaddeq in 1953, and the revolutionary government of the Islamic Republic to all but destroy it after 1979.²² Unlike the Egyptian legal profession which survived Nasser's onslaught, the Iranian legal profession succumbed to the successive blows of authoritarian and Islamic revolutionary states.

3 The Revolution of 1979 and the New Islamic Constitutional Monarchy

In the decades intervening between Iran's two revolutions, a new approach to the reception of constitutionalism in the Muslim world had appeared when the Muslims of India decided to have their own modern state and created Pakistan. It stemmed from the idea of the 'Islamic state' as a distinctive type, and was elaborated by pouring the Qur'ān and *hadith* into the framework of a systematic total ideology like Marxism. The Islamic state was conceived as an ideological state, inevitably making its constitution an 'ideological

²¹ The figure is based on the data for 363 out of the total of 406 Ministers. (Shaji'i 1993, 2:315)

²² On the serious debilitation of the legal profession under the IRI, see the final section of this chapter.

constitution', as I have defined it elsewhere. (Arjomand 1992a:46) The confusion of categories entailed by this new approach began with the juxtaposition of the modern constitutional notion of national sovereignty to Islamic scriptural texts to prove the superiority of God over the nation, which produced the declaration of God's sovereignty in the 1956 Constitution of Pakistan, the first state to be designated 'Islamic Republic' in history. Although the declaration had very limited impact on the content of that constitution at first, it generated a new and ideologically powerful idea that the state should be an 'Islamic state' and its constitution should be based on the scriptural sources of Islam. This idea of the embodiment of an Islamist ideology in a *shari'a*-based constitution, which had no precedent in the making of Iran's first Fundamental Law and its Supplement, became a major goal of the ideologues of the Islamic revolution in 1979.

Ayatollah Ruhollāh Khomeini as a revolutionary leader did not attach much value either to ideology or to constitution-making, and was at one point prepared to accept a draft constitution that did not mention his theory of the *velāyat-e faqih* (mandate of the jurist). He changed his mind, however, and entrusted the radical revision of the draft to his close aid, Ayatollah Mohammad Hosayni Beheshti, who was keenly interested in ideology and firmly convinced that the new order created by the Islamic revolution should be an ideological state. (Arjomand 2009b: Ch. 1) In an important lecture delivered on the eve of the referendum on the 1979 Constitution, Beheshti, reflected on the theoretical foundations of the proposed constitution. The fundamental error of Iran's first revolution, the Constitutional Revolution, he argued, was to call the new order it created "constitutional' (*mashruta*), a concept that was 'borrowed and did not pertain to the Islamic culture.'" The historic mission of the current [Islamic] revolution was to base the constitution on a correct ideological (*maktabi*) conception of Islam and thereby to convert 'the people' to the *umma* (community of believers). "The *umma*," furthermore, "from the perspective of the Islamic ideology and the foundations of belief and practice in Islam, inevitably needs the Imamate." It follows that "the management of society deriving from the *umma* and Imamate is based on the ideological school (*maktab*)." (Beheshti 1999:15–16)

Consequently, the 1979 Constitution of the Islamic Republic of Iran was an 'ideological constitution': Islam was simply put in the place of the dominant ideology in the constitutional documents, being explicitly conceived as its ideological basis in the Preamble. The Shari'a, which had appeared in Iran's first (non-ideological) Constitution as a *limitation* to the Legislative Power, now came back with a vengeance to swallow the modernized state and its constitution. An Appendix consisting of a number of Traditions (*hadiths*) pertaining

to its most important Articles demonstrated that the 1979 Constitution of the Islamic Republic of Iran was partially derived from the Shi'ite scriptural sources; and its Article 4 declared that all laws must be based on the 'Islamic standards' (*mavāzin-e eslāmi*) [i.e., norms of the Shari'a], and any found inconsistent with them is null and void, including the Constitution itself.²³ (See Arjomand 1992b for further details) The critical function of nullification of all proposed and existing laws found inconsistent with Islamic standards was given to the six clerical jurists of the Guardians Council. The Guardians Council was thus given the function of protecting the Constitution as the ideological foundations of the Islamic Republic of Iran.²⁴

Khomeini's legacy also shaped the constitutional structure of the Islamic Republic of Iran. He was the charismatic leader of the Islamic revolution, and issued many of the early revolutionary decrees as the 'Deputy of the [Hidden] Imam'²⁵ (and not as a clerical jurist), and his manual of jurisprudence, *Tahrir al-wasila*, was declared the law of the land. (Schirazi 1997) Furthermore, he instituted special Courts of the Islamic Revolution (*dādghāha-ye enqelāb-e eslāmi*) by his direct order immediately after the Islamic revolution, appointing a clerical judge (*hākem-e shar'*) for each court. The Revolutionary Courts carried out the wave of summary executions in the following months. The Regulations (*ā'in-nāma*) for the Revolutionary Courts issued on 17 June 1979/27 Khordād 1358, issued by the Provisional Government of Bazargan recognized their institution "by the order of the Leader of the Islamic Revolution," while envisioning their eventual dissolution "with the permission of the Imam." A month later, the Provisional Government passed the provisions for incorporating the Revolutionary Courts into the judiciary and for appeals against their death and life imprisonment sentences, but these were never implemented. (Lahiji 2009:387–88) The Majles recognized the Revolutionary Court in a law of May 1, 1983, but the provisions it contained for their integration into the judiciary were vetoed by Khomeini. (Arjomand 1988:166) The Revolutionary Courts continued to operate until a law of 1994 put them on par with the

23 The Appendix has, however, not been reprinted with any of the subsequent editions of the Constitution of the Islamic Republic that I have seen. Can we therefore conclude that it is no longer considered part of the constitutional law of Iran?

24 This was not accidental but the result of following the *conseil constitutionnel* of the 1958 French Constitution which was in turn influenced by Hans Kelsen's idea of a constitutional court as 'the Guardian of the Constitution' in the late 1920s.

25 The term derived from the traditional notion of 'general deputyship' (*niyābat-e 'amma*) of the Hidden Imam has not made its way, and has been replaced in the discourse of the Islamic Republic of Iran by near-equivalent terms, *vali-ye amr*, or *vali-ye faqih*, which I have rendered as 'theocratic monarch'.

regular courts,²⁶ giving them jurisdiction over political offenses, now defined as those against national security, “fighting God and spreading corruption on earth.” (Lahiji 2009:397–98) In 1987, the Special Court of Clergy was similarly set up by Khomeini’s order, but no attempt has been made to change its character as a special court or subject it to legislation.²⁷

Khomeini entrusted the constitutional translation of his idea of the Mandate of the Jurist (*velāyat-e faqih*) to his clerical lieutenants, Montazeri and Beheshti.²⁸ The constitution they crafted, however, produced a protracted constitutional crisis that Khomeini was forced to deal with in the last years of his life. He did so by initiating a number of significant measures to constitutionalize his amplified notion of the ‘Absolute Mandate of the Jurist’.

In January 1988, in a letter to the then President Sayyed ‘Ali Khamane’i, Khomeini stated that government in the form of the God-given absolute mandate (*velāyat-e motlaq*) was “the most important of the divine commandments and has priority over all derivative divine commandments . . . [It is] one of the primary commandments of Islam and has priority over all derivative commandments, even over prayer, fasting and pilgrimage to Mecca.” (Khomeini, 11:459–60) This ruling was followed by a decree creating the Council for the Determination of the Interest of the Islamic Order (*Majma‘-e Tashkhis-e Maslahat-e Nezām-e Eslāmi*) (hereafter the Maslahat Council) a month later (Khomeini, 11:465). The decree was hailed as “the most important of all the achievements of the revolution.”²⁹ In April 1989, shortly before his death, Khomeini ordered the revision of the 1979 Constitution with regard to seven specified items, including the issue of Leadership and the constitutional recognition of the new Maslahat Council.³⁰ The revision was completed after Khomeini’s death and ratified by a national referendum in July 1989. The 1989 amendments abolished the offices of Prime Minister and the President of the Supreme Judiciary Council, creating instead a new Head of Judiciary Power,

26 See Section IV of this Chapter below.

27 See next Chapter by Mirjam Künkler.

28 The concept had traditionally been defined narrowly as the authority in matters of *hisba* devolving on the jurist by default—that is, in cases where the principal was lacking or deficient. Khomeini expanded it into a theory of theocratic government based on the mandate of the jurist to rule. (Arjomand 1988:178).

29 By Ayatollah ‘Abd al-Karim Musavi-Ardabili, the President of the Supreme Judiciary Council. (Schirazi: 236)

30 The Council for the Revision of the Constitution (*shurā-ye bāznegari-ye qānun-e asāsi*), thus constituted, was given two months to complete its task. It did not assume any general constituent powers, but rather saw its scope limited strictly to these items according to Khomeini’s authorization. (1989 Proceedings, 1:164)

to be appointed by the Leader as the counterpart to the elected President of the Republic as Head of Executive Power. The position of the Leader as the theocratic monarch was enhanced in line with Khomeini's latest idea of the Absolute Mandate of the Jurist by eliminating the provision for a Leadership Council consisting of three or five Grand Ayatollahs with the rank of *marja'yyat* (being sources of imitation).

It is worth recalling these details of Khomeini's final legal revolution because the subsequent constitutional developments in Iran are not intelligible without them. The Assembly of Leadership Experts met the day after Khomeini's death, and elected President Khamane'i as Khomeini's successor, the Leader of the Islamic Republic. Except for "Imam", all of Khomeini's political titles were transferred to Khamane'i. This was the most remarkably smooth succession in the history of world revolutions. The swift election of Khamane'i was unconstitutional, however, as he did not have the rank of *marja'yyat* as required by Articles 107 and 109 of the 1979 Constitution, which was still in force when he died.³¹

Be that as it may, the constitutional framework of post-Khomeini Iran is important for the system of collective rule that typically follows the death of the charismatic leader of revolution. I have called the regime that emerged in Iran a system of rule by clerical councils. It had a Leader (*rahbar*) and three distinctive organs: The Guardian Council, the Maslahat Council and the Assembly of Leadership Experts. The Leader was a theocratic monarch ruling in the name of God with more extensive powers than any constitutional monarch or elected president in the world. His bureau, the Office of Leadership (*rahbari*), has representatives in all the military and administrative organs of the state. In addition to his extensive constitutional powers, the Absolute Mandate of the Jurist entitles him to issue 'governmental ordinances' (*ahkām-e hokumati*), and he has done so at some critical points. The office of Leadership is generally recognized as being incompatible with democracy. The official line that it is an elective office because the clerics of the Assembly of Experts who elect the Leader are themselves popularly elected would still privilege a very small clerical estate over the vast majority of the lay population, thus making democracy

31 The jurists who attained the highest rank in the Shi'ite hierocracy were considered the 'sources of imitation' (*marāje'e taqlid*) for the lay followers in religious ritual and ethics. The Constitution of 1979 required the rank of *marja'yyat* for the Leader of the IRI, and for membership in an alternative Leadership Council which was eliminated in Articles 107 and 109 of the 1989 amended constitution. The Council for the Revision of the Constitution, however, carelessly retained the phrase, "or Leadership Council" in the title of the Chapter 8 of the amended constitution.

or rule by the people questionable. Furthermore, clerical domination of the regime extends beyond these councils and includes Judiciary Power, and the Special Court for Clergy, which is directly responsible to the Leader.

The Guardian Council was the most important of the clerical Councils established by the Constitution of 1979. Its greatest power was the determination of the of all bills passed by the Majles by all its twelve members, and of their conformity with the Islamic standards, given exclusively to the six clerical jurists who are appointed by the Leader. (Article 96) This important exclusive right, and the increasing subservience of the lay lawyers in the kingdom of the jurists after the constitutional amendments of 1989, made the clerical jurists of the Council its only consequential members. All three Heads of Judiciary Power were chosen by the Leader from among its members. In the first quarter century of its existence (1980–2005), the following Ayatollahs served as the clerical jurists of the Guardians Council under a powerful Secretary (*dabir*), after whom the Council can appropriately be named:

1. Lotfollāh Sāfi-Golpāygāni (Secretary 1980–88)	1980–88
2. Ahmad Jannati (Secretary since 1992)	1980–
3. ‘Abd al-Rahim Rabbāni-Shirāzi	1980–82
4. Gholām-Rezā Rezvāni	1980–83, 1989–
5. Mohammad-Rezā Mahdavi-Kani	1980, 1982–83
6. Yusof Sāne‘i	1980–83
7. Abo’l-Qāsem Khaz‘ali	1981–99
8. Mohammad-Mehdi Rabbāni-Amlashi	1983
9. Mohammad Emāmi-Kāshāni	1983–99
10. Mohammad Mo‘men	1983–
11. Mohammad Mohammadi-Gilāni (Secretary 1988–92)	1983–95
12. Mohammad Yazdi	1988–89, 1999–
13. Sayyed Mahmud Hāshemi-Shāhrudi	1995–99
14. Sayyed Hasan Tāheri-Khorramābādi	1999–
15. Rezā Ostādi	1999–
16. Sādeq Ardeshir Lārijāni	2004–09

The Guardian Council was also given the power to interpret the constitution, and its constitutional interpretations required a majority of two-thirds of all its members. (Article 98) Ayatollah Loftollāh Sāfi, son-in-law of Grand Ayatollah Mohammad-Rezā Golpāygāni, was an excellent traditionalist Shi‘ite jurist and seemed destined to preside over the birth of a distinctive Shi‘ite constitutional jurisprudence. The Sāfi Council (1980–88) did act as an instrument of the rule

of law by giving reasons for vetoing the bills passed by the Majles and by its responses to questions about constitutional interpretations from a variety of governmental organs. A beginning was thus made for the creation of a distinctive constitutional jurisprudence in the Islamic Republic of Iran.³² The Council sought to rein in some of the excesses of revolutionary courts by declaring unconstitutional a bill that gave their judges leeway to draw on the sources in Shi'ite jurisprudence, including Khomeini's manual, finding it at variance with Articles 36 and 167 of the Constitution in a series of Council Decisions from June 1981–May 1982, and the Council Decision of 16 Shahrivar 1360/7 September 1981 declared purges of government employees for (alleged) membership in the Freemasonry unconstitutional.³³ (Guardian Council I, 1:47–53, 81–84) The Council's attempt at the protection of private property rights created the thorniest of constitutional issues and the most serious deadlock with the Majles. Beginning with the Council Decision of 29/5/1360 (20 August 1981), the jurists of the Guardian Council adduced a Qur'anic verse, a *hadith* and a jurisprudential rule, to invalidate government expropriation of urban land. (Guardian Council I, 1:68–69) Ayatollah Sāfi also issued a fairly large number of responses to questions about different articles of the constitution emanating from governmental authorities and organs.³⁴ In a 1981 *responsa* to the Minister of Justice and the Majles Speaker, the Council maintained that Article 69 required the full public broadcasting of the Majles proceedings (Guardian Council I, 1:146–49), and a 1982 *responsa* to the Prime Minister and Minister of Education interpreted Article 30 to allow the creation of private universities as well as schools. (Guardian Council I, 1:133–34)

Perhaps the most important instances of the Guardian Council's constitutional jurisprudence concern the sweeping Article 4, which requires all laws regulations of Iran, including the Articles of the Constitution itself to be consistent with Islamic standards. The Council did not explicitly affirm its power to declare all or part of the Constitution un-Islamic, and it did not establish any mechanism for reviewing administrative law and governmental regulations

32 It is interesting to note that Article 166 of the IRI Constitution required the ordinary courts to document their verdicts "with reference to the articles and principles of law." No such requirement is made for the Guardian Council.

33 Even before Ayatollah Jannati took over as the Secretary, the Guardian Council had abandoned Sāfi's stand and with great haste approve a bill that considered membership in the Freemasonry grounds for disbaring lawyers in October 1991. That law is discussed in the following section.

34 The vast majority of constitutional responses collected in 2001 are issued by Sāfi, and only a handful by Jannati why had by then been the Council Secretary for at least as many years as Sāfi. See Mansur 2001.

for conformity with Islam. This would seem to imply that Article 4 should not be read independently of Articles 91–99 on the Guardian Council. (Mehrpur 1989:25) There remains, however, the question of conformity with Islam of the existing laws that predate the Islamic revolution. In a 1981 *responsa* regarding Article 4, the Council required the judiciary to refer any laws and regulations judges considered in violation of Islamic standards to it. (Guardian Council 11: 125–26) In addition, there were a number of *ad hoc* decisions, in 1982 and 1984, respectively to annul the status of limitation in Article 703 of the Law of Civil Procedure and the payment of key money for commercial property in Article 19 of the Rent Law. Although the decisions were published in the Official Gazette, the courts seemed to have continued to enforce the annulled Article 19 to the end of the decade. (Mehrpur 1989:27–29)

The Guardian Council's constitutional jurisprudence was, however, still-born. Its protection of property rights provoked the constitutional crisis of the 1980s, which Khomeini eventually resolved by the proclamation of the Absolute Mandate of the Jurist and the institution of the Maslahat Council. Khomeini's final revolution was a blow to traditional Shi'ite jurisprudence which rejected the very principle of *maslahat*, and provoked the protest and resignation of the traditionalist Ayatollah Sāfi. (Arjomand 2009b: Ch. 2) Sāfi's resignation marked a setback for the constitutional jurisprudence of the Guardia Council as the *rationale* for such jurisprudence was undermined by Khomeini's theory of the Absolute Mandate of the Jurist. In fact, the one truly significant subsequent instance of constitutional jurisprudence by the Jannati Council was instigated by a rival Council. In April 1993, President Hashemi-Rafsanjani, who was also chairing the Maslahat Council, asked the Guardian Council for a constitutional interpretation of the new Article 112 concerning the status of the enactments of the Maslahat Council. The response by the Council Secretary Jannati tersely answered only three of Hashemi-Rafsanjani's five questions, only implicitly granting these enactments the status of laws and adding that the Council had not reached a verdict regarding the possibility of their unconstitutionality. Hashemi-Rafsanjani pressed the Council to explain what it meant by the requirement of the "conformity [of its enactments] with the *shar'i* standards in accordance with Article 4 of the Constitution," and Ayatollah Jannati replied with great laxity that the enactments of the Maslahat Council should conform either to the 'primary' or to the 'secondary' ordinances of the *shari'a*. This still left one question unanswered, and only by writing again five months later, in October 1993, could Hashemi-Rafsanjani extract the last desired constitutional interpretation, confirming that the laws as passed by the Maslahat Council need not go back to the Majles. (Guardian Council 11:232–36)

It must be emphasized that even under Sāfi, the scope and impact of the Council's constitutional jurisprudence were extremely limited compared to those of the Egyptian Supreme Constitutional Court in the same decade. In the 1980s, Egypt's Supreme Constitutional Court firmly prevented decentralization of control and mutual reversals (*tahātur*) to result from the 1980 declaration of the principles of the *shari'a* as the main source of legislation in the amended Article 2 of the Constitution. To reduce the unpredictability of law and assure the stability of the judiciary system, the Supreme Constitutional Court also considered this statement of the principle of Islamic normativity addressed to the legislature and not to judges, and placed it within the overall framework of the coherence of the entire corpus of constitutional and ordinary laws, thereby consolidating its own unique constitutional jurisprudence. (Johanson 2004:886–89) The Sāfi Council had none of these ambitious, and could not even unify the two requirements of constitutionality and conformity to Islamic standards as its six lay members were barred from consideration of the latter.

The Guardian Council also had a secondary and somewhat incidental function that was soon to eclipse its primary functions: the power to supervise the presidential and Majles elections.³⁵ This incidental feature of its French model, supervision of elections, suggested the Guardian Council as an instrument of political control to Iran's ruling elite, especially after the death of Khomeini and the end of his charismatic leadership. It is true that the Guardian Council had already performed this function during the institutionalization of clerical domination under Khomeini.³⁶ The Guardian Council also from the beginning took its supervisory power to mean the vetting of the candidates for the Majles

35 This was the result of the assimilation, in the original draft constitution of 1979, of the Council of Guardians to the French *Conseil Constitutionnel* as defined in the 1958 French Constitution.

36 The first presidential elections took place a month after the ratification of Constitution, and with no clear guidelines for the supervision of elections. The Guardian Council approved the candidacy of 106 and rejected only 18, mostly Leftists. The Guardian jurists must have regretted this lenience, which allowed Bani-Sadr to become the first Iran's President. In the next presidential elections in July 1981, they were more strict in determining when a candidate was to be counted among "the religious and political figures (*rejāl*)" and a "believer in the bases of the Islamic Republic of Iran," or in possession of such vaguely defined qualities as management capability, trustworthiness and piety. (Article 115) From then on only a handful of men would meet the Guardian Council's unspecified criteria in each presidential election: 4 out of the 238 in 1997, 10 out of over 800 in 2001, 7 out of 3010 in 2005 and 4 in 2009.

on whose qualifications the Constitution had been silent. But the proportion of Majles candidates rejected while Khomeini was alive was about 15%; it jumped to over a quarter after his death. (Malekahmadi 1999) In 1991, the Council exercised its authority to interpret the Constitution according to Article 98 to assert that “the supervision mentioned in Article 99 of the Constitution is approbationary (*estesvābi*) and applies to all stages of the electoral process, including the approval or rejection of the qualification of the candidates.”³⁷ (Cited in ‘Alinaqi 1999:8) The Guardian Council, under fire from Khatami and the reformists, was forced to restrain its rejection of candidates for the 2000 elections, but its Secretary, Ayatollah Jannati, publicly repented for this sin and in 2004 and again in 2008 rejected nearly a third of the candidates. Eighty-eight incumbent Majles deputies were rejected in 2004, and the great majority of the known reformers were among the some 2,250 candidates rejected out of a total of 7,597 in 2008.³⁸ With the arbitrary and blatant abuse of the Council’s supervisory power, as one newspaper put it earlier, the eligibility to run for elections is “no longer a right but a privilege.” (Cited in Schirazi 1997:89)

In the constitutional amendments of 1989, a new gate-keeping function in the selection of the clerical elite itself was given to the clerical jurists of the Council of Guardians: the supervision of the elections for the Assembly of Leadership Experts (Article 99).³⁹ The Council used these powers to disqualify over one third and one half of the candidates for the Assembly in 1990 and 1998 elections respectively.

The political gate-keeping function of the Guardian Council thus grew in importance at the expense of the Council’s constitutional jurisprudence which in fact ceased under Jannati in the latter part of 1990s. The Council has consistently refused to give any reasons for disqualifying candidates for all elected offices, including Presidency. Nor does it offer any legal arguments for vetoing legislation. Instead, its original function of guarding the ideological foundations of the regime is overburdened by the new gate-keeping function, which involved it in the certification of the June 2009 in favor of the incumbent President Ahmadinejad and endorsement of the violent suppression of popular protests that followed, and has seriously vitiated its capacity for judicial review. The Jannati Council in the present decade has abandoned constitutional jurisprudence completely, and has become fully engrossed in

37 The formula was adopted by an amendment to the electoral law in July 1995. (Hāshemi, 2:315)

38 G2K, thread 2, 3/13/08 and *Resālat*, 3/12/08.

39 A law passed by the Assembly pursuant to the amendment transferred the examination of the candidates’ to determine the requisite level of *ejtehād* to it. (Hāshemi, 2:53–54)

the political control and manipulation of the elections. Owing to the absence of a written jurisprudence remotely comparable to the jurisprudence of the Egyptian and other constitutional courts (or the Supreme Court in India, Israel and the United States), it can be stated categorically that the Guardian Council has made no contribution to institution-building in the Islamic Republic of Iran.

An important reason for this failure is that the Maslahat Council, the other major clerically dominated organ of the regime, outgrew the confines of Khomeini's original terms of institution which stipulated that it "should not become a power alongside the other [three] Powers," and even beyond its expanded scope in the constitutional amendments of 1989, to become a new legislative body of some importance. Unlike the Guardian Council, the Maslahat Council can alter the disputed bills referred to it and, according to the above-mentioned Guardian Council's constitutional interpretation of October 15, 1993, is under no obligation to return them to any other organ. Furthermore, it began its independent law-making immediately by changing items of legislation other than those subject to disagreement between the Guardian Council and the Majles.⁴⁰ Nevertheless, according to same Guardian Council constitutional interpretation, "no legislative organ has the right to annul or rescind an enactment of the Maslahat Council." (Guardian Council 11:232–36; Hāshemi, 2:659) Notable instances of legislation by the Maslahat Council include December 1991 law establishing a High Disciplinary Courts for Judges,⁴¹ and the addition of a momentous Article with 7 Clauses to the divorce law in November 1992, which took two unprecedented steps beyond Shi'ite jurisprudence: the appointment of female "advisory judges" (Clause 5), which paved the way for the amendment, in April 1995, of the law of judiciary appointment to allow appointment of women as judges (Hāshemi, 2:467),⁴² and the introduction of alimony (Clause 6).⁴³ The July 1994 law of military courts and the May 1995 law of governmental punishments concerning smuggling and foreign currency should also be mentioned. (Hāshemi, 2:658n.1)

The legislative power of the Maslahat Council came under reformist attack after their victory in the parliamentary elections of 2000. In May 2002, the Maslahat Council issued a statement in response to an article in the reformist newspaper, *Nawruz*, which had cited a number of instances of its legislation

40 In fact, the latter group of items only amounted to less than a third of its enactments in the first four years of its existence.

41 Maslahat Council Enactments: 177–78, enactment of 13/9/1370.

42 The femal judges' verdicts have to be countersigned by a male judge, however.

43 Maslahat Council Enactments: 269–71, enactment of 3/9/1371.

as unconstitutional. The Maslahat Council reaffirmed the constitutionality, with the Leader's permission, of its legislation in matters other than disputes between the Guardian Council and the Majlis. This legislative power, it claimed, was implied in Clause 8 of the amended Article 110 of the Constitution which gave the Maslahat Council responsibility for "solving the difficulties of the regime that cannot be solved through ordinary channels." The Maslahat Council could, however, refer a difficult issue singled out by the Leader (Article 110.8) to the Majles with the latter's approval. It would be natural for the Maslahat Council to infer that it was under no obligation whatsoever to do so.⁴⁴ (*Nawruz*, 5/29/2002) With the reformist President Khatami deadlocked with the Majles and thwarted by the Leader and the Guardian Council in his last years in office, the Maslahat Council pursued its function of advising the Leader by setting the guidelines for economic policy approved by the latter in May 2004. The Maslahat Council continued this work under the hardliner President Ahmadinejad, and in July 2006, issued supplementary guidelines on economic policy which amounted to a radical reinterpretation of the letter and spirit of Article 44 of the Constitution to allow privatization of up to 80% of the public sector enterprises. (Arjomand 2009b:184)

What the reformists completely failed to do was done by the Leader himself as he became apprehensive of the increasing power of the Maslahat Council President, Hashemi-Rafsanjani, who was also elected President of the Assembly of Leadership Experts in February 2007. The rift between the two old comrades in arms of the Islamic revolution deepened sharply as Hashemi-Rafsanjani fought on the side of the reformists against Khamene'i's protégé, the incumbent President Ahmadinejad, in the 2009 presidential election. The Leader has since put his advisory Maslahat Council on ice.

The last major clerical council, the Assembly of Leadership Expert, has limited legislative power.⁴⁵ The critical importance of the Assembly of Leadership Experts had been demonstrated by its swift choice of Khomeini's successor. In its internal regulations passed in 1983 (Articles 1 & 19), the Assembly had

44 It should be noted that the Maslahat Council includes the six clerical jurists of the Guardian Council are *mujtaheds*. It should be pointed out that the creation of the Maslahat Council has in fact increased the power of these jurists who have been included among its member from the very beginning. The jurists of the Guardian Council now wear two hats. As one of them once boasted, "I have one responsibility in the morning, another in the evening. My responsibility in the morning is to speak according to the *shari'at* [in the Council of Guardians], my responsibility in the evening is to see the public interest [in the Maslahat Council]!" (Cited in Arjomand 2001, 301, 324)

45 However, as Ayatollah Javādi-Āmoli (1998:12) rightly point out, it can exercise independently of the Leader, unlike the Maslahat Council.

set up a seven-man Investigation Committee to supervise the conditions and comportment of the Leader on a continuous basis. This Committee was further given the responsibility of "supervising the administrative organization of Leadership in coordination with the Leader." (Hāshemi, 2:59–60; Madani, 2:99–115) With its enhanced power of dismissal, and the mechanism for continuous vigil in the form of the Investigation Committee, the Assembly of Leadership Experts has become an influential organ in the collective conciliar clerical rule. (Arjomand 2009b)

The growth of the post-Khomeini clerical, conciliar rule has been directly at the expense of the one clearly democratic organ of the regime, namely the Majles. It has been systematically weakened by the Guardian Council harassed by the politicized judiciary, and at decisive moments, neutered by the Leader. The Leader and the Guardian Council similarly defeated the attempts by President Mohammad Khatami (1997–2005) to reform the political and legal structure of the Islamic Republic of Iran, except for the election of village, municipal and provincial councils, which had been envisioned in the Constitution of 1979 but were never elected. The law of the organization and elections of the councils had eventually been passed in December 1996 (under President Hashemi-Rafsanjani), and Khatami carried out their elections in February 1999. Khatami's modest attempts at constitutional reform, by contrast, had no success. (Mehrpur 2005:87–88; Arjomand 2009b: Ch. 5)

4 Judiciary Reconstruction and Destruction of the Legal Profession

The legal profession had played a significant role at the beginning of the revolutionary movement in 1978 before its take-over by Khomeini, and was well represented in the Provisional Government of Bazargan in 1979 by his Justice Minister, Reza Sadr-Hajj-Sayyed-Javadi as well as his first Foreign Minister, Karim Sanjabi, a law professor who led Mosaddeq's National Front in opposition to the Shah in the 1970s. These lawyers were ousted with Bazargan in early November 1979, and the clerical judges of the Revolutionary Courts turned against the legal profession as soon as they won the power struggle against their leftist partners in the revolutionary coalition. The Bar Association (*Kānun-e Vokālā-ye Dādgostari*), created by Dāvar in 1315 and recognized as an independent association by a special law in 1954, was closed in June 1980 after the Majles passed a law authorizing its purge. The first group of attorneys at law purged from the bar in June 1983 numbered 57, followed by another 32 in August and a further 52 in December 1983. (Kāshāni 1992:5n. 1) In May 1984, the Supreme Judiciary Council appointed a caretaker for the Bar Association, and

it remained closed until the fall of 1991, when the Judiciary announced that elections for its new board of directors would take place on 9 October 1991/17 Mehr 1370. This announcement alarmed the proponents of the Islamicization of the Judiciary in the Majles. The chairman of the Majles Judiciary Committee, ‘Abbas-‘Ali ‘Amid-Zanjāni. He was a leading clerical Islamic ideologue who had coined the term *feqh-e siyāsi* (political jurisprudence) for the title of his 3-volume commentary on the Constitution of the IRI (‘Amid-Zanjāni 1987), and was later to be appointed president of the University of Tehran in order to carry out its second purge for the incoming President Ahmadinejad in the fall of 2005. ‘Amid-Zanjāni led the onslaught against the professional independence of lawyers:

Do you know what some have in mind when they talk of independence? They mean that tomorrow the Bar Association should be exclusively in the hands of a bunch of crooks (*ma‘lum al-hāl*) who can bring all the courts under their domination. . . . If the elections of the Bar Association proceed tomorrow with these elements we all know well. . . , my dear brothers, tomorrow we will not have an independent Judiciary. Don’t destroy the independence of the country’s Judiciary for the sake of protecting the professional independence of the lawyers! (Cited in Kāshāni 1992:8–9n.1)

He said in the same sophistical speech that it was wrong to put lawyers and physicians on the same footing as professionals because the former were crooks who would take money to make wrongs right. The Majles passed the bill on the “reform of the lawyers associations” under ‘double urgency’ on 8 October 1991 and the Guardian Council approved it on the very same day to prevent the Bar Association elections scheduled for the following day.

The Law of October 1991 set the seal on the destruction of independence of the legal profession by putting the lawyers’ associations throughout the country under control of the Head of the Judiciary.⁴⁶ A “reconstruction commission” was set up to purge the associations of unfit lawyers. (Article 1) The large number of possible grounds for disbarring and expulsion of lawyers included having held office under the old regime, membership of the Freemasonry, Zionism, organizations denying the divine religions and

46 It is reprinted in Kāshāni 1992:42–43.

'misguided sects' (i.e., the Bahais), or commitment of a large variety of offenses including 'political crimes'.⁴⁷ (Article 5)

The sweeping Islamicization of Iran's criminal law with the Law of Punishment and Talion (*qānun-e hodud va qesās*) in October 1982 not only devastated decades of modernization of criminal law and procedure but introduced the atavistic penal code of the Shari'a, which, as we have seen, had been in abeyance historically. Murder was made a private offense concerning "those entitled to the blood" (*awliyā'-e damm*), setting different rates of blood money and compensation for injuries for men and women, Muslims and non-Muslim. (Arjomand 1988:186) This law was passed provisionally for five years but has been renewed and remains in effect, making it impossible to speak of equal protection of the law in the legal system of the Islamic Republic of Iran. The law does offer a Muslim woman and a citizen who is a "protected infidel" (*kāfer dhemmi*)—i.e., Jews, Christians and Zoroastrians—unequal protection as blood money is a fraction of that of a male Muslim. A citizen who is an "unprotected infidel" (*kāfer ghayr-e dhemmi*)—i.e., apostates (including the Bahais), non-believers and adherents of religion other than the above-mentioned three, or is considered of "dispensable blood" (*mahdur al-damm*)—i.e., sinners, spreaders of corruption on earth and fighters against God, can be murdered with impunity if the murderer can prove the dispensability of her or his blood.⁴⁸ (Lahiji 2009:394–95) Mehrangiz Kar (2007) reports the harrowing case of the murder of a Jewish woman whose heirs she represented. The murder was convicted but managed not even to pay all or some of the meager blood-money for a female non-Muslim, which may well have been less than the money he had owed the victim. He certainly benefited from the experience, and entered the informal edge of the legal profession as a broker (*kārchāqkon*), presumably advising criminals like himself to take advantage of the Islamicized penal law.

As was pointed out, the constitutional amendments of 1989 replaced the Supreme Judiciary Council with a single Head of Judiciary Power, a *mojtahed* to be appointed by the Leader for five-year terms (amended Article 157). His responsibilities included the reorganization of the Judiciary and the implement the functions enumerated in Article 156, which included "supervision

47 Article 17 of the old 1954 law, by contrast, had asserted that "no attorney at law can be disbarred or prevented from practicing except by a final vote of a military tribunal." (Kāshāni 1992:18)

48 For a notorious case involving Ayatollah Mesbāh-Yazdi in 2006–2007, see Arjomand 2009b:161–62.

over the proper execution of laws” and “measures to prevent occurrence of crime and reform of the criminals” (amended Article 158).

The President of the Supreme Judiciary Council under Khomeini, Ayatollah Musavi-Ardabili, had sought to rationalize the chaos arising largely from the new Islamic criminal law and the verdicts of the revolutionary courts. In accordance with Article 161 of the Constitution, the Supreme Judiciary Council used the pre-revolutionary law of June 1949 (added clauses of July–August 1958) on the uniformity of judicial process as the basis of its rulings that were binding on all the courts.⁴⁹ This modest measure of successful Islamicization of the law, however, stands in sharp contrast to the failure of effective Islamicization of the Judiciary after Khomeini’s death, when Ayatollah Mohammad Yazdi held the newly created position of the Head of Judiciary Power from 1989 to 1999. The most important act of Islamicization after the introduction of the Islamic penal code was the 4 June 1994/15 Tir 1373 Law of General and Revolutionary Courts, which abolished the hierarchy of courts, regularized the Revolutionary Courts and integrated them into the judiciary system. To combat the chronic shortage of religious jurists and a mounting backlog of cases, the law abolished the position of prosecutors and the appeal system in an attempt to revert to the Kadi courts as prescribed in the Shi‘ite law in the form of the ‘general courts’ (*dādgāhhā-ye ‘omumi*) presided over by a single Islamic judge-prosecutor.⁵⁰ The attempt, however, was confused and contradictory because it presumed the bureaucratic framework of the Iranian state and the conversion of Shi‘ite law to the law of the state. The office of the prosecutor general was kept even though there were no public prosecutors, and at the same time his authority in matters concerning the *hisba* was transferred to the heads of the city and provincial branches of the Ministry of Justice, thereby mixing administrative and judiciary authority (Article 12-Observation (*tabsera*). Furthermore, the finality of the verdict of hierocratic judges according to the Shi‘ite law, insisted upon by Ayatollah Mazandarani in 1911, was ignored and appeals were allowed in a broad range of cases (Article 26), with the executive regulations pursuant to that law setting up appeal courts in provincial capitals (Article 5).

The result of the Islamicization by the creation of the so-called general courts was generally chaotic. (Mohammadi 2008) The chronic shortage of judges with the requisite training in Shi‘ite jurisprudence, furthermore, made any further

49 The peak of the Supreme Judiciary Council’s activities was the period 1984–89/1363–68, though its momentum continued for a couple of years after Musavi-Ardabili into 1991/1370 and declined thereafter. (Qorbani 2003: esp. 345–541)

50 When they were first set up before this law was passed, the general courts were called *dādgāh hā-ye ‘amm*.

Islamicization unlikely. There were only 5,000 judges for 10,000 positions, while recognized institutions produced only 600 graduates a year, and only a small proportion of these came from the *madrasas* or could become *mojtaheds*. (*Ettelā'āt*, 11/30/1999) Ayatollah Sayyed Mahmud Hāshemi-Shāhrudi, who succeeded Yazdi as Head of Judiciary Power in 1999, declared the Judiciary he was taking over to be a wreck (*virāna*), seventy years behind other institutions, and promised major reforms and reorganization. (*Ettelā'āt*, 11/23/1999)

Shāhrudi sought direct support of the Maslahat Council for dealing with the situation (*Ettelā'āt*, 7/10/2000), and reintroduce the division of courts into criminal (*kayfari*), family and personal status, civil (*madani*) and commercial (*hoquqi*), and passed separate laws of procedure (*dādrasi*) for each, and reintroduced the differentiation of the offices of judge and prosecutor, specialized courts and an appellate system. (*Manshur-e tawse'a*, 3:52) The aim of restoring judiciary specialization and the hierarchy of courts was to counter the centrifugal tendency that resulted from the acceptance of Shi'ite jurisprudence in the absence of positive law and threatened post-revolutionary Iran's judiciary system with a relapse to the chaos of contradictory (*nāsekh va mansukh*) *shar'i* verdicts of the late nineteenth century. To counter this chaos, Shāhrudi introduced the law of 20 October 2002/28 Mehr 1381, which was passed as a very extensive amendment of the 1994 Law of General and Revolutionary Courts, compounding the latter's confusion. Its extensive amendments to Article 3 reestablished the lower courts (*dādsarā*), differentiated the function of the judge from those of the investigator (*bāzpor*s) and the prosecutor (*dādyār*), further rationalizing the function of prosecution by subordinating the lower court prosecutors to the practically defunct office of the Prosecutor General, thereby reviving the latter. The appeal system and the organization of the appellate courts was further rationalized. The motive for keeping 'general courts' in the title of the law while they were being abolished can only have been to deny the failure of Islamicization, but it evidently did not help the general requirement of clarity of laws. To give some clarity to the new law, the Head of Judiciary Power felt compelled to issue the Amended Regulations of the Law of General and Revolutionary Courts on 29 January 2003/9 Bahman 1381.

It is interesting to note that in his statement on judiciary empowerment, Ayatollah Shāhrudi did not fail to note that the Head of Judiciary Power is responsible only to the clerical monarch (*vali-ye amr*), and not to the Majles or the President, and that the Majles has no power of interpellation over him or any judge of official or the judiciary. (*Manshur-e tawse'a*, 2:35) But just here is the rub. The Leader used the judiciary to fight the reformers in the Majles and the press, promoting intelligence officers and torturers as special judges,

and the Special Court for the Clergy, for disciplining the privileged social stratum of the Islamic Republic. The trials of the Interior Minister, ‘Abdallah Nuri and Hojjat al-Islam Mohsen Kadivar in 1999 were particularly spectacular, but the Courts continued to operate and has put many hundreds more of dissident clerics behind bars.⁵¹

Ayatollah Shāhrudi emphasized the importance of specialized consultation within the judiciary and instituted regular sessions of expert judges in towns and provincial capitals to answer questions and requests for guidance by the courts under jurisdiction. The first set of sessions dealing with problems in criminal law arising from the new Islamic penal code and laws and regulations of revolutionary courts were held from 2000 to 2002 in district branches of the Ministry of Justice. The selection of their procedures published for the instruction of judges suggests that a bureaucratic mechanism was put in place for the rationalization of legal process. (Arjomand 2007a) He also strengthened the Legal Office (*edara-ye hoquqi*) of the Judiciary and instituted a Research Center in Jurisprudence (*Markaz-e Tahqiqāt-e Feqhi*) to answer enquiries from the courts and provincial branches of the Ministry of Justice. The Center draws on the ruling (*fatvas*) of the seven designated “sources of imitation”, including the Leader, Ayatollah Khamane’i, but does so alongside the rulings of other living *marāji’*, as well as those of the late Ayatollahs Khomeini and Kho’i and the classics of Shi’ite jurisprudence. This Research Center, like the Legal Office of the Ministry of Justice, follows Article 167 of the Constitution, consistently upholding the priority of ordinary laws over Shi’ite jurisprudence. The resort to the latter is thus residual, along the lines provided for by the Egyptian Civil Code of 1948. Furthermore, it is usually inconclusive as the *fatvas* presented to supplement ordinary laws are often contradictory, and categorical instructions seem to be provided only when a pertinent positive law is found additionally. Indeed, the latter seems to make the *fatvas* redundant. For example, four out of five *fatvas* produced in response to the question of whether women can be judges according to the *shari’a* gave a negative answer but were overruled by the Legal Office of the Judiciary, which cited the ordinary 1995 law on the appointment of women as judges. In short, in the republic of the Shi’ite jurists, state law prevails over the Shi’ite jurisprudence whose residual validity is in fact seen as a source of legal uncertainty and effectively minimized through the guidance provided by the advisory centers of the Judiciary.

Shāhrudi’s judiciary reconstruction gave the purged Bar Association hope for improvement, and it celebrated the anniversary of its ‘independence’ in 2007 and 2008, inviting the Minister of Justice who had some encouraging

51 See next Chapter by Mirjam Künkler.

words on each occasion. Emboldened by this encouragement and excited by the reformist presidential campaign in the spring of 2009, the Bar Association offered a critical assessment of Shāhrudi's measures as his second term was coming to an end. Before leaving office, however, Head of Judiciary Power published an Amendment to the Executive Regulations of the Law of the Bar Association on 17 June 2009 that dashed all hope of increased independence of the severely debilitated legal profession. (*E'temād*, #1993, 5 July 2009/14 Tir 1388) The Amendment increases the state control of the legal profession by giving a "selection committee" appointed by the Judiciary the power of certifying the competence and lawyers and apprentice-lawyers or disqualifies those who practice law. Perhaps more seriously, it attempts to Islamicize the professional ethics of the lawyers through a number of ethical advices and observations (Articles 44–46, 48). Most alarming of these is the injunction to "refrain from abetting wrongdoing," meaning that they should not endorse the plea of a client they know to be false, "which would be abetting in sin."⁵² (Article 44) This article had a bearing on the frequent arrests of the lawyers of dissident in the IRI, and more immediately, on the large number lawyers arrested for defending the protestors against the flagrant electoral fraud of June 12, 2009. (*New York Times*, 7/8/09)

Ayatollah Shāhrudi disapproved of stoning for adultery as prescribed by the Shari'a, and recommended that the judges commute it to other forms of punishment in the public interest (*maslahat*).⁵³ His conception of judiciary organization was a managerial one of an administrative hierarchy in which judges are subjected to the authority of the district and provincial directors (*modirān*)—a far cry from the traditional autonomy of the Kadi. In addition, he had at his disposal a High Disciplinary Court for Judges established by the 1991 Maslahat Council enactment to discipline the judges, as the Leader disciplines the clerics by means of the parallel and presumably model Special Court for Clergy. Nor did Ayatollah Shāhrudi fail to remind the directors of these branches of the Judiciary that they are the representatives of the Supreme Jurist and clerical monarch! (*Manshur-e tawse'a*, 2:37–38, 55) Shāhrudi himself followed this precept and remained loyal to the Leader to the end, conducting as the last act of his second and final term as the Head of Judiciary Power the distasteful task of inaugurating President Ahmadinejad for a second term in August 2009 amidst continuing popular protest. His successor, Sadeq Larijani,

52 The technical Arabic term for sin, *atham*, is also given in Persian, *gonāh*, in parenthesis.

53 Instances of stoning have nevertheless occurred despite his disapproval.

lacks both his erudition and his relative independence,⁵⁴ and is highly unlikely to pursue project of judiciary development or reduce the politicization of the judiciary at the service of the Leader.

5 Conclusion

The three phases I have surveyed in this paper can be considered the three stages in the transformation of *feqh* into *qānun*, or of Shi'ite law from "a jurists' law" to state law or the law of the land. During the making of Iran's first constitution, 1906–1907, the Shi'ite jurists had a significant impact as objectors rather than drafters of the 1907 Supplement to the Fundamental Law. Legal reform in the subsequent four years was initiated by the new breed of modern law professors. Nevertheless, the religious jurists participated in the drafting of the laws on judiciary organization and assured their substantive conformity to Shi'ite jurisprudence despite radical reform of the procedural law. In this first phase of Shi'ite constitutionalism, the *shari'a*(*t*) appeared as a *limitation* to government and legislation. There was never a presumption that it should be the basis of the constitution itself. Islam was considered a part of the larger issue of constitutional government and not as the basis of the constitution.

Modern lawyers also led the modernization of Iran's legal system under Reza Shah in the late 1920s and 1930s, but again, the Shi'ite jurists played a prominent role in the second phase: the creation of Iran's Civil Code. Given the pro forma character of the passing of the Civil Code by the Majles without any discussion, its enactment was only formally legislation. The work of codification was done in the drafting committees of the Ministry of Justice, and the active participation of the clerical jurists in codification was a very effective way of assuring the substantive conformity of the most important corpus of Iranian law, the Civil Code, with the Shi'ite law. In fact, they performed more effectively to that end than could any committee of the five *mujtaheds* of the highest rank envisioned by Article 2 of the Supplement to the Fundamental Law.

There was a major change in the constitutional culture of the Middle East in the third phase. In the two earlier phases, there had never been a presumption that Islam and the Shari'a should be the basis of the constitution itself. The idea of Islam as the basis of constitution did not occur to the clerical jurists of the first four decades of the twentieth century. That idea was born

54 The Larijani brothers, two of whom now head the Legislative and the Judiciary Power, are very much the Leader's men.

later and outside Iran in the ideological stage of Islamic constitutional history that began in Pakistan. With the importation of Islamic political ideologies to Iran during the Islamic revolution of 1979, we witness a radical shift from the idea of Islam as a limitation to that of Islam as the basis of the constitution of the Islamic Republic of Iran.

In the third phase, Khomeini's success in leading the Islamic revolution of 1979 on the basis of his theory of Mandate of the Jurist turned Iran into a clerical monarchy, its official designation as a republic notwithstanding. Not surprisingly, this fundamental change has gone hand in hand with considerable clericalization of the judiciary and severe debilitation of the already weak legal profession. Beyond that, however, there have been serious limitations to both the procedural and the substantive Islamicization of Iranian law. The attempt to Islamicize the judicial procedure and judiciary organization in the 1980s and 1990s was a failure, proving the wisdom of the earlier generation of clerical jurists' admission of the procedural inadequacy of Islamic law, and it was reversed in the 2000s. The remaining problems concerning the principle of legality in the Islamic Republic of Iran largely stem from the attempt to incorporate the Shi'ite principle of *ejtehad* into the law of procedure.⁵⁵ Nevertheless, the reversal of the Islamicization of the Iranian judiciary organization through Kadi justice in the 'general courts' by Shahrudi in 2002 implied the same admission of the woeful inadequacy of Islamic procedural law made by Modarres to justify his endorsement of the first step in the modernization of Iranian law in 1911.

However, the substantive Islamicization of Iranian constitutional law under the Islamic Republic of Iran has been completely revolutionary and historically unprecedented. The major instance of substantive Islamicization consisted in the introduction of penal code of the Shari'a (*hodud* and *diyāt*). This penal code roughly covers the "four crimes" which were historically subject to secular administration of justice at least since the establishment of Shi'ism as the state religion of Iran in 1501. What seems surprising, however, is that Shi'ite jurisprudence occupies a residual place in the legal order of the Islamic Republic of Iran. This paradox is more apparent than real because the Shi'ite jurists of the first two phases of legal modernization had already Islamicized much of modern Iranian law in substance, albeit without any ideological fanfare and without any theory of theocratic government.

The final phase of the transformation of the Shi'ite jurists' law to the state law of Iran by Khomeini was counter-constitutional revolution that established

55 See the chapter by Sylvia Tellenbach in this volume.

a veritable juristocracy in a modern nation-state. Elsewhere (Arjomand 2012), I have proposed the term “counter-constitutionalism” in the sense of an alternative constitutionalism, in the same way as we use the term “alternative modernity.” It is a clerical monarchy under the Supreme Jurist (*faqih*), and can therefore be called a theocratic juristocracy. It stands against the so-called post-1989 new constitutionalism as a relic of the bygone era of ideological constitution and a unique one in being based squarely on the basis of an explicit clericalist ideology, namely Khomeini’s revolutionary interpretation of the Shi’ite principle of the Mandate of the Jurist. It is thus a remarkable instance of revolutionary counter-constitutionalism.

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PART 4

*Shi'ite Islam and the Motivation of Sociopolitical
Action: Revolution and Constitution*



The Rise of Shah Esmā‘il as a Mahdist Revolution*

Can we justify calling the rise of the Safavids a revolution? An affirmative answer can be given by arguing very plausibly that major change brought about by millennial movements under a charismatic leader can be considered prototypes of revolution. Alternatively, we can either discover a typical revolutionary process in its course, or justify it as a revolution in terms of its consequences—notably a significant change in the political order.¹

In his three monumental “Études Safavides,” Jean Aubin considered the rise of Shah Esmā‘il a ‘Shi‘ite revolution.’ He did not explicitly define revolution, but implicitly opted the second possibility, considering the turning point in 1508–9 as a shift, typical of the process of revolution, from revolutionary radicalism to pragmatic regime consolidation. Moojan Momen (p. 106) opts for the third possibility, even though he does not use the term ‘revolution.’ Instead, he highlights the aspiration of the Safavid movement to world domination and its reach deep into the Ottoman Anatolia and Syria (and we may add Rumelia or the Balkans),² stating that Shah Esmā‘il came very close “to winning over the Islamic heartlands ideologically.” In this view, Esmā‘il’s rise would be a revolution or near-revolution in terms of its consequences.

While recognizing the merits of these two arguments, I shall also underline the millennial or Mahdist character of the Safavid revolution. I shall further examine the process of revolutionary mobilization and post-revolutionary consolidation, but alongside an explanation in terms of regime characteristics of the success of Safavid revolution against the Āq Qoyunlu state in contrast to its failure in the Ottoman empire. Last but not least, I will specify the significant consequences of the rise of Shah Esmā‘il that justify calling it a revolution.

* An early shorter version of this chapter was published in *Studies on Persianate Societies*, 3 (2005): 44–65.

- 1 I will not follow the futile search for invariant causes of revolution that is typical of much of sociology of revolution because the inadequacy of its faulty logic for dealing with multiple and conjunctural causality. (Ragin).
- 2 The Bulgarian Qezelbāsh, consisting of four sects, survive to this day. The poetry of Shah Esmā‘il, a text known as *Buyruk*, and especially ethnographic data suggest that these date from the time of Shah Esmā‘il and the millenarian movement created by his *khalifas*. (See de Jong, pp. 209, 215).

1 The Safavid Movement and Shah Esmā'il's Mahdist Claim

The beginning of the Safavid millenarian movement can be dated to the mid-fifteenth century, when Shaykh Ja'far (d. after 1470), the head of the Safavid Sufi order in Ardabil after 1448/852, prevailed upon the Qaraqoyunlu ruler, Jahānshāh, to exile his nephew Jonayd from the city. (Aubin 1959, pp. 46–47; Pārsādust, p. 133) Shaykh Jonayd (d. 1460) became an adventurer in Anatolia, where he gathered a band of Sufi raiders (*ghozāt-e sufiyya*). Anatolia had been a fertile region for the growth of unorthodox millenarian movements among the superficially Islamicized population of Anatolia since the Bābā'i uprising in the thirteenth century. Various groups of Antinomian dervishes—Akhis, Qalandars and Abdāls mushroomed in the region. During Timur's disruption of Ottoman rule, Shaykh Badr al-Din, son of the kadi of Samawna, launched a massive the millenarian movement. Badr al-Din's rebellion was suppressed in 1416, but antinomian Sufism remained widespread. Jonayd recruited among Turkman tribesmen, and the survivors of and their offspring that doubtless including some of the Abdāl. (Sohrweide, pp. 119–23)

Shortly before his death in a raid in Shervān in 1460, Jonayd married the sister of the Āq Qoyunlu ruler, Ozun Hasan (r. 1453–78), whose power was on the rise. As his uncle, Shaykh Ja'far, was an orthodox Sunni and disowned him, it is very likely that Jonayd imbibed 'extremist' Shi'ite beliefs in Anatolia. A son was born to Jonayd after his death and was named Haydar (d. 1488). Haydar's maternal uncle, Ozun Hasan, took him under his protection, later giving him his daughter, Martha, in marriage. Once Ozun Hasan had conquered the area and made Tabriz his capital, he installed Haydar in Ardabil under the tutelage of Shaykh Ja'far in 1470. Haydar gained control of Ardabil after the death of Shaykh Ja'far, and recruited Anatolian adepts to the order in Anatolia through the order's local representatives (*khalifas*).³ To the Ottoman authorities who tried to persuade them to go to Mecca and Medina instead of Ardabil, the Turkman adepts would reply that they preferred to go on pilgrimage to the living rather than the dead. (Sümer, p. 17) Since the fourteenth century, different groups of nomads fighting in the frontier (*uj*) against the Byzantines, had worn distinctive white and red caps. (Kőprülü 1935: 90) Haydar now devised a more colorful headgear for his followers out of red cloth, with twelve plumes representing the twelve holy Imams of the Shi'a, and called it the Haydari crown (*tāj-e haydari*), on account of which they became known as redheads (*qezelbāsh*). In 1488/893, the network of the local agents or *khalifas* was used very effectively

3 Haydar was an infant at the time of the death of his uncle, which resulted in a split among his followers, with one sect accepting Haydar as his successor and another following a certain stone-carver (*hakkāk*) as their messiah. (Aubin 1988, p. 36; Sharvāni, p. 106).

to mobilized Haydar's followers for an attack on Shervān to avenge Shaykh Jonayd in which Haydar, however, was killed. (Hinz, pp. 38, 72–73, 83)

Although there are similarities between the religion of the Qezelbāsh and the early, eighth-century Shi'ite 'extremism' (*gholoww*), such as the belief in transmigration of souls and the refusal to accept the death of the charismatic leader, there are also considerable differences. These differences have two sources, the central Asiatic heritage of the Turkmen and Sufism. Sufism had become the dominant force in popular religion of Iran and Anatolia during the era of Turko-Mongolian domination in the centuries preceding 1500, and had produced a considerable number of Sufi millenarian or Mahdist movements, some of which I have analyzed in order to construct a somewhat narrow typology with respect to the relation between religious and political authority. (Arjomand 1984: chap. 2) The new sacral idea of absolute and charismatic religio-political authority was espoused by Jonayd but rejected by his uncle Ja'far, who remained in control of the Safavid order in Ardabil and upheld the separation of Sufi spiritual authority. Haydar reverted to the new charismatic mixture of spiritual and temporal power, the "unification of dervishhood and kingship" (*jam'-e darvishi o shāhi*) (Khwānd-Amir, *Habib*, IV, p. 426) or of "the material and the spiritual monarchy" (*saltanat-e suri o ma'navi*) (Mazzaoui, p. 72n.2), but that resulted in his death and the imprisonment of his young children.

Haydar's sons and their mother, Martha (Halima Begum), who was the daughter of the great Ozun Hasan and a devoutly Christian Greek princess, were imprisoned in a castle in Fars for a few years but then released in 1492 and received in Tabriz with robes of honor by their Āq Qoyunlu cousin, Rostam Beg (d. 1497), who counted them an ally in the prolonged power struggle for succession to Sultan Ya'qub. But the Safavids had their own project, and the network of local agents was again used to gather the Anatolian followers for a planned uprising. Rostam Beg's officials suspected something of this and were planning to arrest his Safavid cousins when they escaped to Ardabil. (Woods, pp. 166–67). There, they joined some 300 Qezelbāsh followers in 1494–5/900, and confronted an Āq Qoyunlu army said to number 5,000 under Haydar's oldest son and successor, Soltān-'Ali, who is credited with remarkable prescience, reportedly took the Haydari crown off his head in the battlefield and put it on his brother Esmā'il's head, while also appointing as his commanders seven veterans seasoned in Āq Qoyunlu internecine warfare. Except for one native of Tālesh in northern Iran, the men were leaders of the Qezelbāsh clans of Shāmlu, Qāramānlu, Ayqutoghlu and Qājār. Soltān-'Ali fell in battle, and these seven in the inner circle of the movement, took his two younger brothers, Ebrāhim and Esmā'il, into hiding in Gilan, accompanied by some eighty surviving Sufis of the order. (Pārsādust, pp. 220–22, 250; Yildirim, pp. 251–52)

Soltān-‘Ali presumably assumed the leadership of the Qezelbāsh movement as a god reincarnate, and is anyway referred to as Soltān-‘Ali Pādshāh. A year or two after his death, Rostam Beg, was prepared to allow the return of his brother, Ebrāhim, to Ardabil to assume the spiritual guidance of the Safavid order, while Esmā‘il remained in Lāhijān.⁴ (Morton 1996:35) Ebrāhim, however, significantly “removed the twelve-pronged Haydari *tāj* [the Qezelbāsh headgear] . . . , and put on the Turkman cap in the fashion of the Āq Qoyunlu.” (Khwānd-Amir, *Habib*, IV, p. 442)

The earliest Persian source on the Safavid movement, written around 1490, leaves little doubt about the heterodox, millenarian and extremist attitude of the Qezelbāsh followers of the Safavid movement toward Jonayd and Haydar, Esmā‘il’s grandfather and father: “They openly called Shaykh Jonayd God, and his son, Son of God.” They refused to accept Jonayd’s death even when seeing his corpse, and would kill anyone who said he was dead. As for the child Haydar, “his fathers’ *khalifas* came from every direction and foolishly announced the glad tidings of his divinity (*oluhīyyat*).” (Khonji 1992, pp. 272–73; tr., p. 57)⁵

As for Esmā‘il himself as the leader of the revolution, there can be no doubt about his intense charisma as an invincible warrior incarnating divinity. The manuscript known as *Ross Anonymous*, which was until recently taken to be the earliest account of his reign, depicted him as holding the sword of the Lord of the Age, the Mahdi, at the time of the declaration of Twelver Shi‘ism as the official religion of Iran.⁶ The work has been shown to have been composed under the title of *Jahāngoshā-ye Khāqān* by a certain Bizhan later—dated to the middle of the sixteenth century (Ja‘fariyan, I, p. 23) and even to as late as the 1680s. (Moztar, ed., pp. 148–49; Montazer-e Sāheb, ed., pp. 41–43, 60–61; Morton 1990) But we know that rival popular epics such as *Abu Moslem Nāmeḥ* were suppressed (Hamavi, pp. 141–44) and the storytellers were instead declaiming the heroic exploits of Esmā‘il alongside the stories of *Shāhnāmeḥ* within two decades of his death (Membré, p. 52; Morton 1996, pp. 44–45), and this later romance of Esmā‘il must reflect earlier beliefs and sources. In any

4 According to one account, Ebrāhim conveniently died in 1499 just before Esmā‘il set out. (Morton 1996, p. 38) Ebrāhim, however, very probably did not die but led an expedition for Esmā‘il to Trabzon. (Uğur, p. 148) It seems likely that in 1508 he and another brother who may have been spared after the intercession of several *amirs* but confined to Ardabil and forbidden to raise more than 200 horsemen each. He may finally have been executed, together with Esmā‘il’s mother and other brothers, in 1513. (Aubin 1988, pp. 104–5).

5 شیخ جنید را بمجاهره اله و ولدش را ابن الله گفتند . . . خلفای پدرا زهر سورو بدو آوردند و دعوی الوهیت او را بشهادت سفاهت آشکار کردند.

6 That picture was as the frontispiece of *The Shadow of God and the Hidden Imam* (cf. Montazer-e Sāheb, ed., pp. 41–43, 60–61).

event, there is no shortage of other similar evidence, the most striking being his poetry recorded under the pen-name of Khatā'i. His poems, presumably for use in religious ritual, expresses the nature of the divinity of Esmā'il as the reincarnation of God, the Prophets and the Imams quite precisely. He was the divine, pre-eternal truth, just as in its previous prophetic manifestations:

O, holy warriors say: God, God! Holy warriors, I am the faith of the king!
Come and meet; prostrate Holy warriors, I am the faith of the king!
yourselves

.....

I was with Mansur on the gallows; I was with Abraham in the fire
I was with Moses on Sinai! Holy warriors, I am the faith of the king!

.....

I have the essence of 'Ali O holy warriors, I am the faith of the king!⁷
(Gandjei, p. 22, poem # 20.1,4,7)

And again,

Today I have come to the world as a Master
Know truly that I am Haydar's son!
The mystery of 'I am the Truth' is hidden in this my heart
I am the Absolute Truth, and the truth I am telling!⁸ (Gandjei, p. 125,
poem # 198.1,3)

There is also contemporary historical evidence from Venetian reports to the Signoria. Reporting on Esmā'il's second recruitment camping in Erzinjān in Anatolian in December 1501, Marino Sanudo (p. 3) who call him a Shaykh

7 'The faith of the king' is a difficult construction. I take it to mean the divine, numinous essence of the king, or a variant of 'God' and 'Absolute Truth'

الله دینک غازیلر دین شاه ممم قارشوکلونک سجده قیلونک غازیلر دین شاه ممم

منصور ایله دارده ایلم خلیل ایله ناردده ایلم موسی ایاه طورده ایلم غازیلر دین شاه ممم
مرتضی علی ذاتلویم غازیلر دین شاه ممم

8 'I am the Truth' are the words the great mystic Mansur al-Hallāj uttered upon the gallows at the time of his execution.

بوگون کلدومجهانه سرورممن یقین بیلونک که ابن حیدرم من

انا الحق سری اوش کونکومده کیزلو که حق مطلقم حق سویلرم من

(Exeth)⁹ and a new prophet who claims to be God and admits the dignitaries, when they present themselves, by putting his hand over their heads, while his forty *khalifas* do the same with the lesser people who join the movement. A letter from Constantinople on March 7, 1502 mentions the rumors that 500 Turks wanted to join “the new prophet of Persia” but were prevented from leaving the city. (Sanudo, p. 7)

What is being reported here is not the rise of a new king or dynasty but a millennial religious movement under an intensely charismatic divine leader who is most typically called the Sophy and who has inspired “the greatest terror in all of Turkey.” (Sanudo, p. 23) This is consistent with the use of the terms *zohur* (manifestation) and *khoroj* (uprising) in the Persian sources generally and, in particular, with ‘Abdi Beg’s (p. 37) statement that Esmā’il was received in Anatolia “as the Helpers (*ansār*) received the Prophet and carried him to Medina, dancing and singing.”¹⁰ According to an Ottoman source, the inscriptions on his banners were “There is no god but God, and Mohammad is the Messenger of God,” and on the other, “Esmā’il is the Deputy (*khalifa*) of God.” (Cited in Yildirim, p. 271)

The exile polemicist Shervāni (p. 97), would write decades later, “This sect says, explicitly and with a sincere heart and belief, that the God before our time was the Shah called Esmā’il and [this divinity] has transmigrated and manifests itself in the form of our Shah called Tahmāsb, and he is our God, and the God of our time.”¹¹

It seems that the presentation of Esmā’il as the Mahdi, or the forerunner of the Mahdi, or the wielder of his sword in the above-mentioned romance of Shah Esmā’il, was the doctored version of this core Qezelbāsh belief, and the modification was endorsed by him as he assumed the title of Shah,¹² opted for empire-building by the consolidation of kingship, on the one hand, and the establishment of Twelver Shi‘ism to assure the domestication of his followers turned to subjects.

The doctored version of Shah Esmā’il’s claim for his non- Qezelbāsh, Persian followers and subjects is well presented by ‘Abdi Beg (pp. 34–35): “As the ruler

9 His name is mentioned a year later (Sanudo, p. 30) but not typically. The title of Shah appears much later.

10 به طریقی که انصار مدینه شریفه حضرت رسالت را به مدینه بردند، پای کویان و سرود کویان

11 هذه الطائفة فقد صرحوا وقالوا عن صميم القلب والاعتقاد ان الاله قبل زماننا هو الشاه المسمى باسما عيل قد انتقل و تجلی الى صورة شاهنا المسمى بطهما سب وهو الهنا واله زماننا.

12 It is interesting to note Sharvāni’s explication (p. 94) of the meaning of the term ‘*shāh*’ to the Qezelbāsh: to some it meant ‘Ali [the *shāh-e mardān*], to others Esmā’il b. Haydar and his offspring, and to yet others, it was one of the names of God.

of the age and the Lord of Command is absent, it is rightful for a competent member of the exalted 'Alid, Fātemid dynasty to execute the commandments of the Imam of the age among God's creatures. . . . [and such one is] the Solomon of the End of time, the King of the Auspicious Conjunction, the forerunner of the army of the Lord of the Age, Abu'l-Mozaffar Soltān Shāh Esmā'il. . . ."¹³

Esmā'il's charisma as a warrior made invincible by divine grace was shattered by his defeat in 1514 by the new Ottoman Sultan, Selim, who had goaded him to the battle of Chālderān in millenarian intoxication for the final suppression of the Safavid movement in the Ottoman empire. His defeat produced broad disaffection among his Qezelbāsh troops. He wore black as a sign of mourning, and had cities draped with banners bearing the inscription "punishment" (*al-qesās*). Esmā'il never again led his men in battle, and changed his style of ruling into that of a mere Persian king. Most notably, he desisted from religious persecution and forceful conversion to Shi'ism, issuing a decree ordering his provincial governors "not to inconvenience anyone, from now on, by [forcing him into] abandoning his religion or converting, and to treat all subjects equally in matters of taxation and religious courts." (Cited in Pārsādust, p. 497)

It should be noted, however, that the Mahdist expectation that Esmā'il had deflected from himself in the course of imperial consolidation lingered on after his death. The extreme adulation of Shah Esmā'il by the Qezelbāsh is very well documented, and Michele Membré (tr., pp. 18, 25, 41–2) graphically describes its transfer in elaborate Qezelbāsh ceremonies to his son, Tahmāsb, a decade and a half after Esmā'il's death. himself expected the imminent appearance of the Mahdi. A white horse was accordingly kept prepared for the Hidden Imam, but more strikingly, Tahmāsb also kept his favorite sister unmarried to be the Mahdi's bride.¹⁴ (Membré, tr., pp. 25–26) For his Persian subjects, Tahmāsb was called the Mahdi's Deputy (*nā'ib*) (Ja'fariyan, II, pp. 496–99), and his courtier and historian, 'Abdi Beg (p. 60), confirmed that "the reign of the End of Time is reserved for His Majesty."¹⁵

13 چون سلطان زمان صاحب امر علیه الصلوات الله . . . غائب است حق آنست که از سلسله علیه علویه فاطمیه، شخصی که قابلیت این امر داشته باشد، در میان بندگان خدای حکم امام زمان را جاری سازد . . . [و این شخص] سلیمان آخر الزمان، پادشاه صاحبقران، مقدمه الجیش صاحب الزمان، ابوالمظفر سلطان شاه اسماعیل . . .

14 This generated the rumors that Tahmāsp had an incestuous relationship with his favorite sister, Soltānem. (Sharvāni, p. 96) Tahmāsp was very attached to this sister, whose death in 1562 resulted in his withdrawal from active life. (Morton's Introduction to Membré, p. xxiv).

15 سلطنت آخر الزمان به آن اعلی حضرت مخصوص است.

The one contemporary Persian history of Esmā'il's reign I know is Khwānd-Amir's *Habib al-siyar*.¹⁶ Reflecting the viewpoint of an orthodox Sunni man of learning who has compromised with the new regime to save his life, limb and property, the narrative is extremely restrained regarding the nature of Shah Esmā'il's authority, substituting the alleged inspiration by the twelve Imams through dreams and visions for what must in reality have been more exaggerated claims, and clichés and euphemism for the violent enforcement of Shi'ism. Other main chronicles date from two generations later—that is, the latter part of Shāh Tahmāsb's reign, when orthodox Twelver Shi'ism had been established and the account of the excesses of the revolutionaries severely doctored. Nevertheless, the novelty of the Safavid mixture of religious and political authority forces a historical narrative of origins of the royal dynasty in the Sufi order of Shaykh Safi al-Din Ardabili, which is at great variance with the traditional narrative of secular origins of kingship. Noteworthy among the supernatural aspects of this narrative is a variation on the theme of the occultation of the 12th Imam taken from the hagiography of Shaykh Safi, *Safvat al-safā*.¹⁷ Mohammad Hāfez, an ancestor of Shaykh Safi, disappears at the age of seven, and manifests himself seven years later, having been taught the Koran and religious sciences by the Jinn with whom he had spent the intervening years. (Khwānd-Amir, *Habib*, IV, p. 411) Dreams were of course an important medium for authentication of divine charisma. In a dream highlighted in the romance of Shah Esmā'il, a certain Dede Mehmed had a vision of the Hidden Imam girding Esmā'il with his sword. In another dream that inspired the dreamer

16 The *Fotuhāt-e Shāhi*, University of Tehran Central Library, Meshkāt Collection # 1103, assumed to be written by Ebrāhim Amini, is in fact identical with Part 4 of *Habib al-siyar*, except for the headings and more defective transcription of Koranic verses. It was copied, according to the colophone, on 2 Rajab 979. The author in fact identifies it as the last part of *Habib al-siyar*, though the sentence is corrupt. (f.4a; cf Khwānd-Amir, *Habib*, IV, p. 409 for the correct sentence.) It is surprising that Ja'fariyān, who used it, did not realize that the text is the same as *Habib al-Siyar*, Pt. 4. Aubin (1984) cites a different MS at the Irān-e Bāstān Museum Library, but at present there is no such library. Khwānd-Amir does tell us that Amini was working on such a work commissioned by Shah Esmā'il in 1521/927 (Khwānd-Amir, *Habib*, IV, p. 326). Whether Khwānd-Amir copied the work in its entirety, or the copyist misidentifies the present manuscript, we seem to have one and not two contemporary accounts of the reign of Shah Esmā'il. In any event, Amini was a friend and contemporary of Khwānd-Amir and can safely be assumed to have shared his attitude and extreme restraint.

17 Other supernatural elements, such as the maternal descent of the Safavids, through the daughter of Shaykh Zāhed, from a Kurdish Shaykh and the daughter of the king of the Jinn who had become his disciple, were left out. (Togan, p. 351).

to write a tract on the significance of the Haydari crown in the mid-sixteenth century, Hamza, the putative ancestor of the Safavids and son of the 7th Holy Imam, Musā b. 'Ali, explained the placing of the headgear that had become an initial ceremony for the Qezelbāsh and spread to some craft guilds. It was the property of the Twelfth Imam in Occultation who had transformed it from the esoteric to the exoteric, material reality to place on Shah Esmā'il's head and thus invested him as His Deputy (*nā'eb*), and y the same token, whoever wore it now was joining the Mahdi's army and would witness His advent and triumph in this world. (Bashir, p. 347)

2 Revolutionary Mobilization and Victory

Esmā'il's uprising began slowly. Leaving Lāhijān with the seven Sufi veterans and 300 men in the summer of 1499, he tarried in Tālesh and then visited his ancestral city of Ardabil which was under the control of his brother, Ebrāhim, as the head of the Safavid order. He does not seem to have found any support from his now orthodox brother (Pārsādust, p. 254) nor, presumably, from his mother, and began a long march into the heartland of millenarian Qezelbāsh supporters in eastern Anatolia which ended in Erzinjan in the summer of 1500. It is important to note that at this point, Esmā'il, very much like his grandfather Jonayd who ventured into Anatolia when Ardabil was controlled by his hostile uncle, was leaving Ardabil to his brother and venturing into Anatolia in the hope of mobilizing the radical wing of the Safavid movement. The Safavid agents in Qarāmān had undoubtedly sent him word of a rebellion of the tribal leaders (*begs*) and disgruntled *timār*-holding cavalymen (*sipahi*) cavalymen in the region under a certain Mustafa. The Turkman tribesmen were being systematically dispossessed by the centralizing policies of the Ottoman empire since the defeat of the tribal principality of Qarāmān by Mehmed the Conqueror in 1475 and its annexation in 1483. In 1500/906, a new land register (*tahrir*) doubled the administrative and military obligation of the land assignments (*timārs*), causing discontent among their holders some of whom threw their lot with the dispossessed tribal leaders and joined their rebellion. The governor of Amasya, Sultan Ahmed, however, put down the rebellion with the help of those of the neighboring regions. (Yildirim, pp. 323–330)

Nevertheless, Esmā'il's venturing to Erzinjan paid off, and his radical supporter decided their moment had come. "Bands of Sufis and the holy raiders from the clans of Rumlu and Shāmlu and Zu'l-Qadr from the heart of Anatolia (Rum) and Syria, Egypt and Diyarbekir (Diyār Bakr) began to gather. An Ottoman source puts their number at 7,000. (Cited in Yildirim) Leaflets summoning

those expecting the manifestation of His Majesty, which is the prelude to the manifestation of the Lord of the Age, were sent in all directions.” (‘Abdi Beg, p. 38)

This is generally confirmed by a letter from Ayas in September 1500 that “a new lord has risen, and the whole country is in tumult.” (Sanuto, III, p. 119, apud Aubin, 1988, p. 12) Esmā‘il used these troops to conquer Shervān and Tabriz. During the sack of Shervān, Esmā‘il ordered the Qezelbāsh troops not to take any booty because the enemies were Sunnis and therefore impure (*najess*), and a general recorded his temptation to keep a beautiful precious stone which he eventually threw into a river in obedience to his spiritual master. (Cited in Pārsādust, p. 259) Esmā‘il then proceeded to conquer Tabriz.

In 1501/907, Shah Esmā‘il abandoned Tabriz and moved to Erzinjān in eastern Anatolia to gather more Qezelbāsh followers into his army. By mid-December, 8,000 people had gathered around him. (Sanduno, p. 3) This move was strictly determined by the location of his supporters and not the opportunity for seizing power. The adepts coming from Teke were organized into the clan of Tekelu as a military unit, alongside the existing clan of Qarāmānlu. ‘Abdi (or ‘Ābedin) Beg brought some 200 young men from Syria (Shām) to join the clan of Shāmlu under the veteran Lala Beg, and Mohammad Beg brought roughly the same number of men from an obscure geographical origin who were organized into the Ostājlu clan, another mainstay of the rising Safavid military power. (*Tārikh-e Qezelbāshān*, pp. 8, 27, 45, 49) Nine of the twelve known commanders of the army, which thus gathered and absorbed the local clans of Kheneslu, Bāybortlu and Qarajadāghlu (*Tārikh-e Qezelbāshān*, pp. 25–26, 40) to number seven or even possibly twelve thousand and defeated the Āq Qoyunlu forces in August 1501, were from the Qezelbāsh tribes of Anatolia. (Sümer, pp. 28, 30).

The extensive recruitment in Anatolia was due to the success of Safavid missionaries (*khalīfas*) in providing a powerful idiom of protest to disposed Turkman tribesmen. That idiom of protest was drawn from the Shi‘ite theodicy of suffering based on the martyrdom of Hosyan, the son of ‘Ali and grandson of the Prophet in Karbala. In their poems sang in Turkish, their redhead reciters (*ozans*) curse the “evil Yazid” (*Yezid-e pelid*) at whose bidding Hosayn and his family were massacred in Karbala, and identified the Ottoman governors as oppressors (*zālim*).¹⁸ (Yildirim, pp. 148–49 and 354n. 1168) Hosayn’s martyrdom was furthermore given a millennial inflection by being presented as his uprising (*khoroj*), and their youthful Shaykhoghlu Esmā‘il similarly called the Lord of Uprising (*sahib-e khoroj*) and presented as his messianic avenger of the

18 See chapter 5 for a sample poem by one reciter, Pir Sultan Abdal.

blood of Hosayn. As such, he would lead a world revolution against oppression (*zolm*) and to avenge Husayn's martyrdom all at once.

In the spring of 1502/907,¹⁹ Esmā'il e returned to Tabriz, where the Sunnis were said to be the majority of two-thirds and the Shi'a a minority of one third of the population, to crown himself, and declared Shi'ism the state religion. The Turkish-speaking *ozans* could not be employed to rouse the Persian subjects in the market-place, and their task was taken over by Persian-speaking reciters who "dissociated" (*tabarrā*) themselves from the Sunni Caliphs by cursing them. "The *tabarrā'is*," we are told, "despite opposition, raised the uproar of *tabarrā* to high heaven." ('Abdi Beg, p. 40; Montazer-e Sāheb, ed., pp. 60–61) This means that Esmā'il issued an order that "the *tabarrā'is* should denigrate and curse the three cursed [caliphs] in public places, and kill whoever does the contrary."²⁰ (Qāzi Ahmad, I, p. 73) Rival popular preachers were suppressed and the mosques delivered to the Shi'ite agit-props, the *tabarrā'is*.

Destruction of popular Sunni shrines were high on the agenda of the agit-props. The desecration of the tombs of Abu Hanifa and Abu Yusuf in Baghdad were desecrated and destroyed after the conquest of Iraq. (Arjomand 1984, pp. 112–21) The putative tomb of Abu Moslem Khorāsāni in Nishapur was similarly destroyed after the conquest of Khorasan and Herat in 1510, and the *tabarrā'is* infested the mosques and markets of Herāt and Khorasanian cities, with the cursing of Abu Moslem added to that of the first three rightly-guided caliphs of the Sunnis.²¹ (Hamavi, pp. 182–89) Despite his politic restraint and caution, Khwānd-Amir (*Habib*, IV, pp. 468, 532–33, 583–86) mentions the Safavid agit-props, *tabarrā'is* and hints at their unorthodoxy in his account of the rebellion of the people of Herat against the Safavid apparatchiks, which was caused by their indignation at the murder of its respected Sunni judge by the Qezelbāsh governor.

19 The year 1502 is the correct date. Many sources give date as 1501, as I did in the *Shadow of God*, and Pārsādust (pp. 273, n.86, 277 and 282–3, n.1) is inconsistent.

20 در اسواق تبرایان همچنان زبان به طعن و لعن ملا عین‌نالا گشوده هر کس خلاف کند اورا به قتل رسانند.

21 Abu Moslem's popularity was such that his tomb was rebuilt and had to be destroyed again in the early years of Tahmāsp's reign. (Hamavi, p. 182) The leading Shi'ite jurist, Shaykh 'Ali al-Karaki wrote a book against Abu Moslem and the non-Shi'ite storytelling, and issued a *fatvā* permitting the cursing of Abu Moslem and declaring anyone trying to prevent it as corrupt. (Hamavi, p. 189).

3 The Safavid Revolution and the *ancien régimes*

Like the contemporary reformation in Christian Europe, and like the European revolution of 1848 and the Arab revolution of 2011, the millennial Shi'ite revolution crossed state boundaries—in that case, those of the consolidating Ottoman and the disintegrating Āq Qoyunlu empires. As the outcome of revolution depend on the structure of the polities in which they occur, the revolution over a region with different states are bound to have different outcomes. This was certainly the case with the Safavid revolution.

By 1500, the Āq Qoyunlu nomadic empire was disintegrating fast while the Ottoman empire had survived the succession crisis and civil war following the death of Mehmet the Conqueror in 1481, and was resuming the latter's centralizing policies under his son, Bayezit II (1481–1512). Sultan Bāyezid II was securely on the Ottoman throne, and in the very year the Qezelbash forces conquered Tabriz (i.e., 907), he had conquered the Greek coastal strongholds of Morea, Coro, Moton and Lepanto issued a much enlarged and modified form of Mehmed II's law codes as the *kitāb-e qawānin-e 'orfīyya-ye 'othmāniyya*. In 1501–02, Bāyezid took firm measures to prevent his Qezelbāsh subjects to join their Sufi leader in Ardabil, ordering his Anatolian governors, including his sons Ahmet in Amasya and Qorqud who was specially sent to Antalya to punish those emigrating severely. When those measure appeared ineffective, he obtained *fatwās* declaring the Qezelbāsh unbelievers, end inspectors to identify redhead leaders, who were expected, and the rank and file who were deported in substantial numbers the newly conquered Morea. (Yildirim, pp. 316–23)

By contrast, the political opportunity for revolution created by the fragmentation of authority and persistent dynastic feud in Iran was great. It was Iran and not the Ottoman Empire that was ripe for a revolutionary take-over in this respect. What remained of the great Timurid empire in the East was undoubtedly moribund, despite valiant efforts by Sultan-Hosyan Bayqarā (d. 1506) and his astute and learned vizier, 'Ali Shir Navā'i (d. 1501), who foresaw the empire's doom in the treacherous murder, in 1496/901, of his patron's grandson, Prince Mohammad-Mo'men. (Lari, 2:878) By 1500, Iran was in fact divided into some twelve independent regions, including the newly conquered Safavid Azerbaijan. Two of these were ruled by city notables, the rest by three groups of feuding princes and *amirs* of the decaying Āq Qoyunlu regime (Pārsādust: 235–38, 280), and by Timurid princes in the east. As Hasan Rumlu (I, p. 62) attested: "In the realm of Iran in that year [907] quite a few governors claimed independence and put up the banner of 'I and none Else!': the equal-

of-Alexander Khāqān [Esmā'il] in Azerbaijan, Sultan Morād [Āq Qoyunlu] in most of [the Persian] Iraq, Morād Beg Bāyandor [another Āq Qoyunlu prince] in Yazd, the alderman (*ra'is*) Mohammad Karrahi in Abarquh, Hosyan Kiyā Chalāvi in Semnān, Khwār and Firuzkuh, Bārik Beg Parnāk . . . in the Arab Iraq, Qāsem Beg [Āq Qoyunlu] . . . in Diyār Bakr, Kadi Mohammad in association with Mawlānā Mas'ud Bidgoli in Kāshān, [the Timurid] Sultan-Hosayn Mirzā in Khorasan, Amir Dhu'l-Nun in Qandahār, [the Timurid] Badi' al-Zamān Mirzā in Balkh, and Abu'l-Fath Beg Bāyandor [yet another dissident from the Āq Qoyunlu] in Kermān." Esmā'il therefore decided on the conquest of the Iranian cities, followed by those of the Arab Iraq.

Whatever centralizing policies the founder of the Āq Qoyunlu empire, Ozun Hasan (d. 1478), and his son, Sultan Ya'qub (d. 1490), had initiated were unravelling fast in the power struggle over the succession to the latter and the ensuing civil wars. Within a decade after Ya'qub's death, the empire was divided between Ya'qub's son, Sultan Morād, who ruled central Iran, and Alvand Mirza, who ruled Azerbaijan and eastern Anatolia. Shah Esmā'il first took the Qezelbāsh followers he had gathered in Erzinjān eastward to fight Alvand's vassal, Shervānshāh, and defeated him to avenge his father and grandfather, Haydar and Jonayd. At this point, in the spring of 1501, we have the first important defection from the crumbling Āq Qoyunlu empire by a vizier, Amir Zakariyā Tabrizi Kojoji, who joined Esmā'il's camp. He was appointed vizier and was appropriately called "the key to Azerbaijan." ('Abdi Beg, p. 39) As Esmā'il proceeded to conquer central Iran and Iraq, there were further submissions and defections from the *ancien régime*, notably those of Mansur Beg Afshār in central Iran and especially of the Āq Qoyunlu governor of Diyār Bakr, Amir Beg Mawsellu, in 1507. (Sümer, pp. 33, 39–40) He and other *amirs* of the Mawsellu clan were given important functions by Shah Esmā'il. (*Tārikh-e Qezelbāshān*, p. 22) With the last defections, the important Turkman tribes of Afshar, Mawsellu which were, like the Qarāmānlu and the former Āq Qoyunlu confederates, joined the Qezelbāsh confederacy. The Zu'l-Qadr followed suit after Shah Esmā'il's conquest of their principality and defeat of their leader, 'Alā' al-Dawla, in 1507. (Woods, pp. 197–98, 207–09, 212)

Many if not most Āq Qoyunlu *amirs* and independent local magnates were, however, killed or cruelly executed. In 1504/909–910, for instance, the above-mentioned Mohammad Karrahi and Hosyan Kiyā were put in iron cages and tortured until they committed suicide, and their corpses were burned; and another Āq Qoyunlu *amir* captured with the latter was roasted and eaten by the Qezelbāsh. ('Abdi-Beg:43; Aubin 1988:45; Montazer-e Sāheb, ed., pp. 138–39) During the phase of revolutionary conquests, the zeal of the Qezelbāsh was

harnessed to a military conquest of great violence to the civilian population, and no attempt was made to win over the latter or admit them to the Safavid order. On the contrary, the capture of the cities was accompanied by the destruction of the other Sufi orders, desecration of the tombs of the Sufi Shaykh, fierce suppression of Sunnism.²² Shah Esmā'il henceforth turned to the consolidation of administration and taxation, management of the pious endowments (*awqāf*) and judiciary organization by the Persian notables.

4 Failure of the Export of Revolution to the Ottoman Empire

Before trying his fantastic luck/turn of fortune eastward toward a new Uzbek nomadic empire, Esmā'il held tenaciously to the idea of Westward export of his millennial revolution, and the prospects looked better after his conquest of Iraq. After the conquest of Āq Quyunlu's Iraq in the summer of 1507, therefore, he decided to test the waters, and invaded Ottoman territory and camped in Sivas under the pretext of dealing with the Zu'l-Qadr tribal principality in Diyarbakir under the hereditary chief and ruler, 'Alā' al-Dawla, who had given asylum to the Āq Qoyunlu Prince Morād, who was his son-in-law.

Sultan Bāyezid's diplomatically downplayed the violation of his territory by Shah Esmā'il, whom he called his son, while moving Rumelian troops and 4,000 Janissaries as he did not trust his Anatolia troops whose Sufi sympathy he knew well. Whether touched by Bāyezid's paternal affection or deterred by his troop movements, Esmā'il decided the time was not ripe for a revolutionary take-over and decamp.

It was not until 1511 that the window of opportunity finally opened, and opened widely for a revolution in Ottoman Anatolia. Sultan Bāyezid II was bed-ridden with severe gout since 1507, and the recently centralized central state bureaucracy was escaping his control. His viziers had taken over the central administration, and using it to fill their pockets while they could. Allegations of bribery concerning repossession and reallocation of *timār* as the military prebends to the *sipāhi* cavalrymen was widespread, with the grand vizier 'Ali Pasha and the *beylerbey* of Anatolia, Qaragöz Pasha, heading the list for grand speculation. Sultan Qorqud left Antalya for Egypt in 1509 for a year, leaving his governorship vacant. (Uğur, pp. 154–56) Ottoman authority in the province declined seriously in his absence while the number of *sipahis* dispossessed of their posts (*dirlik*) which went to higher bidders increased and their discontent mounted. (Inalcik 2000, p. 32)

22 See Chapter 6.

According to the Persianate conception of revolution, the normative disorder caused by the tyranny of malfunctioning government is accompanied by disorder in nature and natural calamities that portend divinely-ordained revolution. (Arjomand 2011) A severe earthquake in September 1509 forced Bāyezid to move to Edirne, which was, however, struck by a second earthquake, and yet a third earthquake followed. The ailing Pādshāh read the portents and summoned his viziers and generals to tell them: "It is the lament of the oppressed, which is the result of your oppression and corruption that reached God and ignited his wrath. This disaster is nothing other than the result of your oppression!" (Cited in Yildirim, p. 353)

The expected death of the bed-ridden Pādshāh meant the inception of the severe struggle for succession among three of his sons, Ahmed, Selim and Qorqud. The Anatolian Qezelbāsh responded to this opportunity. Their uprising, however, was now out of phase with post-revolutionary imperial consolidation in Iran. After the recent conquest of Khorasan²³ and shift of the center of gravity in his empire in 1510, Shah Esmā'il was no longer keen on the westward export of revolution into Ottoman Anatolia and Syria. The ending of the export of revolution by the new imperial sovereign of the East and the West doomed the millennial uprising of his Anatolia followers to failure.²⁴

Shaykh Jonayd, had established a Safavid mission in Teke Ili region in Antalya some fifty years earlier, appointed Hasan Khalifa Tekelu in its charge, and (Sohrweide 1965, p. 133; Yildirim, p. 365) Despite Sultan Bāyezid's forceful movement of the Qezelbāsh to Rumelia in 1502, the order survived. Furthermore, the Qezelbāsh began to proselytize among the *sipahis* dispossessed of their lands by Bāyezid's viziers, forcing his son, Prince Selim, who was a governor in eastern Anatolia, to make a competitive bid by recruiting them for a holy raid against Georgia. (Uğur, pp. 149–50, paraphrasing Neshanj) In the spring of 1511, rumors of Bāyezid's death, prompting the sudden departure from Anatolia of the shifty prince-governor, Sultan Qorqud, in his bid for succession, while Sultan Selim had risen against his father whom he considered senile.²⁵

Under these promising circumstances, Bābā Shāhqoli (Şahkulu), the son and successor of Jonayd's agent, Hasan Khalifa, who had lived with his father in

23 He was still there when the Anatolian uprising occurred.

24 See below in this Chapter.

25 According to Uğur (pp. 162–65) this move was done with a nod from Bāyezid's other son, Sultan Ahmed. Yildirim (ch. 12), by contrast, argues that Sultan Ahmed as the favorite of his father and the grand vizier, 'Ali Pasha, had no reason to treat with Selim and eventually executed him in 1513.

a cave as a Sufi hermit (Uğur, p. 166), led a fierce uprising in Teke. The Turkmen are said to have sold their farms and cattle for little and joined the Qezelbāsh, donning their red headgear. (Sümer, pp. 36–37, n. 16, citing Kemalpāshhāzāde) At the end of March, Shāhqoli's men captured the treasury of Sultan Qorqud, who had left his post in too much of a hurry to take it with. Then the revolt broke out on the fateful day of Imam Hosayn's martyrdom, the 'Āshura on April 9, 1511 (Yildirim, p. 386), and spread like prairie fire.

At this point, the few *sipāhis* who had become Sufis forged a coalition between the Qezelbāsh rebels and their dispossessed colleagues who were distinguished from the Turkmen by their higher status as well-born (*merdumzāde*). Given their discontent, many joined the rebels. The reason is well articulated by one such cavalryman:

All of our wealth is gone to buy our *timārs*. In order to buy a *timār*, one needs camels, wealth. There are no *timārs* for the comrades [fellow-*sipāhis*]. Every propertied Turk, sons of merchants, kadis, *waqf* trustees, became *timār*-holders. All the relatives of the Sultan, his stewards, his tent builder, his soothsayers, and others became *timār*-holders. No *timār* is left for the comrades. Now let them see what sort of sedition comes out of giving *timārs* to absentee lords and oppressing the *sipāhi* folks.

The reporter goes on to say: "The *sipāhis* are at the forefront of every trouble, and from now on there is no hope of them acting comrade-like."²⁶ (Cited in Yildirim, p. 383) The struggle for succession, combined with corrupt and dysfunctional government created very favorable conditions for the revolutionary coalition. (Lari, 2:932–33; Uğur, p. 165; Yildirim, pp. 379–84) Even Prince Shehanshāh, yet another son of Bāyezid who had no chance for succession and was the governor of Qarāmān but died during the unrest, briefly joined the Qezelbāsh (Sümer, p. 43), as did Shehanshāh's son, Sultan-Mohammad. (Lari, 2:935)

In mid-April some 20,000 rebels and their families entered Burdur, and proceeded a week later to Kütahya, where Shāhqoli captured the *beylerbeg*, Qaragöz Pasha, and after consulting with the allied *sipāhis* of Tekke, executed him outside the city. On May 3, he defeated Qorqud's army, the last sizeable one in the region, and the prince fled to the fortress of Mansa. Bābā Shāhqoli made his victory proclamation: "We have now seized the province of Anatolia!" (Yildirim, p. 391) Amasya was then overrun and the rebels reached the countryside of Bursa. The rebellion was extremely violent, with massacres of city

26 I owe the English translation to Can Ersoy.

populations, cats and dogs, and of the jurists and Sufi shaykhs of Amasya, destruction of mosques and Sufi convents, and the beheading and impaling of a governor, ritual roasting of three officials and several *beys*. (Sohrweide, pp. 146–58; Uğur, pp. 164–96; Yildirim, pp. 384–404) According to the kadi of Antalya, Bābā Shāhqoli at times claimed to be the Mahdi, and at other times, that Shah Esmā'il had died and his divine charisma passed unto himself. (Aubin 1988, p. 90) A captured follower of his brought before the same kadi still considered him God and a new prophet, and was executed for apostasy. (Sohrweide, pp. 148–9)

The rebellion then unraveled as Bāyazid was finally told about it, and forced Sultan Ahmed and 'Ali Pasha to lead reinforced Ottoman troops against them. Although his army remained intact, the grand vizier, 'Ali Pasha, was killed in the early days of July 1511, just as the rebellion was spent and its leader Shāhqoli disappeared.

A group of some three or five hundred Qezelbāsh rebels fled to Iran, attacking a commercial caravan from Tabriz on the way. Most chronicles put this event after the suppression of the rebellion of Bābā Shāhqoli, but, according to the intriguing account of Edris Bedlisi, Bābā Shāhqoli's "vizier" led the looting expedition into Azerbaijan in 1511 not after but during the rebellion. (Uğur, pp. 181–83) Shah Esmā'il, who was preoccupied with the consolidation of the newly acquired empire refused to receive them. (Uğur, p. 183; Aubin 1988, pp. 90–91) When they finally realized their dream by reaching the realm of their charismatic Sufi master, Shah Esmā'il, the awakening awaiting them was rude indeed.

5 Periodization of the Safavid Revolution

In his first Safavid study, Aubin (1959) gave a general view of the incorporation of the Persian notables into Esmā'il's Turkman empire of conquest in the course of its consolidation throughout his reign. In the second study, Aubin focused on the ousting of a small cluster of the Qezelbāsh leaders who had raised Esmā'il in exile and were accordingly known as the 'Sufis of Lāhijān', and their replacement by Persian notables in 1508–09 as the critical turning point in the transition from the revolutionary phase to that of consolidation. To be more precise, Aubin (1984, p. 9) considers the 1508–9 turning point as "the victory of the Persians over the Turkmen, and also a revenge of the Ostājlu over the Shāmlu faction" among the Qezelbāsh. In the final study, Aubin describes the same transition as that from "the reign of the tutors to that of the favorites." (Aubin 1988, p. 63, and pp. 85, 124–26 for further discussion)

I took a contrasting position and viewed Esmā'il's suppression of Qezelbāsh extremism committed to the export of the millenarian revolution—or, to be more precise, the liquidation, in 1511/917, of his own most extreme and millenarian followers who had fled after the suppression of Bābā Shāhqoli's rebellion—as the decisive point in the revolutionary power struggle that signaled the end of revolution and the beginning of consolidation (Arjomand 1984, p. 110).

Some additional considerations and elaboration on my dating against Aubin's in terms of the logic of the revolutionary process seems to be in order. The "Sufis of Lāhijān" were not expelled from the movement in 1508 but were rather put in charge of the export of revolution to Khorasan in 1510. What is more, it is evident from Aubin's own earlier study (1959–65) that the incorporation of the administrative and judiciary cadre of the Āq Qoyunlu ancien régime was more gradual, and in fact begins with the defection in the spring of 1501 of the above-mentioned Amir Zakariyā Khojaji, followed by another colleague and former Āq Qoyunlu vizier, Mahmud Khan, who belonged to the Daylami/Qazvini family in 1503–04; the Sāvaji family of clerical notables probably entered the Safavid service around that time. Similarly, the abovementioned Qāzi Mohammad Kāshi, who was in control of Kāshān with another local notable submitted to Shah Esmā'il and became a Safavid official. Meanwhile, Shah Esmā'ī instituted the offices of the new Safavid states; the highest military and administrative offices were filled by the Sufi veterans—Bayrām Beg as the *amir-e divan* and 'Abdi Beg as the *Tovaji-bāshi* (Handea, pp. 72–77), and the highest religious office, that of *sadr*, by his tutor and another member of the inner charismatic circle, Mawlānā Shams al-Din Lāhiji. (Pārsādust, pp. 281–82) In 1508/914, Shah Esmā'il conquered Baghdad and massacred the Pornāk clan which ruled it for the old dynasty. He appointed the veteran Sufi of Lāhijān, Khādem Beg Khalifa, its new governor. More significantly, he also appointed Lāhiji to the new office of chief deputy (*khalifat al-kholafā'*) of the Safavid order with the specific mission of export of revolution to Anatolia through his subordinate *khalifas*. (Hinz, p. 18; Pārsādust, pp. 301–302)

Furthermore, Shaykh Najm al-Din Zargar Rashti, whose appointment as his *vakil* in 1508 is taken as part of this turning point, is of ambiguous value for supporting Aubin's argument. He was a jeweler (*zargar*) from the city of Rasht who had joined in the nearby Lahijan very early. Although a Persian, he belonged to the core sectarian cell around Shah Esmā'il in Lāhijān and should for sociological reasons be classified as one of the "Sufis of Lāhijān," alongside the five leading members named by Aubin (1984, p. 3). In that sense, the post-revolutionary transition begins two years later, with the accession of Esmā'il's protégé, Yār Ahmad Khuzāni of a family of notables of Isfahan, called

the Second Star (*najm*) to the office of *vakil*, that signals the geopolitical shift toward Khorasan which, according to my argument, was decisive for initiating the phase of consolidation of revolution in one country. Yet this appointment was contingent and happened because of the death of the First Star, Najm al-Din the jeweler, who had been the first Persian to command the Qezelbāsh in the battle of Ghojdovān (1512) in which he was, however, captured and killed.

From my perspective, the victory of the Ostājlu over the Shāmlu faction among the Qezelbāsh tribesmen in 1508–09 is important, but should be placed alongside the purge of the Qezelbāsh that had been carried out already under the “Sufis of Lāhijān” in 1505, and by no other than one of its leading members, Dede Beg, the *qurchi-bāshi* (Aubin, p. 4). We know very little about this extensive purge, but ‘Abdi Beg (p. 44) significantly refers to the lethally purged group as “hypocrites” (*monāfeqān*). We must consider it part of the revolutionary power struggle, and ideologically based over and above cross-cutting clan rivalries. This power struggle between extremists and accommodationists ended with the suppression of the remnants of Bābā Shāhqoli’s rebellion, who were seeking to radicalize the Safavid movement and rekindle its commitment to millennial world revolution.

Meanwhile, a major shift of the center of gravity of the Safavid empire of conquest occurred with the annexation of Khorasan and Herāt and the defeat of the Uzbek Shībāni Khan by Shah Esmā’il in 1510, which was followed by the incorporation of the Timurid officials and notables on a considerable scale. The new conception of greater Iran as unifying the Āq Qoyunlu domains in the west and the Timurid Khorasan and Herāt in the east is reflected in the description of Mirzā Shāh Hosayn Esfāhāni, Shah Esmā’il’s *vakil* (plenipotentiary deputy) from 1514 to 1523, as the “implementer of the command of the two easts and the two wests” (*nāfez-e farmān-e mashreqayn va maghrebayn*, cited in Aubin 1988, p. 114).

I will rest the case for my proposed periodization of the Safavid revolution on the political theatre staged by Shah Esmā’il for the interrogation and cruel execution of his ardent Turkish followers that has puzzled many historians. The first point to note is that already in May 1511—that is before that public trial in the fall of that year, and even before the collapse of Bābā Shāhqoli’s rebellion in July—Shah Esmā’il had sent an ambassador to Sultan Bāyezid II, as one imperial sovereign to another, with the head of the Uzbek Shaybāni Khan whom he had killed in battle a year earlier. (Yildirim, p. 408) During the interrogation, he never mentioned the Safavid millennial, revolutionary ideology but instead championed the Persianate *raison d’état* as an imperial monarch. Were they not subjects of “my father, Sultan Bāyezid” and under his

protection? If so, what right they had to disobey him and rebel? (Yildirim, pp. 406–07) Judging them as a Shah and head of an imperial state rather than a millennial Sufi leader, Esmā'īl had the rebel leaders thrown into boiling cauldrons or otherwise executed, and confiscated the horses of the rest if the Turkman refugees, giving some to the Qezelbāsh and leaving other to begging in the streets with their wives and children.

Whichever of the two dates discussed above is taken as the date for the inception of the phase of post-revolutionary consolidation, the implication is that by 1511 Esmā'īl was thinking of “Shi'ism in one country” as, centuries later, Stalin was to implement “socialism in one country.” This transition from the radical to pragmatic phase of the Safavid revolution, however, made no difference to his sworn foes to the East and the West, the Uzbek and Ottoman. They dealt Esmā'īl two decisive defeats in Ghoj dovān in November 1512, and in Chālderān in May 1514. The revolution came to an end by necessity. Administrative consolidation, on the one hand, and conversion of the population to make Iran the one Shi'ite country, on the other, gained full force. These processes continued during the long reign of Shah Tahmāsb (1524–76) but became irreversible only under Shah 'Abbās I (r. 1587–1629).

6 Consequences of the Safavid Revolution

The rise of Shah Esmā'īl had world-wide repercussions. Venice paid keen attention to the rise of the Grand Sophi and maintained cordial relations with him as the Shah of the Safavid empire. The Timurid prince, Zahir al-Din Mohammad Bābor, who was later to establish the Mughal Empire in India, had briefly (between 1510 and 1512) been a vassal of Shah Esmā'īl and had even professed Shi'ism before being routed by the Uzbek 'Obayd Allāh Khan in Central Asia (Roemer, p. 126). In India itself, the ruler of the kingdom of Bijāpur in the Deccan, Yusof 'Ādelshāh (r. 1489–510) had established Shi'ism as the state religion in 1502, just as he heard of Shah Esmā'īl's similar proclamation in Tabriz, and his successors are said to have employed some 300 Iranians to curse the first three caliphs. (Cole)

The most obvious consequence of the Safavid revolution was the establishment of Shi'ite Islam and the conversion of the majority of Iran's population to it over the ensuing two centuries. (Arjomand 1984) Another lasting consequence of the Safavid revolution, though far less obvious, is evident in the narrative of the rise of the Safavids in all the Persian chronicles is the radical change in the conception of kingship. In a decree issued in April 1511/ Moharram 917, Shah Esmā'īl claims divine sanction for his kingship (*saltanat*)

and caliphate (*kelāfat*) by citing the Koran (Q. 2.118 and Q. 38.25), and refers to the Safavid House as the “dynasty of spiritual authority (*velāyat*) and Imamate.” (Navā’i:101–103) Popular Sufism, which became increasingly tinged with the Shi’ite expectation of the manifestation of the Mahdi in the mid-fifteenth century, infused a sacral element into the idea of kingship as temporal rule. The change in the conception of kingship made definitive by the Safavid revolution had as much to do with Sufism as with Shi’ism. Khwānd-Amir, who was not a Shi’ite but imbued with Sufism, took its essentials with him to India, and expressed it (*Qānun-e homāyuni:258*) when he hailed his last patron, Homāyun, as “the unifier of the real and the apparent sovereignty” (*jāme‘-e saltanat-e haqiqi va majāzi*). Be that as it may, the popular Sufi conception of unified material and spiritual monarchy was institutionalized under Shah Esmā’il and reconciled with Twelver Shi’ism by his successors who claimed to be the lieutenants of the Hidden Imam.²⁷ Its adoption in India by Homāyun after his long exile in Shah Tahmāsb’s Iran in the 1550s, produced what Moin aptly calls millennial sovereignty.

Revolutions, furthermore, often generate counter-revolutions, and not necessarily in the same country. If the Safavid Esmā’il’s Mahdist, Shi’ite revolution spanned over several imperial realms, so we should expect a Sunni counter-revolution to do likewise. Revolutions typically produce a large number of exiles, and the attempts to export them alarm neighboring powers and result in their support for counter-revolutions and in wars. The success of a millenarian Shi’ite revolution in Iran under the leadership of the child-God Esmā’il drove many Iranian notables and Sunni jurists into exile. Unlike the Sasanian revolution under Ardashir and Shāpur I, whose counter-revolutionary exiles all gathered in the Parthian kingdom of Armenia, but like the Islamic revolution, whose exiles are dispersed eastwards and westwards, the exiles of the Safavid revolution moved in three main directions: westward to the Ottoman Empire, northeastward to the Uzbek Transoxania and southeastward to India. Some went to India (Aubin, 1988, p. 96), where they had little opportunity for counter-revolutionary political activism. It was otherwise with the *ancien régime* exiles who fled to the Ottoman and Uzbek states. To the Ottoman and Uzbek rulers, the Qezelbāsh warriors aiming at world domination were a dire and immediate threat. To stop the expansion of the Safavid empire, both these rival powers made imperial counter-claims as upholders of Sunni orthodoxy with significant help from these exiles. indeed incumbent, and Both the Ottoman

27 In Chapter 9, I argue that the new sacral idea of kingship was inconsistent with the logic of Twelver Shi’ism, and collapsed with the Safavid empire in 1722, making for the return of the traditional idea of monarchy as temporal rule.

and the Uzbek states solicited help from the jurists to pose as defenders of Islamic orthodoxy against the rampant millennial heresy, and prominent jurists supplied both rulers with *fatvās* (legal rulings) making the shedding of the blood of the Qezelbāsh lawful.

Sunni counter-revolution turned out to be a bumpy sell in the nomadic Uzbek empire to the east owing to Shah Esmā'il meteoric victory in the battle of Marw in 1510. The foremost counter-revolutionary exile to move to Transoxania was the Āq Qoyunlu patrician notable and court historian, Fazl Allāh Ruzbehān Khonji (d. 1521), also known as Kh^wāja Mawlānā Esfahāni in the east. He fled Kāshān after putting the final touches to a refutation of Shi'ism as the city fell to the Safavids in 1503, and went on to Herāt to see it conquered by the Uzbek army of Mohammad Shaybāni Khan. He wasted little time in finding his way to Shaybāni Khan's camp by 1508, and accompanied him on his campaigns, completing *Mehmān-nāma-ye Bokhārā* for him in 915/1509 (Khonji, 1962, p. 356; idem, 1992, editor's introd., pp. 2–4). The Sunnis of Herāt joined him a few years later as that city was conquered by the Qezelbāsh in 1510. Zayn al-Din Mahmud Vāsefi, a preacher and man of letters trained by the famous Mollā Hosayn Vā'ez-e Kāshefi, has left an engaging account of his flight from Herāt to Samarqand in the company of a group of musicians, singers and poets during the early spring of 1512. The party heard of the defeat of Mirzā Bābor by 'Obayd Allāh Khan on the way and hastened to Samarqand to see the latter (Vāsefi, I, pp. 17–36).

Mehmān-nāma-ye Bokhārā is very interesting, not so much for containing *fatvās* for *jehāds* against the Qezelbāsh (Khonji, 1962, pp. 44–45), which are also found elsewhere,²⁸ but rather for showing Khonji's strategy of competitive appropriation and preemption of popular Shi'ite themes for counter-revolutionary mobilization. The most important popular notions and practices Khonji seeks to appropriate against the Qezelbāsh revolution are the belief in the Mahdi, which is modified into that of the Expected Hāreth (Khonji, 1962, pp. 95–99, 104–06)²⁹ and the Renewer (*mojadded*) of the century (claimed for his Uzbek patron as against Esmā'il's Mahdist), and the love of the family

28 And notably also much earlier against Jonayd (Shervāni, p. 106) and Haydar (Khonji, 1992, p. 286) and their followers.

29 He cites a tradition reported in the *Sonann* of Abu Dāvud, which is an *ex eventu* prophecy of the return of the Hāreth b. Sorayj, who unfurled the messianic black banner in Transoxania against the Umayyads some twelve years before Abu Moslem. See my forthcoming *Revolution in World History*, University of Chicago Press.

of the Prophet, and pilgrimage to the shrine of Imam Rezā.³⁰ (Khonji, 1962, pp. 339–46). He also matches Esmā'il's millennial sovereignty by calling the Uzbek Khan the Deputy of the Merciful (*khalīfat al-rahmān* [i.e., God]).

Khonji continued the life of an *ancien régime* exile after his royal patron was killed by Shah Esmā'il in the following year, and continued his search for a Sunni monarch to defeat him. The Uzbeks were back in power by the end of 1512, and he wrote a remarkable program for Sunni Shari'a-based government, the *Suluk al-muluk*, for the next Uzbek khan, 'Obayd Allāh, in 1514. After hearing of the defeat of Shah Esmā'il by the Ottoman Sultan Selim, he urged the latter to follow the example of Alexander and annex Iran to Rum in a poem in Persian, appending another poem in Chaghatay Turkish by a fellow Sunni doctor in exile, exhorting Selim to liberate Khorasan (Khonji, 1992, editor's intro., p. 3). His counter-revolutionary appropriation of millennial sovereignty for Selim is expressed in hailing him as the Mahdi, Lord of the Age (*sahib-e zaman*) and the Caliph of God and Mohammad. (Cited in Yildirim, p. 515)

'Obayd Allāh Khan (d. 1540), who thought he owed his improbable victory over the much more numerous Qezelbāsh army in Ghojdvān to the prayer of Mir 'Arab, a disciple of the Naqshbandi Sufi master Kh^wāja 'Obayd Allāh Ahrār, not only built a great madrasa named after him, but also many other madrasa, mosques and shrines in his capital, Bukhara, "The Dome of Islam" (*qobat al-eslām*). He evidently heeded Kh^wāja Mawlānā Esfahāni (*khonji*)'s orthodox advice, and a later historical enumerating his monuments describes him as an observant or shari'a-bound (*motasharre'*) king. (Bukhāri, 104)

The Ottoman counter-revolution was immediate, and the *ancien régime* notables who fled the Qezelbāsh revolution westward like Hosayn b. 'Abd Allāh Shervāni appear to have been more numerous (Aubin, 1988, pp. 98–102).³¹ Notable among them was Shaikh Ebrāhim, the head of the Golshani Sufi order, who went into hiding after Shah Esmā'il's conquest of Tabriz, and fled with the connivance of a high Qezelbāsh functionary. An important secretary of the

30 In addition to a eulogy for Imam Rezā, in which the other eleven Imams are also mentioned (Khonji 1962, pp. 336–8), Khonji also mentions (p. 344) his other book (Khonji, 19??) in praise of the twelve Imams. This latter work is often cited as evidence of what is called syncretic Shi'ite Sunnism by Biancamaria Scarcia Amoretti, or "Twelver Sunnism" by Rasul Ja'fariyān. Without wishing to deny the existence of syncretic trends in Timurid Iran, I would take Khonji's work as evidence of an attempt at competitive appropriation of popular Shi'ite themes by the opponents of the Safavid revolution.

31 Shervāni (pp. 92–93) mentions a very large number of Sunni jurists as open opponents of the Qezelbāsh, and states that some of them were killed or burned by the Qezelbāsh revolutionaries. He does not, however, say how many of them went into exile.

Āq Qoyunlu chancery in Tabriz who defected to the Ottomans in 1501 was Edris Bedlisi (d. 1520), who was commissioned in the following year by Sultan Bāyezid II to write the first major history of the Ottoman dynasty in Persian within the frame of world history, the *Hasht behesht*.³²

The Ottoman counter-revolution was in fact constitutive factor in the reconstruction of the Ottoman empire by Selim and Süleymān as champions of Sunni orthodoxy and heirs to the Abbasid Caliphate. Yildirim (ch. 7) convincingly argues that the very succession of Selim I and his defeat of Bāyezid's favorite son, Ahmed, an unintended consequence of the Qezelbāsh rebellion of 1511 in Anatolia. During the succession struggle in anticipation and after the death of Bāyezid II in 1511–12, Shah Esmā'il supported Sultan Ahmed's son, Sultan Morād, on the losing side. Having won this struggle as the champion of the Janissary in 1512, the new Sultan, Selim I, the Grim (*yavuz*), deposed his allegedly incapacitated father and eliminated other Ottoman pretender. His proclamation when ascending the throne was also a declaration of war against Shāh Esmā'il. At the council of state he had summoned for the purpose in Edirne, he declared it his incumbent duty (*farz-e 'ayn*) as the Shadow of God on Earth and the protector of Muslims to put down sedition and oppression (*zolm*) of Esmā'il as no other Muslim had the power to do so. He then turned the table on the Qezelbāsh by presenting their sedition and tyranny to the invasion of Gog and Magog, and presenting himself as second Alexander and their nemesis. (Yildirim, pp. 510–14)

Selim accordingly ordered the registration and selective imprisonment of the Anatolian Qezelbāsh and the execution of 40,000 followers of the Safavid Sufi order in 1513 (Sohrweide, pp. 161–64),³³ and proceeded to administer a decisive military defeat to Shah Esmā'il in the battle of Chālderān in 1514. Edris Bedlisi, who was a Kurd in origin, joined the Sultan in Chālderān and was effectively made proconsul for eastern Anatolia. After victory, he was put in charge of pacification of the Turkman tribes and creation of a new political settlement in the region. Selim's military operations were conducted hand in hand with a propaganda campaign. Bedlisi's nemesis and Bayezid's foremost Turkish *monshi* who had been charged with writing a rival Ottoman history in Turkish (Inalcik 1962:166–67) also joined Sultan Selim in Chālderān: Kemāl Pāshāzāda (Ebn Kamal, d. 1535), who had grown up in Amasya and maintained his connections with Anatolia. Unlike Bedlisi who was a Sufi, Kemāl Pāshāzāda was a jurist. Like his contemporary Khonji in the east, Kemāl issued an injunction

32 Bedlisi later also wrote a *Salim-nāma* which was completed by his son. (Fleischer 1989; Yildiz 2004).

33 An undated anonymous *fatvā* appears to aim at justifying this act. (Eberhard, p. 167).

(*fatvā*) declaring the Qezelbāsh infidels, their territory the land of war (*dār al-harb*), and the waging of holy war (*jehād*) against them the individually incumbent duty (*farz al-'ayn*) of every Muslim. The sultan was then reminded of his duty to lead the *jehād* against the Qezelbāsh (Eberhard, pp. 164–65).

A somewhat later westward exile of the Safavid revolution was Mosleh al-Din Mohammad Lāri, wrote another Persian history with the reflexive title of *Mer'āt al-advār* (Mirror of Epochs) which presented the Ottoman rulers, beginning with Sultan Murad “Lord Holy Warrior (*ghazi khodāvandgār*), as the “kings of Islam” who led the “army (*lashkar*) of Islam” in conquest of the lands of the infidels. (Lāri, 2:912–60) Selim I is also called the “King of Islam” (2:940), and most interestingly, the reigning Selim II (1566–74) is called “Iran’s Lord of Auspicious Conjunction” (*sāheb qerān-e irān*) by the exile who had evidently not given up the hope that his new royal patrons would reconquer Iran for Sunni Islam.

As Yildirim (p. 509) points out, the pre-Chālderān dating of this *fatvā* is only probable, and there is only one other we can date likewise with certainty. Most other known *fatvās* were issued later. The implication is clear. The injunctions were not so much useful for war mobilization before 1514 as for the consolidation of Islamic orthodoxy against Safavid Shi‘ite heresy. As is well known, two years after Chāldirān, in 1516, Sultan Selim defeated the Mamluk Sultan in Syria and conquered Egypt, replacing the Mamluk Sultan as the Protector of the Two Shrines (Mecca and Medina) and bringing the putative mantle of the Prophet back from Cairo to Istanbul. It must have been after that time, or after his formal appointment by Sultan Süleymān, that Kemāl Pāshāzāda appears to have assigned the task of a more detailed refutation of the Safavid claims to his student, Abu'l-So‘ud, Mohammad b. Mohy al-Din ‘Emādi. Abu'l-So‘ud, too, was from the Kurdish region under Safavid domination, and his refutations indicate some familiarity with the activities of Shaykh ‘Ali Karaki, as the leading Shi‘ite religious authority under Shah Esmā‘il,³⁴ and he goes further in enumerating the deviations of the Qezelbāsh from orthodoxy, and in refuting Shah Esmā‘il’s claim to descent from Imam ‘Ali b. Abi Tāleb and the Safavid claim to being a Shi‘ite sect. In one *fatvā*, Abu'l-So‘ud considers fighting against the Qezelbāsh the most important duty of the Muslim, comparable to their duty to fight the false prophet, Mosaylama, under Abu Bakr and the Kharijites under ‘Ali (Eberhard, pp. 165–67).³⁵ Abu'l-So‘ud later rose to prominence,

34 In a compilation of these opinions in 1581, he is referred to as Shaykh ‘Abd al-‘Ali al-Druzi. (Eberhard, p. 223).

35 The Ottoman propaganda against the Safavids continued well into the reign of Shah Tahmāsb, and displaced *ulema* from the lands conquered by the Safavids appear to have

holding the office of *shaykh al-Eslām* from 1545 until his death in 1574, and was a chief architect of the Ottoman judiciary organization under Süleymān the Lawgiver (*qānuni*).

Sultan Selim Khan had not been shy about imitating Esmā'il's claim to be the spiritual guide of his Qezelbāsh disciples, and was proud that he had been hailed the "Mahdi of the End of Time" by his admirers in Central Asia. (Fleischer 1992:163–64) His son and successor, Sultan Süleymān Khan (r. 1520–66) wavered between the appropriation of Mahdistic claims of Shah Esmā'il as well as the latter's claim to the unification of spiritual and worldly sovereignty, which Bedlisi had in fact propounded for his father in a *Qānun-e shānshāhi*. Although Süleymān appointed Kemāl Pāshāzāda *shaykh al-Islām* in 1526, it was not until after the fall and secret execution in 1536 of the powerful vizier, Ibrāhim Pāshā, that he opted for championship of Sunni orthodoxy against the heretical ideology of the Safavid Qezelbāsh, (Fleischer 1992:166–67) In the following decade, he appointed Abu'l-So'ud *shaykh al-Eslām* in 1545. The latter held that office until his death in 1574, and was the chief architect of the Ottoman judiciary organization due to which his royal patron was styled Süleymān the Lawgiver (*qānuni*). The construction of the imposing Ottoman judiciary system under Süleymān was thus part of a long-term reaction to the Safavid revolution, and thus a counter-revolution that can be counted as one of its consequences.

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played the leading role in it. We have two polemical tracts from a certain Nakhjavāni and the above-cited Shervāni, which was written in 1540. (Eberhard, pp. 53–56) The propaganda campaign was revived under Morad III around 1580.

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Religious Extremism (*Ghuluw*), Šūfism and Sunnism in Safavid Iran: 1501–1722*

It is a well-known fact that pre-Safavid Iran was predominantly Sunnī. It is also common knowledge that the fifteenth century was a period marked by the flourishing of a number of millenarian movements. These religious movements, the last of which gave birth to the Safavid empire, combined Šūfism with Shi'ite "extremism" (*Ghuluw*). However, what is not so commonly appreciated is that beyond the recognition of the Twelve Imāms, the fifteenth century Shi'ite *Ghuluww* had little in common with Twelver Shi'ism or the doctrine of the Imāmī sect. Furthermore, though Imāmī scholarship developed freely—notably in Ḥilla—contrary to expectation, there is no evidence of missionary activity and spread of Imāmī Shi'ism in Iran in the period preceeding the establishment of the Safavid empire.¹ According to the earliest chronicle of his rule, when, in Tabriz in 1501/907, despite the trepidation of his entourage, Shāh Ismā'īl proclaimed Twelver Shi'ism the state religion, that city, like the rest of Iran, was predominantly Sunnī. It was only after much searching that a book containing the basic tenets of Imāmī Shi'ism, the *Qawa'id al-Islām* by Ibn al-Muṭahhar al-Ḥillī (1250–1326) was found in the library of a *qādī*, and was made the basis of the new religion.² Not even in Kashan, referred to by the sources as the *dar al-mu'minīn* (realm of the faithful; a designation reserved for the old centers of Imāmī Shi'ism), was a competent Shi'ite jurist to be found for over a decade.³

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- 1 See E. Glassen in *Die frühen Safawiden nach Qazi Ahmad Qumi*, (Freiburg, 1968), pp. 86–91. See also A. E. Mayer's review of M. M. Mazzaoui, *The Origins of the Safavids: Shi'ism, Sufism and the Ghulat*, (Wiesbaden, 1972) in *Iranian Studies*, VIII, 4 (1975), in which she points out the evidence produced from the sources by Mazzaoui, and in contradiction to his implicit argument, shows that Ismā'īl was the first of the Safavids to become an (Imāmī) Shi'ī, that "his fathers were Sunnites . . . and none except Shāh Ismā'īl has shown *rafīd* (Shi'ism)." (p. 274).
- 2 Ross Anon., ff. 74a–75b. It was not until the reign of Tahmāsp that this book was translated into Persian. Cf. H. R. Roemer, "Problèmes de l'histoire safavide avant la stabilisation de la dynastie sous Šah 'Abbās", *Turcica*, VI (1975), p. 408.
- 3 M. M., II, pp. 233–34.

In addition to the importation of the Twelver Shi'ite theologians, from the Arab lands, notably Jabal 'Āmil, throughout the sixteenth and seventeenth centuries, the prolonged task of conversion of Iran to Twelver Shi'ism required the persistent adherence of the Safavid state to a ruthless religious policy carried out on four fronts. It consisted in the eradication of millenarian "extremism" (*Ghuluw*), persecution of Šūfism, suppression of Sunnism, and, finally, the propagation (of Twelver Shi'ism). The spread of the Shi'ite doctrine among the population of Iran did not decisively change the religious outlook of the country until after the virtual completion of the first three processes over nearly two centuries. What follows is an account of the religious persecutions instituted by the propagators of Shi'ism in Iran: the Safavid rulers, for the most part, and the Shi'ite hierocracy, from the mid-seventeenth century onwards. These attempts to purge the Safavid dominions of heterodoxy, consisting of the suppression of millenarian "extremism," of Šūfism and of Sunnism, preceded and paved the way for the definitive establishment of Twelver Shi'ism.

1 Suppression of Millenarian "Extremism"

1.1 *Turkmen Ghuluw*

The political and religious aspects of the millenarian "extremism" of the Safavids at the time of their conquest of Iran have been dealt with by Mazzaoui⁴ and Melikoff⁵ respectively; and a summary seems superfluous. Suffice it to say that from the time of Ismā'il's grandfather, the heads of the Safavid Šūfī order were worshipped as saviors and incarnations of God by their Turkmen followers, the Qizilbash. Under Ismā'il I (1501–1524), the anthropiatric *Ghuluw* of the Qizilbash continued unabated. The missionary activity of the Safavid order of which he was the supreme head—*murshid-e kāmīl* (the perfect guide), and which was conducted through a network of his *khalīfas* (deputies) in Anatolia, remained of crucial importance. The *khalīfas* directed enthusiastic missionary activities in Anatolia. These culminated in the serious pro-Safavid rebellion of Bābā Shāh Qulī in Qaraman against the Ottomans in 1511/917,⁶ and eventually provoked the Ottoman Sultan Selim's massive decimation of the Qizilbash in Anatolia. Ismā'il continued to use the *khalīfas* not only to mobilize his worshipful Turkmen supporters in Anatolia and Azerbaijan, but also, on occasions,

4 See the work cited in n. 1 above.

5 I. Melikoff, "Le problème Kizilbaş", *Turcica*, VI (1975), esp. pp. 58–65.

6 Gh. Sarwar, *History of Shah Isma'il Safavi*, (Aligarh, 1939).

to lead the Qizilbash military forces in campaigns in Iran.⁷ The prominence of the *khalīfas* under Ismāʿīl indicates the thorough permeation of the military pillar of his state with “extremist” religion in the form of millenarian savior worship.

Nevertheless, there were signs of unease on the part of the monarch. The Italian merchant who saw Ismāʿīl in Tabriz tells us: “But I have heard that Ismael is not pleased with being called a god or a prophet.”⁸ In fact, Ismāʿīl put to death several of his disorderly fanatical devotees who came to Iran after Bābā Shāh Qulī’s rebellion, on charges of highway robbery and murder.⁹ But it was above all through the broadening of the social support for his regime—that is, through the incorporation of the Persian notables into the patrimonial bureaucracy of his empire¹⁰—that Ismāʿīl paved the way for his successors’ suppression of Qizilbash *Ghuluw*.

Despite the continued missionary activity of the *khalīfas* in Anatolia and the arrival of Turkmen adherents to the foot of the new shah’s throne,¹¹ Ṭahmāsp (1524–1576), whom they continued to venerate as God,¹² took firm steps to suppress the *Ghuluw* of the Qizilbash. Later copies of Shāh Ismāʿīl’s *dīvān* omit verses where he proclaims himself to be the Mahdi or his precursor.¹³ Shāh Ṭahmāsp ordered the bloody suppression of the presumably “extremist” Turkmen tribe of Sārūlū on account of their “irreligion” (*ilhād*) (1531–2/938),¹⁴ and put down the heresy of a group of Ṣūfis who proclaimed him the Mahdi (1554–1555).¹⁵ Finally, in 1565–6/973, the members of another irreligious (*murtadd*) Turkmen clan were put to death or imprisoned in the fortress of Alamūt.¹⁶

With the adherence of the devout Ṭahmāsp to the Imāmī doctrine and his abandonment of Ṣūfī practices, the religio-ritualistic functions of the order

7 R. M. Savory, “The Office of *Khalīfat al-Khulafāʾ* Under the Safavids”, *Journal of American Oriental Society*, LXXXV (1965), p. 497.

8 Narrative, p. 206.

9 Sarwar, p. 66.

10 J. Aubin, “Shāh Ismāʿīl et les notables de l’Iraq persan”, *Journal of the Economic and Social History of the Orient*, II (1959), pp. 37–81.

11 T. M., Minorsky’s Commentary, p. 126.

12 Narrative, p. 223.

13 J. Aubin, “La politique religieuse des Safavides”, in *Le Shiʿism imāmīte*, (Colloque de Strasbourg), (Paris, 1970), p. 239.

14 T. Akh., III (third *ṣahīfa*), pages unnumbered; *Memoirs of Shah Tahmasp*, (Calcutta, 1912), pp. 16–17.

15 Aubin, “Politique religieuse”, p. 239.

16 Kh. T., f. 213.

must have devolved increasingly on the *khalīfas* of the Turkmen tribes, and especially on their leader the *khalīfat al-khulafāʾ*. It is therefore not surprising that, after Ṭahmāsp's death and the succession of his son Ismāʿīl II, whom the Qizilbash were not so wont to invest with divine charisma, the *khalīfat al-khulafāʾ* should appear to an Italian diplomat (an admittedly casual observer) as the chief hierophant ("*persona principale della fede*").¹⁷ The loyalty of the Qizilbash to the *khalīfat al-khulafāʾ*, Ḥusayn Qulī Khān, made Ismāʿīl II (1576–1577) highly apprehensive.¹⁸ After a series of clashes, Ismāʿīl blinded the *khalīfat al-khulafāʾ* and massacred a large number of his Ṣūfis in Qazvin.¹⁹

During the unstable reign of Sulṭān Muḥammad Khudābandeh (1577–1587) and the first years of ʿAbbās the Great (1587–1629), which were marked by internecine Qizilbash tribal warfare, appeals were repeatedly made on the shah's behalf to the *ṣūfiḡarī* (Ṣūfī probity) of the Turkmen (usually coupled with *ikhhlāṣ* and *i'tiqād*) as meaning sincere loyalty and unquestioning obedience to the king as the supreme spiritual leader (*murshid*).²⁰ But after consolidating his rule, ʿAbbās carried out a series of momentous centralizing reforms which included the introduction of a new slave corps of (largely Georgian) royal *ghulāms*. The composition of the military forces of his empire was thus drastically altered. This enabled ʿAbbās I to secularize his military organization by dispensing with the anthropolatric spirit of *Ghuluw*; the Qizilbash military forces were reorganized as *qūrchīs* (pretorians).²¹ To assure their loyalty, appeals came to be made to *shāh-sevanī* or *shāhi-sevanī* (the quality of those who love the king, with highly secular connotations) instead of the quasi-religious *ṣūfiḡarī*.²²

In 1614–15/1023–24 ʿAbbās ordered the massacre of the Ṣūfis of Qarajadāgh—also known as the “old Ṣūfis of Lāhijān,” a designation denoting their priority over other Ṣūfis as the oldest adherents of the Safavid order. They were accused

17 T. Balbi, “Relazione di Persia, del clarissimo messer Teodoro Balbi console veneto nella Siria dell'anno 1578 al 1582”, in G. Berchet, *La Repubblica de Venezia el a Persia*, (Torino, 1865), p. 282.

18 Savory, p. 500.

19 Kh. T., f. f. 265a–266, Nq. A., p. 34, Ah. T. pp. 486–87.

20 ʿAbdullḥusayn Navāʾī, ed., *Asnād va Mukatibāt-e Tārikhī: Shāh ʿAbbās-e Avval*, (Tehran, 1973/1352), I, p. 125, and II, p. 17; Naṣrullāh Falsafī, *Zindiqāni-ye Shāh ʿAbbās-e Avval*, (Tehran, 1960/1339), I, pp. 184–85; H. R. Roemer, *Der Niedergang Irans nach dem Tode Ismaʿils des Grausamen 1577–1581*, (Würzburg, 1939), p. 65.

21 *The Cambridge History of Islam*, I, pp. 418–19.

22 This trend is unmistakable. From about the year 1000 AH (1591–2 AD) we find the term *ikhhlāṣ* (sincerity) and similar terms increasingly coupled with *shāh-sevanī* (e.g., Nq. A., pp. 288–9, T. A. Ab., I, p. 431 and II, pp. 617, 655, 734, 1000; Ab. N., p. 109).

of collaboration with the Ottomans, and of failing to place “acquiescence to the will of the *murshid* (supreme leader) before all worldly interests.”²³ As for the rest of the hard core of practicing Turkmen Šūfis, who were distinguished by still wearing the traditional headgear (*tāj*), ‘Abbās had already been ruthlessly exploiting their blind loyalty to the supreme leader, not only in using them as guards and gatekeepers for his palace, but also in giving them ever baser types of employment as jailers, executioners, and hangmen.²⁴ Some of them were even induced to make a profession out of one of the more gruesome elements of their central Asiatic heritage, and formed a small special group of cannibalistic executioners whose function was the “live-eating” (*zindeh-khwāri*) of the disgraced upon ‘Abbās’ order.²⁵

As often happens with traditional relics, and not unlike the shamans and the lamas of the Il-Khānids after their conversion to Islam,²⁶ the *khalīfat al-khulafā*, and a number of religiously anomalous ceremonies associated with his office,²⁷ survived to the very end of the dynasty; and the *khalīfa* is mentioned in the *Tadhkirat al-Mulūk* among the high functionaries of the Safavid court.²⁸ Nevertheless, the sharp decline in the status and occupational position of the Qizilbash of Šūfis continued. In 1660, Du Mans would find the title of Grand Sophi, attributed to the Safavid monarch by Europeans truly puzzling, and surmised that the shah would consider it an insult.²⁹ He points out that the Šūfis, still wearing their traditional headgear (*tāj*),³⁰ are regarded as the riff-raff (*bī sar va pā*) and besides being the royal guards, carry out the most menial functions—like sweeping—in the royal buildings.³¹ Some three decades later another Christian missionary, Sanson, confirms Du Man’s

23 T. A. Ab., II, p. 882.

24 Falsafi, I, pp. 184–86, and II, pp. 123–27, 407.

25 Falsafi, II, pp. 125–27. In his *Tārīkh-e ‘Abbāsī*, ‘Abbās’ astrologer reports that in 1602/1010, an Uzbek guard was brought before ‘Abbās for interrogation in the vicinity of Balkh. “He looked down, did not reply and remained silent. [The executioners] . . . upon the universally incumbent royal order, ate him alive.” (Cited by Falsafi, II, pp. 126–27).

26 Minorsky, Tk. M., Commentary, p. 126.

27 These include a confessional ceremony (*i’tirāf*) (Falsafi, II, p. 407) and the distribution of bread, halva, and sweets among the congregation, in addition to the Šūfi service of *dhikr-e jalī* (the loud *dhikr*) conducted on Friday evenings in the “House of [the confession of] Unity”—*tawhīd-khāneh*—adjoining the royal palace (Tk. M., p. 55).

28 Tk. M., p. 55.

29 Du Mans, pp. 16–17.

30 Curiously enough, the word *tāj* means ‘crown’ in Persian.

31 Du Mans, pp. 16–17, 86–87.

account.³² The “Society” of the Şūfīs is now said to “serve for nothing else but Porters, Bailiffs, and Common Executioners of Justice.”³³

The above account of the suppression of “extremism” and the decline of the Qizilbash element in Safavid polity confirms Aubin’s conclusion that there was “a parallel development between the elimination of the characteristically Safavid element and the consolidation of Twelver Shi‘ism in Iran.”³⁴

1.2 *The Nuḡṭavī Heresy*

The military chiliarism of the Qizilbash was not the only religious movement born out of the Shi‘ite-tinged Şūfī *Ghuluw* of the fifteenth century. Another kindred movement with a literate, urban following was the Ḥurūfism, a cabalistic mystery religion. The Nuḡṭavī doctrine, formulated by Maḥmūd Pasikhānī, was a later offshoot of Ḥurūfism.³⁵ Maḥmūd’s follower, the Nuḡṭavīyya, preserved the Ḥurūfīs’ numerological cabalistic emphasis as well as the central belief in gnostic union with God through spiritual perfection, while adding a pronounced belief in metempsychosis or transmigration of souls.³⁶ In the sixteenth century, the doctrine spread in the Persian Iraq.³⁷ Ṭahmāsp took active measures to suppress the Nuḡṭavī movement during the last decade of his reign. The Nuḡṭavī poet Abu’l-Qāsīm Amrī was blinded in 1555–6/973;³⁸ a Nuḡṭavī community near Kashan was massacred in 1575–6/983, and a number of the Nuḡṭavīs of Qazvin were imprisoned.³⁹

Nevertheless, Nuḡṭavism appears to have flourished after Ṭahmāsp’s death. We hear of the Nuḡṭavī presence in Kashan during the Qizilbash interregnum; and of a Nuḡṭavī rebellion under the leadership of the blind poet, Amrī, in Shiraz a few years after ‘Abbās I’s ascension (1590–91/999).⁴⁰ By the sixth year of ‘Abbās’s reign, the Nuḡṭavīs, under the leadership of Darvīsh Khusraw, were well established in the capital Qazvin. According to *Nuḡāwat al-Āthār*, some two hundred persons were constantly present in their *takiyeh* (meeting place, *tekke*) which was frequented by ‘Abbās himself and, consequently, by

32 Sanson, pp. 27–29.

33 Ibid. p. 29.

34 Aubin, “Politique religieuse”, p. 240.

35 S. Kiyā, *Nuḡṭavīyān yā Pasikhānīyān, Irān kūdeh*, XIII, Tehran, (n. d.) esp. pp. 74–75.

36 Kiyā’s article contains the most comprehensive account of Nuḡṭavī beliefs. For a briefer but more accessible account see Falsafī, III, pp. 40–51.

37 Nq. A.: p. 515.

38 Kiyā, p. 36 [source *Tārīkh-e Alfī*].

39 Falsafī, III, pp. 43–45.

40 Falsafī, III, p. 45.

a number of generals and high government functionaries.⁴¹ Despite the subsequent rationalizations of the chroniclers, it is clear that ‘Abbās was for a time keenly interested in the Nuḡṭavī doctrine.⁴² In fact, they considered him the “perfect trustee” (*amīn-e kāmil*) whose initiation was complete under the instruction of two dervishes who had attained unity with God.⁴³ At the turn of the year 1002 (1593), the Nuḡṭavīs, on the basis of their numerology, predicted the coming of the Lord of the Age whose most likely incarnation was ‘Abbās himself. However, ‘Abbās’s official astrologer had a different prediction based on the appearance of a certain star. The astrologer’s opinion finally prevailed upon ‘Abbās. He put one of the leading Nuḡṭavīs on the throne as king and had him assassinated after three days, thereby fulfilling the astrologer’s prediction.⁴⁴ Thereupon ‘Abbās embarked on a policy of ferocious suppression of the Nuḡṭavīs. Darvīsh Khusraw was tried for heresy by an inquisitorial gathering of the *‘ulamā* and hanged. A prominent Nuḡṭavī physician, Mawlānā Salmān was also condemned to imprisonment by the *‘ulamā* but put to death by ‘Abbās’s order.⁴⁵ ‘Abbās also sent orders to Kashan and Isfahan for the extirpation Khusraw’s followers⁴⁶ and killed the leader of the Kashan community with his own hands.⁴⁷ Some years later, he killed the two dervishes who had allegedly initiated him to the secret Nuḡṭavī teachings.⁴⁸

The suppression of the Nuḡṭavīyya indicated ‘Abbās’s definitive rejection of “extremism” and the adoption of an unmistakably anti-millenarian religious policy in favor of the Shi‘ite hierarchy. In 1594/1003, a large number of the *‘ulamā* and theological students were lavishly entertained in Qazvin. Special royal favor was bestowed upon the eminent *‘ālim* Shaykh Bahā’ al-Dīn ‘Āmilī.⁴⁹ (Shaykh Bahā’ al-Dīn was later commissioned to prepare a Shi‘ite legal compendium which was issued under the title *Jāmi‘ ‘Abbāsī*, and which has remained one of the fundamental texts in Shi‘ite jurisprudence.)

As was pointed out, the Nuḡṭavī heresy, like its Ḥurūfī parent, was an urban religious movement adhered to by literate craftsmen, artists and poets. With

41 Nq. A., pp. 516–517; T. A. Ab., I, p. 474.

42 See the testimony of a Nuḡṭavī ‘trustee’ who had migrated to India to the author of the *Dabistān al-Madhāhib* (reproduced in Falsafī, II, p. 48) as well as the account of ‘Abbās I’s astrologer (reproduced in Kiyā, p. 42).

43 Falsafī, III, pp. 48–49.

44 Nq. A., pp. 518–522; Falsafī, II, pp. 340–42.

45 T. A. Ab., I, p. 476; Falsafī, III, p. 47.

46 Nq. A., pp. 523–24.

47 Kiyā, pp. 40–41.

48 Falsafī, III, p. 47.

49 Nq. A., pp. 565–66.

the persecutions initiated by Ṭahmāsp and vigorously resumed by ‘Abbās, many Nuqṭavīs, including a truly impressive number of poets, fled to India, Emperor Akbar’s land of religious freedom.⁵⁰ Even though years later, in 1660, we still hear of a certain despised dervish-type group in Isfahan referred to as the Maḥmūdīs, with ideas akin to the *Ghuluw* of the Nuqṭaviyya,⁵¹ it is clear that the increasing prominence of the Shi‘ite hierocracy in the polity had left relatively little room for aberrant sectarian groupings.

2 Suppression of Ṣūfism

In the words of the author of *Rawḍāt al-Jinān va Jannāt al-Janān* Ismā‘īl I “crushed all the *silsilas* (Ṣūfī orders); the graves of their ancestors were destroyed, not to mention what befell their successors.”⁵² Shaykh ‘Alī al-Karaki, the Imami jurist from Jabal‘Amil who led the conversion of Iran to Imami Shi‘ism and the replacement of Sunni by Shi‘ite law, endorsed the suppression of Sufism, as he did the Safavid religious policy more generally. As the highest authorit of the new Shi‘ite state religion, the Muḥtahid of the Age sanctioned this persecution by a number of legal injunctions.⁵³ In an undated *fatvā*, he rules that it is incumbent not only on the government but also upon every believer to suppress whoever from among “people of ignorance” (*ahl al-jahāla*) (the gloss makes it clear this means the Sufis) puts himself forward as leader of the Muslims.⁵⁴ Shah Ismā‘īl “made despondent and eradicated most of the *silsilas* (orders) of *sayyids* and *shaykhs*.”⁵⁵ One such was the order of Abū Ishāq Kāzīrūnī in Fars. In 1503/909, only some two years after the conquest of Tabriz, the order was extirpated after the massacre of four thousand persons and the desecration of the tombs of Ṣūfī *shaykhs* in that region. Although Ismā‘īl did compromise with some of the Ṣūfī *shaykhs*—notably those of the Ni‘matullāhī

50 The names of the Nuqṭavī literati are exhaustively compiled from the sources by Kiyā.

51 Du Mans, pp. 87–88.

52 R. J. J. J., I, p. 490.

53 On Karaki and this title see Chapters 6 and 7 above.

54 Shaykh ‘Alī b. al-Husayn al-Karaki, *Rasā‘il al-Muhaqqiq al-Karaki*, Muhammad al-Hassun, ed., Qom, 1991/1412, 3:112, #74.

55 R. J. J. J., II, p. 159. In addition to the instances of reported eliminations of individual Ṣūfīs (e.g., R. J. J. J., I, pp. 481–82, and II, p. 88; T. Hq., III, p. 119), the effective suppression of Ṣūfism under Ismā‘īl can be inferred from the following fact. Roughly four times as many Ṣūfīs whose date of death is mentioned in R. J. J. J. (written 1582/990) died between 1496/900 and 1536/940, as compared with those who died after 940 or were still alive at the time of writing. (Bear in mind also the well-known longevity of the Ṣūfī *shaykhs*.)

order, out of political expediency, there can be no doubt about his relentless hostility towards the rival Ṣūfī orders, a policy continued by his successors.

While the Safavid order became highly militarized in the last quarter of the fifteenth century, other important orders continued their religious activities in the mystical tradition. Of these, the Naqshbandī, the Khalvatī, the Ni‘matullāhī orders and the two branches of the Kubravīyya: the Dhahabīyya and the Nūrbakhshīyya, are the most important. Sooner or later, each of these was to undergo a sharp decline; and by the end of the Safavid era, they had all disappeared from the Iranian scene, except for the Kubravī branches—Nūrbakhshīyya and Dhahabīyya—which, though greatly enfeebled, persisted. What follows is a brief but, I hope, fairly comprehensive account of this decline.

2.1 *The Naqshbandīyya*

Not surprisingly, the Naqshbandīs who trace their spiritual descent to Abū Bakr (the first of the Rightly-guided Caliphs, ritualistically cursed by Ismā‘īl’s followers) were the first order to be ferociously suppressed. The Naqshbandīs were particularly strong in eastern Iran and Herat,⁵⁶ but also important in Azerbaijan.⁵⁷ There is also evidence of Naqshbandī presence in Isfahan and Qazvin.⁵⁸ After Ismā‘īl’s conquest of Herat in 1510, the tombs of the famous Naqshbandī mystics, Kāshgharī and Jāmī, were desecrated.⁵⁹ The Naqshbandī *shaykh*, Mawlānā ‘Alī Kurdī (d. 1519) who had been particularly active in Qazvin, was also killed.⁶⁰ Though we hear of one individual, the *sayyid* Amīr ‘Abd al-Ghaffār (d. 1521/927), who was favored by Ismā‘īl despite his Naqshbandī affiliation,⁶¹ there can be little doubt that the Naqshbandīyya were effectively extirpated in western and central Iran. The vehemence of the hostility towards the Naqshbandīs is reflected in a polemical exchange which took place in late sixteenth century. The Sunnī polemicist accuses the Shi‘ite jurists not only of general hostility to Ṣūfism, but also, more specifically, of considering the shedding of the blood of a Naqshbandī incumbent.⁶² This accusation is affirmed

56 R. M. Savory, “A 15th Century Safavid Propagandist at Harat”, in D. Sinor (ed.) *American Oriental Society, Middle West Branch. Semi-Centennial Volume*, (Bloomington Indiana, 1969), pp. 196–97.

57 R. J. J. J., I, pp. 98–104, 214–216, 416–18, 602; J. E. Woods, *The Aqqayunlu: Clan, Federation Empire*, (Minneapolis and Chicago, 1976), p. 153.

58 H. Algar, “The Naqshbandī Order: A Preliminary Survey of its History and Significance”, *Studia Islamica*, XLIV (1976), p. 139.

59 *Ibid.*, p. 142.

60 *Ibid.*, p. 139.

61 R. J. J. J., I, pp. 214–16.

62 *al-Nawāqid li-Bunyān al-Rawāfid*, British Library MS, Or 7991, f. 96b.

and defended by his Shi'ite opponent.⁶³ The sources consulted on Ṭahmāsp's (1524–1576) reign contain no mention of the Naqshbandīs.

2.2 *The Khalvatīyya*

Like the Naqshbandīyya, the Khalvatīs were Sunnī, and like the former, they were important in eastern Iran⁶⁴ and in Azerbaijan. Dede 'Umar Rawshanī (d. 1486/891 or 892) and his brother Mawlānā 'Alā' al-Dīn, *shaykhs* of the Khalvatī order, were highly respected by the Aqqūyūnlū rulers under whose protection their order flourished.⁶⁵ Dede 'Umar's *zāwiya* (convent) in Tabriz was frequently visited by Sulṭān Ya'qūb (d. 1490).⁶⁶ Already by the last decades of the fifteenth century 'Alā' al-Dīn had left Tabriz for Istanbul where the Ṣūfī Sulṭān Bayezīd (1481–1511) was to shower favors upon the Khalvatīs. Dede 'Umar's disciple, Ibrāhīm Gulshanī (d. 1534/940), succeeded him after his death. In the Safavids' eyes, Gulshanī was particularly suspect because of his close ties with the Aqqūyūnlū dynasty and left Tabriz after Ismā'īl's conquest and "declaration of Shi'ism," proceeding first to Diyārbakr, then to Jerusalem and finally to Cairo where he built his famous convent around 1520/926.⁶⁷ The Khalvatī order flourished in Egypt and in the Ottoman capital.⁶⁸ It appears to have become extinct in Safavid Iran after its adherents left for these much more congenial Ottoman domains.

Before proceeding to consider the orders which survived longer, mention should be made of the Ismā'īlīs who, by the time of Ismā'īl I, appear in Ṣūfī garb.⁶⁹

2.3 *The Ismā'īlīyya*

Shāh Ṭāhīr (d. 1545 or 49/952 or 56) was the Imām of the Muḥammad Shāhī branch of Ismā'īlism, who, according to the historian Firishte, as the Khwāndīyya *sayyids*, were respected Persian notables engaged in the spiritual

63 *Maṣā'ib al-Nawāṣīb*, Library of Majlis (Tehran), MS 2036, Section (*jund*) IV, subsection (*tā'īfa*) 14.

64 Savory, esp. p. 196.

65 R. J. J. J., I, p. 472, Woods, pp. 153, 166.

66 R. J. J. J., I, p. 602 (notes).

67 R. J. J. J., I, p. 476; T. Yazici, "GULSHANI", *Encyclopedia of Islam*, 2nd ed., 2:1136–37.

68 B. G. Martin, "A Short History of the Khalwati Order of Dervishes", in N. R. Keddie, ed., *Scholars, Saints and Sufis*, (California, 1972), pp. 286–96, 279–86, 295–97.

69 The inclusion among the heresies of the "Bāṭiniyya, stemming from Ismā'īlism" as one of the Ṣūfī groups, in addition to Firishte's evidence cited below (note 69), may be cited as indicative of the transformation of Ismā'īlism from a militant sect to a Ṣūfī order in the centuries following the fall of Alamut (H. Sh., p. 585).

guidance of the populace as Šūfī *shaykhs* in the region close to Qazvin. Shāh Ṭāhir was forced to give up his position as a Šūfī *shaykh* and, after remaining in Ismā'īl's court for some time, was appointed to a professorship in Kashan in 1510–11/916, where many of his followers appeared to have followed him. This made Ismā'īl apprehensive, and he issued an order for the execution of Shāh Ṭāhir. Informed about this menace ahead of time by another Persian notable, Shāh Ḥusayn Iṣfāhānī, who was Ismā'īl's chancellor at the time, Shāh Ṭāhir fled to India in 1520/926, and settled in the Deccan.⁷⁰ After Ismā'īl's death, he sent his son Ḥaydar to the court of Shāh Ṭahmāsp.⁷¹ He seems to have intended to return to Iran himself.⁷² Evidently, however, his son Ḥaydar received no encouragement from Ṭahmāsp either personally or regarding his father's intention. He returned to India after Shāh Ṭāhir's death to succeed him as the *shaykh* of his Šūfī order (*ṣāhib-e sajjādeh*) in India⁷³ and as the Imām of the Muḥammad-Shāhī Nizārīs.

Another branch of Nizārī Ismā'īlism, the Qāsim-Shāhī branch whose Imāms resided in Anjūdān near Kashan, survived somewhat longer, that is, to the end of Ṭahmāsp's reign. In 1574–5/982, Ṭahmāsp massacred the Ismā'īlī community in Anjūdān and imprisoned their thirty-sixth Imām, Murād,⁷⁴ who was subsequently executed under Shāh 'Abbās.

2.4 *The Dhahabīyya*

The order branched off from the Kubraviyya when Shaykh Hājī Muḥammad Khabūshānī refused to follow Sayyid Muḥammad Nūrbakhsh, and founded his own order. *Rawḍāt al-Jinān va Jannāt al-Janān* mentions twenty-eight of his *khalīfas*, and asserts that some of them or their successors were still active at the time of his writing (ca. 1582/990), but it is clear from his tone that their activities—which are not mentioned in detail—could not have been all that lively.⁷⁵ Perhaps the most important of Khabūshānī's *khalīfas* was the author's great-grandfather, Amīr Sayyid Aḥmad Lāleh (d. 1507/912), who settled in Azerbaijan where he acquired considerable following. The Lāle'īs continued

70 W. Ivanow, "A Forgotten Branch of the Ismā'īlīs", *Journal of the Royal Asiatic Society*, XIV, (1938): 57–79, esp. 61. Firishte's biography of Shāh Ṭāhir is cited at length in T. Hq., III, pp. 134ff. See esp. pp. 136–38. See also M. M., II, pp. 234–37.

71 'Abdulḥusayn Navā'ī, ed., *Asnād va Mukatibāt-e Tārikhī: Shāh Ṭahmāsp-e Ṣafavī*, (Tehran, 1970/1350), pp. 73–77.

72 Ibid., p. 101: In a letter to his former teacher, Shams al-Dīn Khafī, Ṭāhir expresses the hope to see him in person and continue the discussion verbally.

73 T. Hq., III, p. 149.

74 Falsafī, III, p. 44 [source *Tārikh-e Alfī*].

75 R. J. J. J., II, pp. 241–2.

to profess Sunnism. Shāh Ismā'īl appears to have spared this order⁷⁶ and even appointed Sayyid Aḥmad's son, Amīr Shih-ab al-Dīn Lāleh (d. 1540/947) to the office of the *ṣadr* for a very brief period.⁷⁷ Though the author does not supply us with any specific details, the sharp decline in the activities of Dhahabī Ṣūfis under the leadership of the Lāleh family can be inferred from the fact that no list of *khalīfas* and disciples are mentioned for Amīr Shihāb al-Dīn and the subsequent generation. Furthermore, Shihāb al-Dīn's brother, Amīr Khalilullāh is reported to have died in Isfahan in 1548–9/955,⁷⁸ indicating (forcible) displacement from the seat of the Lāle'ī order. We may also note that Ḥāfiz Ḥusayn Karbalā'ī himself was writing the book after many years of exile.

Nevertheless, as Karbalā'ī asserts, some of Khabūshānī's thirty-seven *khalīfas* must have remained active, and the Dhahabī order subsisted. One of their *shaykhs*, Shaykh Muḥammad 'Alī Mu'adhdhin Khurāsānī, even acquired some prominence amongst the literati of the reign of 'Abbās the Great.⁷⁹ Under 'Abbās II, Muḥammad Taqī Majlisī, the Elder (d. 1660/1070), subscribed to the Dhahabī tradition. We also hear of the renowned Shaykh Ganj-'Alī Tabrizī, a disciple of Hājj Mīr Muḥammad Lāleh of Tabriz.⁸⁰ The Dhahabī order has survived in Fars to this day, but despite its (temporary) vitality under the eminent Shaykh Quṭb al-Dīn Sayyid Muḥammad Shīrāzī (d. 1757 or 1771/1170 or 1185),⁸¹ its decline as an organized supra-local order was not reversed. Already in 1832 the author of *Bustān al-Sīyāḥa* would deplore the absence of an illuminated spiritual master among them for generations.⁸²

2.5 *The Nūrbakhshīyya*

In 1500, the Shi'ite order founded by Nūrbakhsh was continuing to flourish under his son, Shāh Qāsim (d. 1511/917), the *Fayḍ-bakhsh*.⁸³ Ismā'īl showed no hostility to the aged and highly respected *shaykh* and even assigned to him a prosperous estate near Rey.⁸⁴ However, his son, Shāh Bahā' al-Dīn joined the Ismā'īl's entourage after the death of his Timurid patron, Sulṭān Ḥusayn Bayqarā'; but, within two or three years "was, according to the dictates of Fate,

76 R. J. J. J., II, p. 159.

77 R. J. J. J., III, p. 186.

78 R. J. J. J., II, p. 171.

79 T. Hq., III, pp. 164–5.

80 Q. Kh., f. 160a.

81 T. Hq., III, pp. 216–9.

82 Zain al-'Ābidīn Shīrvānī, *Bustān al-Sīyāḥa*, (Shiraz, 1923–4/1342 Q), p. 194.

83 H. S., IV, p. 611; J. M., III, Pt. 1: pp. 104ff.

84 H. S., IV, p. 611; T. A. Ab., I: p. 145; M. M., II: p. 149.

interrogated; and died.”⁸⁵ The eminent Nūrbakhshī *shaykh* of Shiraz, Shams al-Dīn Muḥammad Lāhijī (d. 1515/921), appointed *khalīfa* by the founder himself, and the author of a very influential commentary on *Gulshan-e Rāz*, appears to have narrowly escaped liquidation by a subtly sycophantic reply to Ismā‘īl’s peevish questions about his reason for wearing black clothes.⁸⁶ Another Nūrbakhshī *shaykh* in Shūshtar also tenuously managed to survive Ismā‘īl’s conquest of southwestern Iran.⁸⁷

The death of Ismā‘īl and the ascension of his ten year old son Ṭahmāsp, in 1524, temporarily halted the decline of the Nūrbakhshīyya. Amīr Qavām al-Dīn, the great-great-grandson of Nūrbakhsh, consolidated his power in the region near Rey.⁸⁸ But in 1537/944 he was summoned to Ṭahmāsp’s camp near Tehran to answer for his “astonishing pride,”⁸⁹ for overstepping the boundaries of dervishhood, and for behaving “in the manner of exalted kings.”⁹⁰ In the presence of Ṭahmāsp, a certain Qāḍī Muḥammad asked him whether he was a king or a dervish. Qavām al-Dīn replied he was a dervish. The Qāḍī then asked him: “What is the reason for fortress building, and for gathering arms and armors?”⁹¹ Failing to produce a satisfactory answer, Qavām al-Dīn was imprisoned, his beard burnt on the spot, and put to death.⁹² The fate of the subsequent generations of Nūrbakhshī *sayyids* is obscure. Sometime during Ṭahmāsp’s reign an eminent Nūrbakhshī *sayyid*, Shāh ‘Abd al-‘Alī moved from Bam to Yazd to become a *qāḍī*.⁹³ Much later, in the 1650’s and 1660’s, members of his family reappear as local notables in the city of Yazd.⁹⁴ With regard to Shūshtar and southwestern Iran—the emigration of Qāḍī Nūrullāh Shūshtarī (d. 1610/1019) to India can be taken as indicative of the decline of the order’s activities.⁹⁵

85 H. S., IV, p, 612.

86 M. M., II, pp. 153–3. We know that a disciple of Shams al-Dīn Muḥammad’s in Khurasan was killed by the order of Ismā‘īl’s prime minister, Amīr Najm II, (T. Hq., III: p. 119).

87 M. M., I, p. 521.

88 H. S., IV, p. 612.

89 T. Akh. III.

90 Ah. T., p. 279.

91 Ah. T., p. 280. The family feud between Ṭahmāsp’s minister, Qāḍī Jahān, and the Nūrbakhshī also appears as an important factor in the suppression of Qavām al-Dīn (Ah. T., p. 374).

92 T. J. A., pp. 292–3; Ah. T., pp. 279–80; Kh. T., ff. 121a–122.

93 T. A. Ab., I, p. 150.

94 Mīrzā Muḥammad Taqī, son of Shāh Ḥisām al-Dīn Nūrbakhshī held an important land assignment for two or three years, ca. 1656/1065, and his son Mīrzā Shāh Ḥisām al-Dīn is simply mentioned as living in the ancestral home in 1671/1082. (J. M., III, pt. 1, pp. 106–7).

95 T. Hq., I, p. 254.

According to the spiritual genealogy of the order given in *Tarā'iq al-Haqā'iq*, the leadership of the Nūrbakhshī mystical tradition passes out of the founder's family (even Bahā' al-Dīn and Qavām al-Dīn's names are struck from the list of spiritual leaders).⁹⁶ It would, therefore, be safe to take the elimination of Qavām al-Dīn by Ṭahmāsp in 1530–1/937 to mean the liquidation of the Nūrbakhshīyya as an organized supra-local order. The mystical tradition, however, survived. Two highly interesting names appear in the chain of the Nūrbakhshī spiritual genealogy: Bahā' al-Dīn 'Amilī (d. 1621/1030), and Mullā Muḥsin Fayḍ (d. 1680/1091).⁹⁷ Bahā' al-Dīn 'Amilī was the most eminent of the *'ulamā'* of the reign of 'Abbās I;⁹⁸ Mullā Muḥsin Fayḍ, of the reign of 'Abbās II.⁹⁹ Both were greatly respected and highly favored by their respective monarchs. Here, as is often the case with the chains of Ṣūfī *shaykhs* forming *silsilas*, spiritual filiation does not denote any organizational continuity of an order as congregation. In fact, there is no evidence of the emergence of a reorganized Nūrbakhshī order in the eclectic "high" Ṣūfism of the mid-seventeenth century.¹⁰⁰ But the Nūrbakhshī mystical tradition was kept alive, and we hear of the writings of an important exponent of this tradition, 'Abd al-Raḥīm Damāvandī, ca. 1747/1160, some two decades after the overthrow of the Safavid dynasty.¹⁰¹

2.6 *The Ni'matullāhīyya*

Long before the advent of Ismā'īl I, India had proved a congenial region for the expansion of the Ni'matullāhī order, founded by Shāh Ni'matullāh Valī (d. 1431/834), whose successors as the *shaykhs* of the order had moved to

96 T. Hq., II, p. 322.

97 S. Nafīsī, *Aḥwāl va Ash'ūr-e Shaykh-e Bahā'ī*, (Tehran 1937/1316), pp. 28–46. Despite the subsequent apologetics of the Shi'ite hierocracy, there can be no doubt about Shaykh-e Bahā'ī's Ṣūfī inclinations, which are fully confirmed by his poetry [see *Kul'īyyāt-e Shaykh-e Bahā'ī*, Gh. Javāhiri (ed.), (Tehran, n. d.), esp. pp. 4–7, 16–19, 29–33, 46–7].

98 Nafīsī points out (pp. 51–52, 62–63) that even Bahā'ī's prayer books are permeated with the spirit of Ṣūfī mysticism.

99 Ab. N., pp. 186, 221; R. S. N., VIII, pp. 475, 483.

100 Having enumerated his twenty "sects", Ardābilī, The Muqaddas, tells as that he is deliberately leaving out the Nūrbakhshīyya, the Naqshbandīyya and the Barzakhīyya "Because they are all in appearance Sunnī sinners"! (H. Sh., p. 600). In view of this statement, organized presence of the Nūrbakhshī in Iran in the late sixteenth century is very unlikely. The section on the Nūrbakhshī order in Mullā Muḥammad Ṭāhir Qumī's book against the Ṣūfīs contains no information whatsoever on the organization or continued activity of the order in the seventeenth century. (Tuh. A., pp. 202–07).

101 T. Hq., III, p. 163.

the Deccan in the mid-fifteenth/ninth century.¹⁰² The order remained very active in Kirman, Bam, Yazd, Shiraz and parts of Khurāsān throughout the fifteenth century,¹⁰³ some of Ni‘matullāh’s numerous great-grandsons settled in Yazd,¹⁰⁴ which became the order’s Iranian center. After the advent of Ismā‘īl, the order declared itself to be Shi‘ite¹⁰⁵ and made a lasting alliance with the Safavids. A descendant of Shāh Ni‘matullāh, Mīr Niẓām al-Dīn ‘Abd al-Bāqī (d. 1514/920) who was the *murshid* of the order in Yazd, was appointed *ṣadr* by Ismā‘īl I in 1511–2/917,¹⁰⁶ and subsequently became his plenipotentiary deputy with the title *vakīl-e naḥs-e humāyūn*.¹⁰⁷ ‘Abd al-Bāqī’s family tied themselves to the Safavids through a number of marriages¹⁰⁸ and rose to great prominence among the Safavid elite.¹⁰⁹ Of these, the most notable is Mīrmīrān Yazdī (d. 1591/999) who emerges as one of the most influential and wealthiest of the provincial notables in the second half of the sixteenth century.¹¹⁰

The order does not seem to have fared so well in the seventeenth century. During the first troubled years of ‘Abbās I’s reign, the aged Mīrmīrān suffered considerable indignity at the hands of one of ‘Abbās’ generals, Ya‘qūb Khān, with whom, however, Mīrmīrān’s son, Shāh Khalīlullāh, allied himself temporarily.¹¹¹ But Ya‘qūb Khān rebelled in Fars and was suppressed by ‘Abbās who then visited Yazd and was entertained lavishly by Shāh Khalīlullāh in 1591/999.¹¹² This visit marks the height of Ni‘matullāhī prominence in Safavid national politics. Shāh Khalīlullāh entertained Shāh ‘Abbās in his capacity as the political head of the Ni‘matullāhī family, while his brother, Shāh Ni‘matullāh IV, received him as the spiritual representative of the head of the order.¹¹³ After this year, there seems to be only one other reference to

102 T. Hq. III, pp. 93ff.; J. M., III, Pt. 1, pp. 47–8.

103 T. Hq. III, pp. 49ff., 99.

104 J. M. III, Pt. 1, p. 49.

105 See H. Farzām “Ikhtilāf-e Jāmī bā Shāh-e Valī”, *Nashrīyeh-ye Dānish kadeh-ye Adabīyyāt-e Isfāhān*, 1 (1964/1343). See also his *Shāh-e Valī va Da‘vī-ye Mahdaviyyāt*, (Isfahan, 1969/1348), pp. 23–24.

106 T. Akh. III, Ross Anon., f. 208b; T. Hq., III, p. 100; J. M. III, Pt. 1, pp. 54–6.

107 In 1513/919 (T. Akh., III).

108 T. Hq. III, pp. 100–101; J. M. III, Pt. 1, pp. 57, 62–3, 67.

109 ‘Abd al-Bāqī’s son mediated between Ṭahmāsp and his rebellious brother Alqās in 1549/956 (T. Akh. III), and the burial of Ṭahmāsp’s favorite sister in 1563–5/971–2 was entrusted to Shāh Nūr al-Dīn Ni‘matullāh (T. Akh. III; T. J. A., p. 299; Ah. T., p. 422).

110 Kh. T. 433a; J. M. III, Pt. 1, pp. 62–5; T. A. Ab., 1, p. 145.

111 T. A. Ab., 1, pp. 425, 431.

112 T. A. Ab., 1, p. 437; J. M., III, Pt. 1, pp. 68ff.

113 Nq. A., p. 366.

the activities of the Ni‘matullāhiyya as a Šūfi order. Shāh Khalilullāh moved to Isfahan and remained the most eminent *sayyid* of the realm. But ‘Abbās I set out to curb his power as soon as he felt secure enough; and in 1593/1001, Khalilullāh is reported to have become resentful, when ‘Abbās showered favors upon the rival *sayyid*, Mīrzā Muḥammad Amīn of Isfahan. Though ‘Abbās is said to have “pulled him out of sulking” (*ū rā az kūft bīrūn āvard*) on one public occasion,¹¹⁴ Khalilullāh received no further appointments, and must be presumed to have continued to sulk to his death in 1607–8/1016. His sons sank into obscurity.¹¹⁵ Khalilullāh’s younger brother Shāh Sulleymān Mīrzā (d. after 1640–1/1050), who also lived in Isfahan very probably forcibly), appears to have controlled some of the religious endowments traditionally entrusted to his family¹¹⁶ and is the last important spiritual leader of the order in Iran.¹¹⁷ While his sons were allowed to return to Yazd (presumably when they no longer represented a threat) by Shāh Safī (1629–1642), *Jāmi‘ Mufīdī*, a contemporary local history of Yazd and our main source, gives no indication of their Šūfi activity. The offices of *kalāntar* (alderman) and of *naqīb* (leader of the *sayyids*) of Yazd remained in the hands of Shāh Suleymān Mīrzā’s descendants, at least down to 1671–2/1082, but in contrast to references to Shāh Suleymān Mīrzā’s spiritual guidance (*irshād*) and gnosis (*irfān*),¹¹⁸ the author of *Jāmi‘ Mufīdī* repeatedly mentions his descendants’ zeal in the consolidation of the foundations of Sacred Law (*taqvīyat-e arkān-e sharī‘at*,¹¹⁹ *tashyīd-e qavā‘id-e Shar‘*),¹²⁰ and their conscientiousness in looking after the interests of the *sayyids* and the *‘ulamā’*.¹²¹

The Persian Ni‘matullāhīs representing the mystical tradition are mentioned in genteel intellectual occupations in India, to where they migrated. One of them, Mīr Hāshim Shāh, son of the calligrapher Mīr ‘Abdullāh (1073/1662–3–1151/1738), was to become the founder of the Hāshim-Shāhī branch of the order in Delhi.¹²² The Ni‘matullāhī Šūfis did not return to Iran until the very end of the eighteenth century.

114 Nq. A., pp. 456–7.

115 J. M., III, Pt. 1, pp. 70–71.

116 J. M., III, Pt. 1, p. 73.

117 J. M., III, Pt. 1, p. 72.

118 Ibid.

119 J. M., III, Pt. 1, p. 76.

120 J. M., III, Pt. 1, p. 84.

121 J. M., III, Pt. 1, pp. 75–85.

122 T. Hq., III, p. 101.

In the sixteenth century, the Ni‘matullāhīs were very probably the most highly organized of the Šūfī orders, which goes a long way towards explaining why their alliance with the Safavids lasted for over a century. Their *tekke* in Tabriz (in northwestern Iran, far from their center) is one of the two or three supra-local ones (as distinct from the local *khāniqāhs*, usually associated with families of *sayyids* with landholdings in the area) mentioned by Karbalā’ī.¹²³ They had *tekkes* in many other cities too. Circumstantial evidence suggests that ‘Abbās I turned these *tekkes* increasingly over to the youth and recreational organizations of the city quarters they were located in. Fights between the city quarters were of course an old phenomenon. In Tabriz, where both the Ni‘matullāhīs and the Ḥaydarīs had *tekkes*, such conflicts appear to have clustered around these respective *tekkes* in the latter part of Ṭahmāsp’s reign.¹²⁴ There probably was some tendency for the pattern to repeat itself in other cities. Be that as it may, ‘Abbās is known to have greatly encouraged and manipulated faction fights, and, specifically, as early as 1594–5/1003, in Qazvin, he is reported to have watched a fight between the Ni‘matis (Ni‘matullāhīs) and the Ḥaydarīs.¹²⁵ With the eclipse of the Ni‘matullāhīyya as a Šūfī order, their *tekkes* were increasingly taken over as the headquarters of neighborhood organizations, and were used especially for the Muḥarram ceremonies of flagellant processions. Inter-factional conflicts occurring during the Muḥarram processions, starting from and returning to these *tekkes*, represented an extremely serious problem for the maintenance of law and order in cities in the late Safavid period, one which remained unsolved until the fall of the dynasty, and beyond.¹²⁶

Thus, once the cultural activity of the Ni‘matullāhīyya—the perpetuation of its mystical tradition—definitely shifted to India as a result of ‘Abbās’ religious policy, its organizational base was taken over by the city-quarter communes, and harnessed to a particularly destructive form of communal sport—faction

123 R. J. J., I, p. 165.

124 In 1570, Alessandri mentions a particularly prolonged and ferocious faction fight between the “Nausitai”—presumably Ni‘matis—and the “Himicai”—presumably the Ḥaydarīs, who control five and four districts respectively, and whose mutual hatred has lasted for over thirty years (Alessandri, p. 224).

125 Falsafi II, p. 328 (source: *Tārīkh-e Abbāsī*).

126 “A Voyage Round the World by J. F. Gemelli-Careri” [visited Iran in 1694] in J. Churchill, ed., *A Collection of Voyages*, (London, 1704), Vol. IV, p. 131; T. J. Krusinski, *The History of the Late Revolutions of Persia*, (London, 1740), I, pp. 92–93. I realize that the above is a bold hypothesis regarding an unexplored but crucially important issue in the social history of Iranian cities—i.e., the origins of the Ni‘matī-Ḥaydarī feuding factions. As such it should be considered tentative.

fighters—fused with the Muḥarram ceremonies mourning the martyrdom of the third Shi‘ite Imām, Ḥusayn.

2.7 *Qalandarīyya/Malāmātīyya and the Ṣūfism of the Ascetic Virtuosi*

The ecstatic and antinomian Ṣūfism of the hirsute Qalandars—roaming dervishes—and the quasi-eremital Ṣūfism of the ascetic virtuosi are polar opposites from the viewpoint of religious discipline. But what they have in common is the strong capacity for survival under persecution owing to the absence of congregational organization and the emphasis on the individualistic mode of activity.

In addition to individual dervishes, Karbalā’ī also mentions the *tekke* of the Ḥaydarīs belonging to the Qalandarīyya in Tabriz.¹²⁷ Throughout the Safavid era, sporadic references to Qalandars attest to their presence on the religious scene. On a number of occasions, especially in periods of political instability and collapse of central power, we meet them as leaders of local uprisings. A number of local rebellions occurred during the chaotic period following the death of Ismā‘īl II in 1577. According to the *Nuqāwat al-Āthār*, after Ismā‘īl’s death rumors spread that he had not died but had gone into “concealment” (*ghā’ib shudeh*) and would soon reappear (*zuhūr khāhad kard*) in Anatolia or India.¹²⁸ For the first time in Sabzavar a Qalandar dervish claimed to be Ismā‘īl, and then another in Hamadan.¹²⁹ Then came the most important of the Pseudo-Ismā‘īls, another Qalandar in Kūh Gīluyeh, resembling Ismā‘īl II in appearance, who rose (*khurūj kardeh*) with ten thousand men who had accepted his claim to being Ismā‘īl.¹³⁰ He became known as Shāh-e Qalandar and also as Shāh Ismā‘īl-e Qātīl,¹³¹ captured territory bordering on Dizfūl and Shūshtar, struck coins in his name,¹³² and ruled “with utmost ease and felicity”¹³³ for some years until he was captured and decapitated in 1582/990.¹³⁴ His head was sent to the capital upon a spear, and his territory retaken.¹³⁵

127 R. J. J. J., I, pp. 467–8.

128 Nq. A., pp. 113–14.

129 Ibid., pp. 114–16.

130 Kh. T., f. 301, T. A. Ab., I, p. 261.

131 Nq. A., p. 118.

132 Kh. T., f. 309.

133 Nq. A., p. 119.

134 Nq. A., p. 120, Kh. T., f. 317a; T. A. Ab., I, pp. 272–74.

135 Kh. T., f. 317a. One interesting fact contained in the otherwise very uninformative diatribe against the Ṣūfis in the *Ḥadiqat al-Shī‘a* (written in the second half of the sixteenth century) is the existence of the Jūrīyya order, which appears to have survived into the Safavid period long after the collapse of their local states in Mazandaran (the Mar‘ashī *sayyids*) and in Sabzavar (the Sarbadār), both of which had flourished in the fourteenth

Under the events of the year 1616/1025, Iskandar Munshī cites a *rubāʿī* from Babā Sulṭān Qalandar-e Qumī who is said to be one of the “*tekke*-holding dervishes.”¹³⁶ In the accounts given of the city of Isfahan of the mid-seventeenth century by European travellers, shaggy, ill-clad dervishes hanging out in the streets and around coffee-houses appear as an element of the social scene. Olearius mentions “a certain type of ecclesiastics who are called *abdāl* for whom the king has built a *tekke*” (1637).¹³⁷ Du Mans describes the dervishes, the *duʿā-gūs* (those who pray for the alm-giver’s health and salvation) and the Qalandars together (1660),¹³⁸ and Sanson talks of the “Derviches or Abdals,” who preach austere on street corners and coffee-houses, tell stories, and are not highly regarded.¹³⁹

We have so far concentrated on organized popular Ṣūfism, and have omitted to consider the ascetic Ṣūfī virtuosi. What emerges clearly from *The Rawḍāt al-Jinān*, a book of unusual documentary interest,¹⁴⁰ is the great importance of virtuoso Ṣūfism, even in the pre-Safavid period. Roughly speaking as many Ṣūfī virtuosi and intellectuals as members of identified orders, with a definite rank or relationship within them, are mentioned.¹⁴¹ More

century after the disintegration of the Īl-Khānid Empire. (I. P. Petrushevsky, *Kishāvarzī va Munāsibāt-e Arḍī dar Irān-e ʿAhd-e Mughul* (Persian tr. by K. Kishavarz of *Zemledelie i agrarnie otnošenija v Irane XIII–XIV vekov*), (Tehran 1355/1977), II, pp. 818–916.) Furthermore, the author may even be right in presenting the Jūrīyya as undisciplined Malāmatī dervishes (those bent on attracting others’ “blame” through socially disapproved modes of behavior) even though they are said to dress well whenever possible. Other similar Ṣūfī groups who are naturally accused of charlatanry but also of worldliness, orgiasticism and “Sunnī *ghuluw*” are also mentioned. (H. Sh. 578–92. Except for the Jumhūrīyya and Ismāʿīlīyya, the other Ṣūfī sects mentioned by Ardabili do not seem to correspond to organized groups, but appear to relate to presumed doctrinal attitudes and outlooks.)

136 T. A. Ab., II, p. 910.

137 Olearius: pp. 382–3.

138 Du Mans, pp. 216–7.

139 Sanson, pp. 153–54.

140 This unusual documentary interest is due to the fact that, unlike the typical Ṣūfī resources, it is not a chronicle of a famous *shaykh* or order, and its author moves from tomb to tomb in the cemeteries of Tabriz.

141 A detailed study of R. J. J. and other sources is needed for the correct identification of many of the persons named, and especially of their affiliation. Pending the appearance of such a study, and on the basis of a very rough count and impressionistic assessment, Table 1 divides the readily identifiable Ṣūfīs among persons whose date of death is given into five categories, each category being chronologically subdivided by the year of Ismāʿīl’s death (1524/930):

importantly, even in cases where order affiliations are mentioned, the center of attention is usually the Şūfī virtuosi—i.e., individual mystics, their spiritual attainment, their absorption of divinity (*jazaba*), intuition of revelations (*mukāshafa*), and ascetic, contemplative or visionary qualities. Their affiliations to orders, and the frequenting of specific masters appear only of secondary importance. The Şūfī virtuosi could be accommodated by a variety of social niches, ranging from supra-national orders to local orders dominated by landowning notables (*sayyids*), a single *khaniqah* (convent), crafts, and finally voluntary support by admiring laymen.¹⁴²

Therefore, the demise of the Şūfī orders did not put an end to virtuoso Şūfism. Among the persons mentioned in *Rawḍāt al-Jinān*, virtually all of the fifteen or twenty easily identifiable sixteenth century Şūfīs who died during Ṭahmāsp’s reign or later (after 1524/930) are either dispossessed *sayyids* of former local orders, or fall into the virtuoso and literati categories.¹⁴³ Ascetic

Table I

A	B		
d. 900–930*	d. 931–980’s		
1494–1524	1525–1570’s		
I. Sufis with specified affiliation:			
1. With <i>sayyids</i> and local orders		10	6
2. With large (supra-local) orders only		6 (or 7)	2
	I. Total	<u>16 (or 17)</u>	8
II. Sufis of unspecified affiliation:			
3. Craftsmen & artisans		2 (or 3)	1 (or 3)
4. Literati (calligraphers, painters, scholars, etc.)		6	4 (or 5)
5. Mystic virtuosi		10	5
	II. Total	<u>18 (or 19)</u>	10 (or 13)
	TOTAL	<u>34 (or 36)</u>	18 (or 21)

* Permanent exiles are also included among the dead!

The similarity of the underlined totals of affiliated and unaffiliated Şūfīs Column A, confirms our statement regarding the importance of “unaffiliated” Şūfīs even before the suppression of the orders.

142 See table I.

143 Table II

A	B		
d. 900–930	d. 931–980’s		
1494–1524	1525–1570’s		
I. <i>Shaykhs</i> of Sufi orders		16 (or 17)	2*
II. Prominent “Unattached” Sufis: Craftsmen, “dispossessed” local <i>sayyids</i> **, literati and virtuosi.			
		18 (or 19)	16 (or 19)

virtuosi and mystic literati figure prominently among the Šūfī masters of the period. Shaykh Khiḍr, for instance, was an eminent Šūfī to whom ‘Abbās I wrote a respectful letter.¹⁴⁴ The famous philosopher Mīr Findiriskī (d. 1640–1/1050) was another Šūfī, who travelled to India to study asceticism, and became a recluse for seven years.¹⁴⁵ Among the mystic literati, we may name the royal scribe Āqā Abu’l-Faṭḥ Iṣfāhānī (d. 1611–2/1020), and his grandson Khwāja ‘Alī Akbar.¹⁴⁶ In the latter part of the seventeenth century, too, the ascetic virtuosi continued to remain among the important representatives of Šūfism. *Jāmi’ Muḥīdī*, written in the early 1670’s/1080’s, devotes a chapter to brief biographies of some six prominent contemporary ascetic and hermetic Šūfīs of the city of Yazd.¹⁴⁷ The chapter of *Qiṣaṣ al-Khāqānī* (written in 1660/1070) on the eminent men of ‘Abbās II’s reign includes a section on the ascetic Šūfīs which contains bibliographical entries on nineteen nationally renowned ascetic virtuosi.¹⁴⁸

As already pointed out, the bearers of the ascetic and the contemplative Šūfism share one characteristic with the Qalandars: the absence of any congregational organization. In fact, they are much more radically individualistic; and their eremitical individualism and uncompromising rejection of the world makes them quite tolerable to political powers who perceive no threat from their direction. Despite the demise of the orders, the Šūfī virtuosi survived, acting as the transmitters of the mystical tradition which, after nearly a century and a half of latency, in the mid-seventeenth century, bloomed briefly but with dazzling brilliance and in a highly intellectual form.

2.8 *Revival of Šūfism in Mid-seventeenth Century*

‘Abbās the Great whose religious policy accounts for the eclipse of the Ni’matullāhīyya, the last of the organized Šūfī orders, tolerated the individualistic and apolitical Šūfism of the literati and of the mystic virtuosi. These,

(Based on Table 1).

* This of course is an underestimate as the *shaykhs* of the then surviving Ni’matullāhī order are not represented.

** Such as the family of the author, the Lāleh *sayyids*. In period B, those Šūfīs who are affiliated to local *sayyids* (represented by the figure in Row 1, column B) become “unattached” in the second period after the disestablishment or suppression of the local orders.

144 T. Hq., III, p. 162.

145 T. Hq., III, pp. 158–9. S. J. Ashtiyani, ed., *Anthologie des philosophes iraniens depuis le XVII^e siècle jusqu’à nos jours*, (Tehran, 1972), I, French Introduction (H. Corbin), p. 31.

146 T. A. Ab., II, p. 851.

147 J. M., III, Pt. 1, pp. 506–510.

148 Q. Kh., f. 160ff. Twenty-five men of learning and ninety-nine poets are mentioned in the other categories of the eminent men of the period.

of course, often preserved their spiritual affiliation to the Šūfī traditions. However, these links no longer corresponded to membership of organized congregations, but rather denoted the variety of mystical tradition brought by individual mystics to a common and remarkably eclectic forum. In this manner, Shaykh Muḥammad ‘Alī Mu’adhdhin Khurāsānī, who dedicated a book to Shāh ‘Abbās, represented the Dhahabī tradition;¹⁴⁹ and one of ‘Abbās’s secretaries in the Bureau of Royal Domains (*khāṣṣeh*), Āqā Abu’l-Faṭḥ Iṣfāhānī appears as a *shaykh* of the Dhu’l-Nūnī tradition.¹⁵⁰

In the reign of Shāh Ṣafī (1629–1642) we witness the beginnings of a brilliant philosophical renaissance, consisting of the revival of philosophy, heavily influenced by the currents in the intellectualized mysticism of the literati and the ascetic *shaykhs*, which produced the tradition of *‘irfān*—or gnostic philosophy.

The reign of ‘Abbās II (1642–1666) marks the apogee of “high” Šūfism and of gnostic philosophy (*‘irfān*). In 1645/1055, Sayyid Ḥusayn, Sulṭān al-‘ulamā’, who had also intermittently held the office of vazir under ‘Abbās I and Safī, was appointed the grand vazir by ‘Abbās II. Sulṭān al-‘ulamā’ (d. 1654/1064) was an outstanding student of the mystically inclined Bahā’ al-Dīn ‘Āmilī¹⁵¹ and, as such, belonged to the circle of Persian *‘ulamā’* who sought to unify the Shi‘ite religious lore and gnostic philosophy. This circle enjoyed the patronage of Sulṭān al-‘ulamā’ and, after his death, that of the monarch, ‘Abbās II. It included Muḥammad Taqī Majlisī, the Elder, Mullā ‘Abd al-Razzāq Lāhījī and Mullā Muḥsin Fayḍ (d. 1680/1090), Muḥammad Bāqir Sabzavārī (d. 1680/1090)—a student of Sulṭān al-‘ulamā’ and a close friend of Majlisī the Elder¹⁵²—and Sabzavārī’s student and brother-in-law Āqā Ḥusayn Khwānsārī (d. 1689/1099).¹⁵³ ‘Abbās II appointed Muḥammad Bāqir Sabzavārī the *shaykh al-islām* of Isfahan.¹⁵⁴ He also commissioned Majlisī the Elder, the leading religious dignitary of Isfahan,¹⁵⁵ to write a commentary in Persian on Ibn Babawayh’s *Man la-Yaḥḍuruḥu’l-Faqīh*. Above all, he lavished royal favors on Mullā Muḥsin Fayḍ, for whom he ordered his physician, Sa‘īd Qumī—himself another member of the circle of gnostic philosophers—to build a Šūfī *tekke*

149 T. Hq., III, pp. 164–5.

150 T. A. Ab., II, p. 851.

151 T. Hq., III, pp. 163–4.

152 T. Hq., I, p. 267.

153 Ibid. Khwānsārī was also a student of Majlisī the Elder (Ibid., 269), and of Sulṭān al-‘ulamā’ himself (T. Hq., III, p. 164).

154 T. Hq., I, p. 267.

155 Du Mans, p. 58.

in Isfahan in 1658/1068.¹⁵⁶ The Şūfī virtuosi were also respected and favored by ‘Abbās II, whom his official historian at one point *calls shāh-e darvīsh-dūst* (the dervish-loving shah).¹⁵⁷ In 1660/1070, he visited the recluse Şūfī and philosopher, Mullā Rajab-‘Alī Tabrizī and the mystic Darvīsh Muḥammad Şāliḥ Lunbānī.¹⁵⁸ In 1663/1073, he paid another visit to the convent of Darvīsh Muḥammad Şāliḥ.¹⁵⁹

The microscopic picture of the society of the city of Yazd in the second and third quarters of the seventeenth century found in *Jāmi’ Mufīdī* allows us to appreciate the incidence of Şūfism among the ascetics¹⁶⁰ and among the literati.¹⁶¹ Consonantly, with the outlook of its bearers, Şūfism in this period consisted of an intellectualized eclectic blending of various mystical traditions. Two of these have already been mentioned. But the influence of the Nūrbakhshī tradition, of which Bahā’ al-Dīn ‘Āmilī, Qāḍī Sa’id Qumī, and certainly Mullā Muḥsin Fayḍ are eminent representatives,¹⁶² was very probably the strongest. *Gulshan-e Rāz*, (the Garden of Secrets), on which an authoritative commentary was written by Nūrbakhshī’s disciple Shams al-Dīn Muḥammad Lāhijī, appears to have been the basic Şūfī text of the period.¹⁶³ However, we can plausibly infer from a passage in Majlisī the Younger’s *‘Ayn al-Ḥayāt* that the place of Nūrbakhshī in the spiritual genealogical chain was played down (because of his claim to Mahdihood), and that the mid-seventeenth century representatives of the Nūrbakhshī tradition must have considered it safer to single out a historically more remote figure, the eighth/second century Şūfī, Dāwūd Tā’ī, as their spiritual “patron saint.”¹⁶⁴

There is also very strong circumstantial evidence of the presence of the Mawlavī (Mevlevi) tradition.¹⁶⁵ Chardin cites the *Mathnavī*—which he takes

156 Ab. N., p. 256.

157 Ab. N., p. 321.

158 Ab. N., pp. 254–55.

159 Ab. N., p. 321.

160 J. M., III, Pt. 1:506–510. It should be pointed out that both reclusiveness (*gūsheh-gīrī*, *‘uzlat*) and asceticism (*zuhd*, *riyāḍat*) were highly valued, albeit not easily realizable, ideals; that they find incidence not only among the mystics, but also among the learned and the pious in general (J. M., III, Pt. 1, pp. 319, 332–3, 342–3, 351–2; T. A. Ab., II, p. 805).

161 J. M. III, Pt. 1, pp. 315–17, 327, 336, 343–51.

162 T. Hq., II, p. 322. Mullā Şadrā and Mīr Fīndiriskī are also said to belong to the Nūrbakhshī tradition (Ibid.; also T. Hq., I, p. 183).

163 H. Sh., p. 591; Chardin, IV: ch. 11.

164 Muḥammad Bāqir Majlisī, *‘Ayn al-Ḥayāt*, (Tehran, 1954/1333), p. 238.

165 The Mevlevi order was founded by the great mystic and poet Jalāl al-Dīn Rūmī (d. 1273) in Konya.

to be a commentary on *Gulshan-e Rāz*—as the second basic Ṣūfī book, and refers to the non-Qizilbash Ṣūfīs as the “*Soufys tourneurs*” for which he gives *Tcharkyi* [*Charkhī*] as the Persian term.¹⁶⁶ *Charkhī* dervishes are also referred to in other sources,¹⁶⁷ which allows us to infer the influence of the “Whirling Dervishes” of the Mevlevi tradition. During the reign of ‘Abbās II, a travelling Ṣūfī from Anatolia, Darvīsh Muṣṭafā, was enthusiastically received in Iran and very respectfully treated by the monarch, who occasionally sought his advice during the dervish’s stay.¹⁶⁸

These mystical traditions merged together into a unified form of “high” Ṣūfism which bore the imprint of its bearers: the ascetic virtuosi and the literati, the most prominent among whom were a group of philosophically oriented ‘*ulamā*’. Their attempt to unify Ṣūfism and Shi’ism, however, before long brought down on them the wrath of the more rigid religious scholars who came to form the late Safavid Shi’ite hierocracy.

In his brief *Risāla-ye Tashvīq-e Sālikīn*, Muḥammad Taqī Majlisī, the Elder, having professed spiritual allegiance to the Dhahabī tradition, cites Ḥaydar Āmulī’s dictum regarding the identity of Shi’ism and Ṣūfism, and Ibn Abī Jūmhūr al-Aḥṣā’ī’s statement: there is no difference between the mosque and the *khaniqāh*; and finally invokes the authority of his renowned teacher Shaykh Bahā’ al-Dīn ‘Āmilī to defend Ṣūfism and mystical gnosis against the “formal science” (*‘ilm-e rasmī*) (of the dogmatic ‘*ulamā*’).¹⁶⁹

Majlisī’s older contemporary, the great philosopher Mullā Ṣadrā Shīrazī (d. 1640/1050) can be said to be the representative *par excellence* of both the gnostic/philosophical¹⁷⁰ and the eremitic/ascetic¹⁷¹ Ṣūfī outlook of the period. In *Kasr Aṣnām al-Jāhiliyya* (Breaking the Idols of Ignorance), he poses as the spokesman of “high” Ṣūfism and fulminates against the “low” Ṣūfism of the Qalandars whose ignorance, thaumaturgy and charlatanry,¹⁷² worldliness,¹⁷³ and orgiasticism¹⁷⁴ are vehemently denounced. Mullā Muḥsin Fayḍ is said to have made similarly sharp criticisms of “low” Ṣūfism.¹⁷⁵

166 Chardin, IV: ch. II. The importance of the *Mathnavī* and the *Gulshan-e Rāz* is borne out by the numerous critical references to them in Tuh. A.

167 Sources occasionally speak of the *charkh-zadan* of the Ṣūfīs (H. Sh., p. 596, Tuh. A., p. 153.).

168 R. S. N., VIII, pp. 480–1.

169 Printed together with *Tadhkirat al-Awliyā’* etc., (Tabriz, 1953/1332), pp. 12–28.

170 K. A. J., pp. 41ff., ch. 3: esp. 44–5, 53, 79–80, 92.

171 K. A. J., pp. 27, 48, 51, 92, and ch. 4.

172 K. A. J., the title itself; pp. 3, 8, 60.

173 K. A. J., pp. 16, 31, 49, 63, 85, 92, ch. 4: esp. 106–129, 130–1.

174 K. A. J., pp. 3–6, 16, 27–30.

175 T. Hq., I, p. 183.

The Safavid state had no political motive for suppressing the individualistic ascetic, antinomian or intellectualist Şūfism of the second half of the seventeenth century, and, under ‘Abbās II, greatly encouraged it. However, these varieties of Şūfism came under the heavy attack of the emergent Shi‘ite hierocracy, which greatly consolidated its institutional position under the leadership of Muḥammad Bāqir Majlisī, the Younger (d. 1699/1110), whose outlook was characterized by dogmatic rigidity.¹⁷⁶ Mullā Muḥammad Tāhir Qumī, one of the members of the Shi‘ite hierocracy most actively hostile to the Şūfis, attacks not only the Şūfism of the antinomians¹⁷⁷ but also that of the ascetic virtuosi.¹⁷⁸ Majlisī the Younger, fulminates not only against Şūfism¹⁷⁹ but also against philosophy (the other essential component of *‘irfān*).¹⁸⁰ Clashes between the dogmatic *‘ulamā’* and the Şūfis, already underway during the reign of ‘Abbās II, became sharper during Suleymān’s reign (1666–94).¹⁸¹ Chardin relates the incident of an *‘ālim*, who declared the shedding of the blood of Şūfis to be lawful from the pulpit, and was dragged down and beaten by four or five Şūfis from the audience.¹⁸²

The final triumph of the hierocracy over the gnostic philosophers and the Şūfis (who according to Chardin bestowed their pantheistic love upon all creatures and men) did come with the accession of Shāh Sulṭān Ḥusayn (1694–1722). The persecution of the Şūfis was instituted by the official head of the hierocracy, Majlisī the Younger,¹⁸³ who obtained a decree from the shah for the expulsion of all Şūfis from the city of Isfahan. The persecution was

176 The appointment of the Sulṭān al-‘ulamā’, a proponent of “high” Şūfism was resisted by the *Shaykh al-Islām* of Isfahan, Mīrzā Qāḍī who was dismissed in 1645–6/1055. (Q. Kh., f. 52) The dismissal of Mīrzā Qāḍī signified the onset of the decline of the influence of the dogmatic *‘ulamā’*. The unmistakable predominance of the philosophically-oriented proponents of *‘irfān* over the dogmatic religious scholars under ‘Abbās II emerges clearly from the biographies of the twenty-five eminent scholars of his reign in a contemporary chronicle. (Q. Kh., ff. 156–59) The climate changed under Suleymān whose reign was marked by the rise of Majlisī the Younger, who renounced his father’s Şūfism and took over the leadership of the dogmatic camp.

177 Tuh. A., pp. 74–75.

178 Ibid., pp. 36–39.

179 Muḥammad Bāqir Majlisī, *Risāla-ye Su‘āl va Jawāb*, printed together with *Tadhkirat al-Awlīyā’* etc., (Tabriz, 1953/1332), p. 4.

180 Ibid., pp. 5–11.

181 Ibid. T. Hq., I, p. 179.

182 Chardin, IV: ch. 11.

183 Q. U., pp. 205, 323; L. Lockhart, *The Fall of the Safavi Dynasty and the Afghan Occupation of Persia*, (Cambridge, 1958), p. 38. The details of this suppression are obscure and need further research.

continued by his son-in-law and successor Mullā Muḥammad Ḥusayn Khātūnābādī,¹⁸⁴ a man of a similarly rigid and dogmatic frame of mind who was apparently not even loath to commit acts of violence personally.¹⁸⁵ Though written much later in the nineteenth century Riḍā Qulī Khān Hidāyat's statement on the suppression of Ṣūfism and of *'irfān* is worth quoting for its identification of the salient elements of the late Safavid "high" Ṣūfism. After reporting the destruction of the *khaniqāh* of Mullā Muḥsin Fayḍ and the massacre of its Ṣūfis by the order of Shāh Sulṭān Ḥusayn, Hidāyat remarks:

As the foundation of the livelihood of the Men of the Path came to an end, they called the Lords of Asceticism dry-headed, and named the Men of Investigation, imitators, the Philosophers, innovators, and the Men of Gnosis (*'urafā'*) inventors. They prevented the Men of Reflection from the remembrance (of God)—*dhikr*, and tore asunder the books of the Ṣūfi *silsilas*.¹⁸⁶

With the decline of gnostic philosophy taught in the *madrasas* of Isfahan and Shiraz, and the devastation of the cities by the Afghan invaders after 1722, recluse Ṣūfis remain on the scene as the only surviving bearers of the mystical tradition of "high" Ṣūfism.¹⁸⁷

3 Decline of Sunnism

Scarcia-Amoretti aptly uses the phrase "religiously promiscuous ambiance" to refer to the late fifteenth century.¹⁸⁸ As she points out, for example, the staunch Sunnī opponent of the Shi'ite Safavids, Rūzbihān Khunjī, wrote a poem in praise of the twelve Shi'ite Imāms. Khunjī also held the martyred Imām Ḥusayn, in greatest respect and admiration.¹⁸⁹ In this atmosphere of relative

184 Mj. T.: p. 25; Shaykh Bahā' al-Dīn, a plaintive against early Afghan depredation from Khurasan is expelled from Isfahan, accused of Ṣūfism; accusations are levelled against a number of literati (Tk. H. L., pp. 52–3).

185 Mj. T., pp. 49–50.

186 R. S. N., VIII: 493. "Innovators" (*mubtadi'*) and "inventors" (*mukhtari'*) are pejorative terms. See also Shīrvānī, pp. 51–52.

187 See the autobiography of the mystic and poet Ḥazīn Lāhijī written in 1154/1741 or 2: Tk. H. L., pp. 85–6, 189–190, 192.

188 B. Scarcia-Amoretti, "L'Islam in Persia fra Tīmūr e Nādir", *Annali della Facolta di Lingue e Letterature Straniere Di Ca'Foscari*, XIII, 3 (1974), p. 68.

189 Ibid., p. 69; Aubin, "Notables": 55, n. 2.

religious eclecticism, devotional attachment to ‘Alī in particular, and to the House of the Prophet (his daughter Fāṭima and the twelve Imāms) in general, was widespread among the population. ‘Alī was often considered the model of the *fatā’* or *futuwwa*: the moral quality most highly valued by urban associations and guilds. It was natural for guilds, in view of their characteristic attachment to the House of the Prophet, to adopt ‘Alī, or another Shi‘ite Imām as their “patron-saint” alongside the prophets and other figures in sacred history.¹⁹⁰

The widespread pro-‘Alī and pro-House of the Prophet sentiments of the population facilitated the propagation of Shi‘ism after Ismā‘īl’s conquest of Iran. Despite some resistance, especially in eastern Iran and Fars,¹⁹¹ the *formal* profession of Shi‘ism spread speedily. However, the conversion achieved by Safavid propagandists does not seem to have involved anything beyond publicly cursing (*la‘n*) the first three Rightly-guided Caliphs, and exalting ‘Alī and his descendants.¹⁹² A number of passages in *Ross Anonymous* clearly show the superficiality of the sudden conversion to Shi‘ism. For instance, we are told that in 1509/915, the inhabitants of Sarakhs (in Khurāsān) uttered “the slogan of the Imāmī religion” (*shī‘ār-e madhhab-e imāmīyya*), and were immune from depredation by Ismā‘īl’s army.¹⁹³ There are indications that even some of *ṣadr*s did not possess adequate knowledge of Twelver Shi‘ism. Thus in the year 1514/920 Amīr Shiahāb al-Dīn Lāleh, of the above-mentioned Lāle’-ī Sunnī branch of the Kubravīyya in Azerbaijan, was appointed *ṣadr*, but was soon removed from office, replaced by Mīr Jamāl al-Dīn Shirangī Astarābādī, of whom the author of

190 *Haftād va Seh Millat* (copied in 1482/887) presents the Lā‘īniyyā and the Rajā‘īyyā as two sects intensely devoted to the memory of ‘Alī, on the account of which, the first are said to curse ‘Alī’s enemies ritualistically, and the second, to believe in his return with his disciples to avenge himself against the usurpers. This account is corroborated by *Ma‘rifat al-Madhāhib* (copied in 1634–5/1044). See M. J. Mashkūr, ed., *Haftād va Seh Millat yā I’tiqādāt-e Madhāhib*, (Tehran, ‘Aṭā’ī Press, 1976/1355), pp. 64–65 and 78–79. Ḥusayn Vā‘iz Kāshifī, *Futuwwat-nāmeḥ-ye Sulṭānī*, M. J. Maḥjūb, ed., (Tehran, 1971/1350), pp. 286–87. ‘Alī and the sixth Imām, Ja‘far al-Šādiq are mentioned in a fabric-maker’s code—*futuwwat-nāmeḥ*—probably dating from the fifteenth century. See the “Futuwwat-nāmeḥ-ye Chītsāzān” in *Rasā‘il-e Javān-mardān*, ed., M. Šarrāfī, intro., H. Corbin, (Tehran, 1973/1352), p. 226.

191 See the accounts of the conquest of Herat—e.g., *Ross Anon.* 194b ff.; T. Akh. III under the year 916. As was pointed out above in the subsection on the Naqshbandīyya (p. 10), in 1503–4/909 there was a massacre of Sunnī Šūfis in Fars. In the course of this massacre, the *khaṭībs* (preachers) of Kāzīrūn were also killed because of Sunnism (T. Akh., III).

192 See E. G. Browne, *Literary History of Persia*, vol. IV, (Cambridge, 1924), pp. 52–53.

193 *Ross Anon.*, f. 183a. See also f. 270b, H. S., IV, p. 508.

Takmilat al-Akhhbār tells us revealingly: “in whose Shi‘ism there was no doubt.”¹⁹⁴ It is not until the arrival of Shaykh ‘Alī al-Karakī al-‘Āmilī, who paid intermittent visits to the court of Ismā‘īl¹⁹⁵ but does not appear to have left the Arab Iraq definitely until the reign of his successor, that an eminent Shi‘ite *mujtahid* embarked on an authoritative religious instruction in Iran.¹⁹⁶

It is therefore not surprising that Sunnism was eradicated only gradually. Under Shāh Ṭahmāsp, Sunnism persisted in no less central a city than Qazvin, where those members of the Sunnī community who had never cursed the Rightly-guided Caliphs were awarded remuneration from the royal treasury by Ṭahmāsp’s pro-Sunnī son Ismā‘īl II.¹⁹⁷ In a *qaṣīda* in criticism of the people of Qazvin the poet Mawlānā Ḥayratī claims to have “found Sunnism among the dignified and the notables” (of Qazvin).¹⁹⁸ Dickson adduces enough evidence to suggest that Qāḍī Jahān, one of the most eminent of Qazvin’s notables, who held the Grand Vazirate under Ṭahmāsp twice (1524–6 and 1535–50) was a crypto-Sunnī.¹⁹⁹

Ismā‘īl II attempted to reestablish Sunnism during his brief reign (1576–1577),²⁰⁰ but was forced to give up the project in the face of Qizilbash opposition.²⁰¹ The failure of Ismā‘īl II’s religious policy of course attests to the preponderant strength of Shi‘ism in Iran by the third quarter of the sixteenth century. But what is even more instructive, apart from the very fact that such a policy could be undertaken with some expectation of success, is its assessment by the contemporary or near-contemporary historians. The aim of the policy is stated as the winning over of the Sunnī elements by making possible their peaceful coexistence and cooperation with the Shi‘īs. Though they may have considered its execution imprudent or miscalculated, neither

194 T. Akh., III, reproduced as f. 250b in O. A. Efendiev, *Obrazovanie Azerbajdzanskogo gosudarstva Sefevidov*, (Baku, 1961); H. S., IV, pp. 549–50.

195 Ross Anon., ff. 113a, 198a; Kh. T., ff. 102a–103.

196 See E. Glassen, “Schāh Ismā‘īl I und die Theologen seiner Zeit”, *Der Islam*, (1971–2), pp. 254–268. Glassen rightly emphasizes the superficiality of the initial conversion to Shi‘ism (*ibid.*, esp. p. 263).

197 Falsafī, I: 26.

198 Ah. T.: 385.

199 M. B. Dickson, “Shāh Ṭahmāsp and the Uzbeks”, Ph. D. dissertation, Princeton (1958), pp. 192–3.

200 Balbi, p. 282.

201 Falsafī, I, pp. 27–8. Among the sources, the best account—and one may add a highly analytical one—of Ismā‘īl II’s religious policy is to be found, T. A. Ab., I, pp. 213–7.

the Sunnī historian Bidlīsī,²⁰² nor the Shi'ite historians Qāḍī Aḥmad Qumī²⁰³ and Iskandar Munshī²⁰⁴ considered this policy intrinsically unrealistic. Furthermore, it is noteworthy that Ismā'īl II could enlist the active support of some of the Persian notables—for instance Mīr Makhdūm Shīrāzī²⁰⁵ and Shāh 'Ināyatullāh Iṣfāhānī, formerly the *qāḍī mu'askar*, whom he appointed *ṣadr*²⁰⁶—and presumably rely on the tacit sympathy of many more.

The reign of 'Abbās the Great, decisive for the establishment of Shi'ism, also witnessed instances of persecution of the Sunnis. At the beginning of his reign, Sunnism was still fairly strong in eastern Iran. Thus after the Uzbek conquest of Herat in 1588, “many *tāzīks*—Persians, non-Turks—despite the congruence of their religion [with that of the Sunnī Uzbeks] were also killed with the Qizilbash dignitaries.”²⁰⁷ 'Abbās's astrologer and historian reports the violent persecution of the Sunnīs of Surkheh in northwestern Iran in 1599.²⁰⁸ Finally, in 1608/1017, 'Abbās executed the alderman (*kadkhudā*) of Hamadan (in western Iran), who was also the leader (*ra'īs*) of the Sunnī community, for ill-treating the Shi'īs of that town.²⁰⁹ The confirmation of a *farmān* by 'Abbās I, by his successor Shāh Ṣāfī in 1630/1039 shows that the persecution of 1599 resulted in the spread of Shi'ism in the area surrounding Surkheh—Simnan—though not so much in Surkheh itself.²¹⁰

The final wave of persecution of Sunnism comes at the very end of the seventeenth century with the final triumph of the Shi'ite hierocracy under Shāh Sulṭān Ḥusayn. Its official head and spokesman, Majlisī pursued a vigorous policy of suppression of Sunnism and the conversion of Sunnīs and other religious minorities. Persecutions are reported in the Sunnī region of Lāristān²¹¹ and elsewhere.²¹² The sources make it clear that not all the 70,000 non-Shi'īs,

202 W. Hinz, “Schāh Esmā'īl II. Ein Beitrag zur Geschichte der Safaviden”, *Mitteilungen des Seminars für Orientalische Sprachen*, WS. xxvi, (Berlin, 1933), p. 77.

203 Kh. T., f. 339.

204 T. A. Ab., I, pp. 215–6.

205 Ibid., p. 214.

206 Kh. T., f. 269a; Ah. T., pp. 491–2.

207 T. A. Ab., I, p. 388.

208 J. Aubin, “Les Sunnites du Lārestan et la chute des Safavids”, *Revue de études islamiques*, xxxiii (1965), p. 152.

209 Ibid.; Falsafī also mentions the massacre of a Kurdish Sunni tribe, the Mukrī, and a number of instances of use of violence against other Sunni communities, but there is no evidence that these were carried out as *religious persecutions*. (Falsafī, III, pp. 36–39).

210 Falsafī, III, pp. 36–39.

211 Ibid., p. 156.

212 Lockhart, pp. 70–79.

whom the author of *Qiṣaṣ al-‘Ulamā’* accredits Majlisī with having converted,²¹³ accepted Shi‘ism non-violently, and merely by reading the massively voluminous (popularized) religious writings bearing his name.²¹⁴ In fact, the repression he instituted can be counted as an important cause of the discontent of the Sunnī population of Afghanistan, which led to the Afghan invasion and the overthrow of the Safavid Dynasty.²¹⁵

4 Conclusions

The following conclusions can be drawn from our survey of the long prelude to the definitive establishment of Shi‘ism in the form in which, having survived Nādir Shāh’s (1736–48) “pan-Islamic” experiment, it is found in contemporary Iran:

- 1 This prelude consisted in the suppression of three fairly distinct religious trends which follows a sequential, though very widely overlapping, chronological pattern. Two factors stand out as the causal determinants of this process of religious evolution: “reasons of state” or the political interests of the Safavid rulers, and the dogmatic and institutional interests of the nascent Shi‘ite hierocracy. The first factor was operative from the outset; the second became so mainly in the latter part of the Safavid period.
- 2 The suppression of *Ghuluw* was determined almost entirely by reasons of state, which were two-fold. The first motive for this suppression was the need to rationalize the form of political domination into an enduring and stable structure suitable for the administration of a centralized empire which was incompatible with intense and therefore volatile millenarian expectations associated with “extremism.” The second related political motive underlying the suppression of “extremism” was the need for the institutionalized domestication of the sedentary as well as the nomadic

²¹³ Q. U., p. 205.

²¹⁴ Ibid.; *A Chronicle of the Carmelites in Persia and the Papal Mission of the XVIIth and XVIIIth Centuries*, (anonymously edited), (London, 1939), I, pp. 473–74. It is important to note that, with the establishment of the Shi‘ite hierocracy, the initiator of a major religious policy is, for the first time, not the monarch guided mainly by the “reason of state”, but by the hierocracy in pursuit of its doctrinal interests. That the weak Shāh Sulṭān Ḥusayn did not initiate this religious policy is borne out by the evidence of his lenient and more favorable disposition towards religious minorities after Majlisī’s death. (Ibid., pp. 522, 558).

²¹⁵ Muḥammad Mahdī Iṣfāhānī, *Niṣf-e Jahān fi Ta’rif al-Iṣfāhān*, M. Sotūdeh, ed., (Tehran, 1961/1340, [1891/1308 H. Q.]), pp. 185–6; Lockhart, op. cit., pp. 70–79.

tribal masses, which in turn required a more dogmatic and other-worldly type of religion than the this-worldly millenarianism of *Ghuluw*. Though the Shi'ite '*ulamā*' would doubtless have doctrinal objections of their own—and in fact did instigate the killing of the blind Nuḡṭavī poet Abu'l-Qāsim Amrī—their objections did not cause any repressive action as their institutional power became enhanced *after* 'Abbās's decisive suppression of "extremism" in the last decade of the sixteenth/first decade of the eleventh century. It is true that 'Abbās did enlist the support of the Shi'ite '*ulamā*' who, at his request, condemned the leading Nuḡṭavīs of Qazvin, Darvīsh Khusraw and Mawlānā Salmān. However, the more lenient sentence imposed by the '*ulamā*' on Mawlānā Salmān, as compared to 'Abbās's order that he be put to death, interestingly illustrates the unmistakable primacy of reasons of state in the suppression of *Ghuluw*.

- 3 The suppression of Ṣūfism took place in two distinct stages. The first, completed under 'Abbās the Great, consisted in the suppression of popular Ṣūfism. It took the form of the eradication of the organized Ṣūfī orders which presented a political threat to Safavid supremacy. The Safavid state, however, could afford to, and did, tolerate—and, under 'Abbās II actively encouraged—the apolitical "high" Ṣūfism of the ascetic virtuosi and the mystically-oriented literati.

The second stage of the suppression of Ṣūfism, beginning under Suleymān and gathering momentum under Shāh Sulṭān Ḥusayn, took the form of the repression of 'high' Ṣūfism or '*irfān*'. In marked contrast to the political motivation of the first stage, its motivating force was the dogmatic and institutional interest of the emergent Shi'ite hierocracy.

- 4 The suppression of Sunnism, dictated by reasons of state, at the beginning of the sixteenth century was achieved very rapidly by Ismā'īl I. It constituted a basic principle of the Safavid state policy, and took the form of insistence on the formal profession of Shi'ism which met with little resistance because of the prevalent religious eclecticism which accounts for the absence of any powerful political motive for the rigorous eradication of Sunnism. For over one and a half centuries following the establishment of the Safavid dynasty, while the gradual dissemination of the Shi'ite doctrine continued, the persecution of Sunnism occurred only sporadically and on a limited local scale with no signs of general alarm and apprehension on the part of the state. The vigorous attempt at the systematic eradication of Sunnism, whose motivation was dogmatic and which proved politically disastrous, came much later. The massive repression of Sunnism, aiming at the imposition of doctrinal uniformity over the Safavid dominions, was initiated by the Shi'ite hierocracy in the closing decade of the seventeenth century, and was vigorously continued until the fall of Isfahan in 1722.

Ideological Revolution in Shi‘ism*

1 The Constitutional Revolution of 1906–11 and Its Impact

Around 1800, an *‘ālim* who had emigrated from Iran to India during the first years of Qājār rule could write about the spread of Deism and secularism in Western Europe in amazement and with the detachment of an observer at safe distance.

Nowadays all the Europeans are followers of the philosophers, and are impertinent¹ in matters of religion. The church bells toll once a week on Sunday and the lowly and the masses go to temples. The priests are also present. The sages and the leaders profess to the unity of God but consider the other principles of religion such as Prophecy and Resurrection myths, likewise with praying and churchgoing. . . . The forsaken nation (*tā’ifa*) of France, may God slay them, have even gone further. They deny the incumbent obligations, consider their property and wives lawful to one another, and are excessive in their insistence on the eternity of the world. They are thus persistently advancing along the path of error and misfortune, and have indeed outdone the ancient and modern heretics.²

A century later, the *‘ulamā’* found themselves deeply embroiled in Asia’s first modern revolution, and henceforth had to face Deism and the “insistence on the eternity of the world”—i.e., materialism—at home. The old view of the *‘ulamā’* as the proponents of Constitutionalism is clearly misleading.³ Constitutionalism in Iran was a movement against the absolutist monarchy whose initiators called upon the *‘ulamā’* to exercise their independent religious authority and to assume the leadership of the nation (*millat*). The monarch had patently failed to defend the nation against foreign encroachments, and as the nation was conceived as no other than the Shi‘ite community of believers, it was time for the religious authorities to live up to their position of leadership (*riyāsat*) of the Shi‘ite nation on behalf of the Hidden Imam, and to defend her

* Originally published in S. A. Arjomand, ed., *Authority and Political Culture in Shi‘ism*, 1988, pp. 178–209.

1 *Parda dār* and in the printed text is assumed to be a corruption of *darand*.

2 Mirzā ‘Abd al-Laṭīf al-Mūsavī al-Shūshtarī, *Tuhfat al-Ālam* (Lucknow: Shawkat al-Islām, 1216/1801), p. 180.

3 See the Introduction, pp. 15–16 above.

against the imperialism of the infidels. Constitutional reform of government was the surest means of reversing the present decadence and stemming the increasing dominance of the European infidels over the Shi'ite nation of Iran.

The above perception of the objective situation and the corresponding normative obligation of the Shi'ite religious leaders gained general acceptance and, coupled with the endemic power struggle between the hierocracy and the state and the *'ulamā'*'s material interest in opposing the state,⁴ was sufficient to put the Shi'ite religious authorities in the forefront of the protest movement which resulted in the creation of the Majlis and the establishment of the Constitution of 1906. However, the goal the Constitutionalist movement succeeded in achieving—i.e., the creation of a parliamentary system of government—brought the *'ulamā'* face to face with a complete novelty. Constitutional democracy, established as the new means for achieving the old end of defending the Islamic nation of Iran, was as novel in theory as it was unfamiliar in practice. Novelty causes bewilderment which can only be overcome by making sense of it. This can usually be done in more than one way. The Shi'ite *'ulamā'* fall into four groups according to the way they made sense of the novelty of parliamentary democracy. The way each group made sense of parliamentary democracy, as defined in 1906 and put into practice in 1907, determined its position toward Constitutionalism.

There is some correlation between the social, positional, and, especially, generational variation within the clerical body and the four orientations toward Constitutionalism. More important than this correlation are the temporal shifts from one category to another, with the progressive definition of the goals of the Constitutionalist movement.⁵ But the most important fact about the four typical clerical reactions to Constitutionalism is that they cover the whole range from enthusiastic support to violent opposition. This very fact attests to the novelty of the experience, and is alone sufficient to demolish a number of views which are still held, though not equally widely. It makes it impossible to assert that the *'ulamā'* were and remained unified in their action, that they had a clear idea of the goals of the Constitutional movement from the outset, and that there is or can be only one Islamic position on parliamentary democracy.

Here are the four positions with their respective logic:

1. The staunch traditionalists opposed all novelty categorically and refused to grant that the goal of protection of Islam could either be reached or

4 See Chapter 6, Section 1 above.

5 See my "The *'Ulamā's* Traditionalist Opposition to Parliamentarianism: 1907–1909," *Middle Eastern Studies*, vol. 17, no. 2 (1981), pp. 174–90.

would justify the new means of constitutional reform of government. This group consisted mostly of the old *mujtahids*, typically without much popular following, who refused to join the protest movement against monarchy in 1905 but did join the traditionalist anti-Constitutionalist movement launched by Shaykh Faḍl Allāh Nūrī (d. July 1909) in 1907.⁶

The dominant ideal interest of the '*ulamā*' was the protection of the realm of Islam. Their dominant material interest could before long be seen as the preservation of their juristic authority and judiciary prerogatives. Those who initially accepted constitutional reform of government as the means to the end of the protection of the realm of Islam (*hifz-i bayda-yi islām*), became divided into three groups during 1907 and the first half of 1908 when the purpose of the parliament and the principles of parliamentary democracy became commonly known and discussed. The logic of this division can best be understood by singling out the dominant material and ideal interests of the '*ulamā*' and considering their interplay.

2. The anti-Constitutionalists became aware that the reform of the judiciary system entailed its secularization and thus posed a serious threat to their material interests; they were even more alarmed by the spread of foreign ideas and manners, and came to believe that Constitutionalism meant the spread of anarchy and immorality, and would thus weaken Islam. Thanks to the effective leadership of Shaykh Fazl Allāh Nūrī, this group grew in strength during the first two years of constitutional government and came to comprise the majority of the '*ulamā*' by the time of the short-lived restoration of autocracy in June 1908.
3. The Constitutionalist '*ulamā*' continued to believe that the Constitutional reform of government was necessary to protect the realm of Islam, but they were also bent on preserving their juristic authority as fully as possible, and in fact made their support for the Constitution conditional upon the recognition of their judiciary prerogatives. This is an important group and has been the focus of popular and scholarly attention during the past decades. However, the conditionality of their support for Constitutionalism has not been adequately understood. Nor has their success in securing the recognition of their juristic authority in the parliamentary legislation of the first decade.⁷
4. The unconditional Constitutionalist realized that reform threatened the judiciary prerogatives of the '*ulamā*' but considered this a worthwhile

6 Ibid., pp. 178–80. As examples, we may mention Ḥājj Muḥsin, the *mujtahid* of Arāk, and Mullā Qurbān-ʿAlī, the aged *mujtahid* of Zanjān.

7 These points are stressed by Lahidji in Chapter 6 above.

price to pay for the strengthening of the Shi'ite nation of Iran. This group consisted almost entirely of the young clerics, including a group of students surrounding Ākhūnd Khurāsānī.⁸ Although this group did not sway the religious establishment, it is nevertheless important in that many of its elements discarded their clerical garb and played an important role in the modernization of the Iranian state in the subsequent decades.

As expressions of the ideological impact of the Constitutional Revolution on the second and the third group, we can compare two tracts offering two fundamentally opposed political theories, one by the constitutionalist Sayyid 'Abd al-'Azim 'Imad al-'Ulamā' Khalkhālī, the other by the anti-constitutionalist Shaykh Fazl Allāh Nūrī.⁹ The theory advocated by Nūrī, the leader of the Islamic traditionalist group, considered Constitutionalism a ploy for imperialistic cultural domination and condemned all parliamentary legislation as transgression on God's prerogative and the 'ulamā's exclusive right to interpret the Sacred Law. The theory put forward by Khalkhālī, a representative of the clerical supporters of the Constitution, on the other hand, legitimated parliamentary democracy in Islamic terms but restricted its jurisdiction to matters not covered by the Sacred Law. Khalkhālī argues that Constitutionalism, like all forms of government, is not part of any religion, and pertains to the temporal sphere of life. The rule of law and constitutional government is in no way incompatible with Islam. He even goes further and maintains that the Europeans have taken their laws and constitutions from the Qur'ān and the words of the Imams.¹⁰ The impact of the nationalism of the Constitutionalist ideology¹¹ on Khalkhālī's views should also be noted. He emphasizes the necessity of union between the king and the nation to preserve Iran's independence and to prevent foreign domination, and his economic nationalism is pronounced. He advocates the building of railroads and the exploitation of the country's natural resources to further economic development, and suggests that even part of the revenue from the religious endowments should be used to this end.

8 Āqā Najafī Qūchānī, *Siyāhat-i Sharq ya Zindigānī-nāma*, R. 'A. Shākirī, ed. (Mashhad: Tus, 1351/1972), pp. 460–61, 517–18.

9 H. Dabashi, tr. and ed., "Two Clerical Tracts on Constitutionalism," in S. A. Arjomand, ed., *Authority and Political Culture in Shi'ism* (Albany: SUNY Press, 1988), pp. 334–70.

10 See Chapter 16, Section 1 below.

11 See S. A. Arjomand, *The Turban for the Crown. The Islamic Revolution in Iran* (Oxford University Press, 1988), Chapter 2.

Although many of the *'ulamā'* initially sympathetic to Khalkhālī's position were won over to the traditionalist camp in 1907–1908 as a result of the gradual clarification of issues—both by the practice of constitutional government and by Nūrī's cogent exposition of the fallacies of the argument for the compatibility of parliamentary democracy and the Shi'ite Sacred Law—some *'ulamā'* remained in the Constitutionalist camp, and a greater number returned to it when the Shah's attempt to restore autocracy with Nūrī's enthusiastic support collapsed in July 1909. Many of Khalkhālī's ideas are reiterated in a tract published by another *'ālim*, Mīrzā Yūsuf Shams al-Afāḍil Kāshmarī Tūrshīzī, in 1911. Like Khalkhālī before him, Kāshmarī makes a basic distinction between secular and religious matters, matters concerning man's livelihood (*umūr-i ma'āshīyya*) and those concerning the Hereafter (*umūr ma'ādīyya*). He argues that constitutional government rests on the principle of consultation (*shūrā*) which is sanctioned in the Qur'ān. The principle of consultation is restricted to the ordering of the matters of livelihood and does not extend to other-worldly matters. "Therefore, the Constitution does not bear on other-worldly matters and its legitimacy derives from the ordering of the matters of livelihood." This should be done by an assembly elected by popular majority vote. Its members are called "the representatives and deputies of the nation," and their place of gathering "the National Consultative Assembly or Parliament."¹² As the understanding of the principles of the unity of God is left to the individual reason and derivative practical norms, and problems of worship are settled through the emulation (*taqlīd*) of the more learned, "so is the ordering of man's livelihood entrusted to politics and the consultation of the wise." Both the ordering of the matters of livelihood and consultation as its means are desired and sanctioned by the divine Law-giver.¹³ Concern for the reform and modernization of the state is also present in Kāshmarī's tract, as is economic nationalism.¹⁴ Finally, like Khalkhālī before him, Kāshmarī minimizes the secularizing potential of parliamentary legislation.¹⁵

Whereas the importance of the anti-Constitutionalist *'ulamā'* was until recently either not recognized or was minimized, much has been made of the role of the Constitutionalist *'ulamā'* in the literature. Still, the exact nature of the synthesis of Constitutionalism and Islam has not received enough attention—hence the above remarks and Chapter 16, Section 2. Nor has their

12 Mīrzā Yūsuf Shams al-Afāḍil Kāshmarī Tūrshīzī, *Kalima-yi Jāmi'a dar Ma'nā-yi Shūrā va Mashrūṭa va Majlis-i Shūrā-yi Millī* (Tehran 1329/1911), pp. 17–18.

13 Ibid., p. 26.

14 Ibid., p. 6.

15 Ibid., pp. 54–55.

success in safeguarding their juristic authority. To do so, they limited the secularization of the judiciary by actively participating in the effort to reform the legal system. Ḥājj Shaykh Muhammad *mujtahid*, son of a famous *marja'-i taqlid*, Shaykh Zayn al-Ābidīn Māzandarānī (d. 1309/1891–92), for instance, became the Chief Justice of the Supreme Court of Appeal, and drafted a plan for its reform and reorganization in conformity with Shi'ite jurisprudence which was completed in December 1910 and proposed to the Majlis.¹⁶

Equally deserving of attention are the views of the young clerics and seminarians who constitute the fourth group, the enthusiastic and unconditional supporters of the Constitutionalist movement. Like the previous group, the unconditional Constitutionalist considered the rescuing of Iran from its present decadence and the protection of the realm of Islam the foremost urgent goal of all reform. Their nationalism was more pronounced than that of the first group. But what clearly distinguished this group from the previous is their lack of concern for safeguarding clerical authority and preserving its judiciary jurisdiction. In fact, they are the only group to extend the idea of reform to the religious establishment itself. It was not only the absolutism of the monarchy and its subservience to foreign powers but also the negligence, conservatism, and ritualism of the religious authorities that were responsible for the present decadence of Islam and Iran. Reform should therefore be extended from governmental agencies to religious institutions. In a tract published in 1910, Shaykh Asad Allāh Māmaqānī, a student of Ākhūnd Khurāsānī who had represented him at the Constitutionalist *anjuman-i sa'adat* in Istanbul in 1908–09, proposed that the Shi'ite centers of learning be moved from the Ottoman Iraq to one of Iran's holy cities—Mashad or Qumm—and the Shi'ite educational system be thoroughly reformed on the model of 'Abduh's reform of al-Azhar in Egypt.¹⁷ He even dared to touch upon the religious taxes, which were exclusively controlled by the Shi'ite religious authorities, and suggested that they be spent on the reorganization of the army and the national educational system.

We want to know whether the Imam, peace be upon him, would be content with the rescuing of the Muslim country through whose survival and independence Islam and Muslims and signs of Islam would be preserved, or not? . . . Would the Imam not be content if the religious taxes are collected to

16 Ḥājj Shaykh Muḥammad *mujtahid*, *Risāla-yi Tamīziyya* (Tehran, 1329/1910).

17 Asad Allāh Māmaqānī, *Maslak al-Imām fi Salāmat al-Islām* (Istanbul, 1328/1910), pp. 40–41. On the Istanbul episode, see 'A.-H. Navā'i, *Dawlat-ha-yi Īrān*, Tehran: Bābak, 1355/1977, p. 131.

pay off the Russian debt, which has reduced and humiliated Islam and the Muslims, so that infidelity does not conquer Islam?¹⁸

Some eight years later, Māmaqānī's rhetorical exhortations and modest reform proposals turn into a full-scale scathing attack on the foundations of clerical authority in Shi'ism. In *Religion, Functions and the Method of Government in Shi'ism*,¹⁹ he maintains that government in society has the same place as Imamate in religion.²⁰ During the Occultation of the Imam, the function of the maintenance of law and order and policing (*umūr hisbīyya*) devolves upon "the just believers"—not the *'ulamā'*—and the proper form of government is therefore the one based on consultation (*shūrā*).²¹ This government is the only agency with the legitimate right to control the religious endowments,²² and to appoint judges.²³ By contrast, jurisprudence has never been the exclusive domain of Imamate, and referring to a jurist has always been voluntary.²⁴ The jurists have no right to interfere with government, and their intervention in politics is destructive.²⁵ As *ijtihād* is based on knowledge, following a dead *mujtahid* is permissible, as the reliability of his knowledge does not depend on his being alive. A council of jurists, each with specialized knowledge in a specific area, would be more competent to publish a manual of applied religious law than a single *marja'*, as is currently done.²⁶ Above all, Māmaqānī denies the validity of the *'ulamā'*'s claim to General Deputyship of the Imam and adduces Shaykh Murtaḍa Anṣārī's support in this regard.²⁷ Finally he turns to a direct attack on Shi'ite clericalism. The Shi'ite *'ulamā'* who claim to have the keys to heaven, have called themselves "clergy" (*rūhaniyyūn*) in imitation of Christian priests. The book ends with a catalogue of doctrinally unfounded extensions of the juristic authority of the *'ulamā'* in contemporary Shi'ism and a litany of abuses of clerical authority in its practice.²⁸

18 Ibid., p. 32.

19 Asad Allāh Māmaqānī, *Dīn va Shu'ūn va Ẓarz-i Ḥukūmat dar Madhhab-i Shī'a*, 2d ed. (Tehran: Chāpkhāna-yi Majlis, 1335/1956).

20 Ibid., p. 28.

21 Ibid., pp. 54–58.

22 Ibid., pp. 78–79.

23 Ibid., p. 83.

24 Ibid., pp. 62–63.

25 Ibid., p. 73.

26 Ibid., p. 69.

27 Ibid., pp. 42–48.

28 Ibid., pp. 74ff.

Advocacy of reform and the attack on Shi'ite clericalism was taken up by Shari'at Sangalaji (d. 1944) in the 1930s and given a completely apolitical direction.²⁹ For an echo of Māmaqānī's political ideas, we would have to wait until the late 1970s. Writing in exile in 1982, the ousted President of the Islamic Republic of Iran, takes a step further than Māmaqānī's view on the equivalence of government and Imamate. He speaks of the generalization of the Imamate as the participation of each man and woman in government of the monistic (*tawhīdī*) society, and hence their participation in determining the direction of its movement.³⁰

As for the development of Shi'ism in the present century and the ideological revolution of the 1970s and 1980s, neither Māmaqānī nor Shari'at Sangalaji had any appreciable impact. Rather, it was Nūrī's Islamic traditionalism that contained the seeds of future developments.

2 Clerical Publicists in the Pahlavī Era

After the suspension of the Majlis and the occupation of northern Iran by the Russians at the end of 1911, the *'ulamā'* withdrew from the political arena to the mosque and the *madrassa* in disillusionment. The *marāji'-i taqlīd* generally held aloof from Iranian politics, though they did play the role of the "natural leaders" in the Shi'ite rebellion against the British in Iraq in 1921. With Iraq no longer in Muslim (Ottoman) but in British hands, Qumm indeed became a center of Shi'ite learning. The institution of *marja'īyyat* was in fact consolidated by the retrenchment of the *'ulamā'* into the centers of learning. Mīrzā Muḥammad Ḥusayn Nā'inī (d. 1936) and Shaykh 'Abd al-Karīm Ḥāirī (d. 1937) dominated the 1930s, Sayyid Abu'l-Ḥasan Iṣfahānī (d. 1946) and Ḥājī Āqā Ḥusayn Ṭabāṭabā'ī Qummī (d. 1947), the 1940s. After the death of the last two, there gradually developed the unprecedented emergence of a unitary *marja'ī*

29 See Chapter 7 above.

30 Abol-Hassan Bani-Sadr, "Imamat," *Peuples méditerranéens*, no. 21 (Oct.–Dec. 1982), pp. 36, 38. It is interesting to note that Bani-Sadr, too, diverges from the traditional Shi'ite interpretation of the Authority Verse and considers the executive branch of government the *valī-yi amr* (Ibid., p. 39). The Persian original of this work was apparently written earlier. In his book, *L'Espérance trahie* (Paris: S.P.A.G.-Papyrus Éditions, 1982, p. 12), Banī-Ṣadr refers to a clandestine edition of *Ta'mīm-i Imāmat* (Generalization of the Imamate) published in September 1978. Similar ideas are found in the publications of the Mujahidīn-i Khalq. A pamphlet published in August 1979, for instance, speaks of "the divine promise concerning the inheritance and Imamate of the weak (*mustaz'afīn*)." (*Rāhnamūdā-yi dar bāra-yi Tashkīl-i Shūrāhā-yi Vāqī' dar Kārkhānijāt va Mu'assisāt*, p. 10.).

taqlīd, that of Ḥājj Āqā Ḥusayn Ṭabāṭabā'ī Burūjirdī (d. 1961). As Burūjirdī's biographer correctly points out, the leadership (*riyāsat*) of the Shī'a devolved entirely on him, "and such leadership has not materialized for any one of the *marajī-i taqlīd* from the time of the Lesser Occultation to the present."³¹

The few clerics who turned to publicistic writing in this period were motivated by the menace of secularism, and a sense of imminent destruction akin to Shaykh Fazl Allāh Nūrī's. Constitutionalism had taken, and these clerics took credit for having been its promoters,³² but they bemoaned the take-over of constitutional government by forces conspiring to annihilate Islam through the spread of secularism, immorality, libertinism, and foreign ideas and manners. The most important early figure among these clerical publicists was a *mujtahid* of Tehran, Sayyid Asad Allāh Khāraqānī (d. 1936). Reacting against the incipient secularization of the judiciary, he published a treatise in October 1916 on the Islamic legal system. The book was reissued with the endorsement of three other *mujtahids* in 1919, and reprinted with the approval of the Ministry of Education in 1922.³³

In a long introduction to this technical treatise, Khāraqānī seeks to explain "how it is that Islamic rules (*ahkām*) are derelict and not paid any attention to whatsoever, and how anti-Islamic rules are current."³⁴ Of the divine Islamic rules, he says the following:

Muslim brethren, know that the honor and independence of your nationality are related to these rules which are the distinctive feature of your Islamicity (*islāmīyyat*). With the abrogation of these rules, Islamicity is removed from your society and you will be the abject slaves of the foreigners and condemned by the enemies of religion, as our other Islamic brothers are caught under the domination of foreigners. . . .

Today the enemies of Islam are overthrowing the flags of Islamic sovereignties by political (*polītīkī*) means. They satisfy their enmity to the Noble Koran by abrogating its rules, and are taking their revenge from us for the wars of the

31 Sayyid Muslih al-Dīn Mahdavi, *Tārīkhcha-yi Zindigānī va Āthār-i Marḥūm-i Āyatallāh al-'Uzmā Ḥājj Āqā Ḥusayn Ṭabāṭabā'ī Burūjirdī*, appended to *Tārīkh-i Sāmārā' (Isfahan: Firdawsī, 1381/1961-62)*, p. 155.

32 See, for instance, Ḥājj Sayyid 'Abd Allāh Bilādī Bihbahānī, *Mukhtaṣar Javāb-i Iblāghīyya-yi Āqā-yi Mukhbīr al-Saltāna, Ra'īs al-Vuzarā'*, etc. (Bombay: Muẓaffarī, 1346/1927), p. 8.

33 Sayyid Asad Allāh Khāraqānī, *Risāla-yi Muqaddasa-yi Qaḍā va Shahādāt va Muḥakimāt-i Ḥuqūqī-yi Abadī-yi Islām* (Tehran 1341/1922).

34 *Ibid.*, p. 4.

first century [the wars of Islamic conquest] by instilling differences through divisive diplomatic (*diplomātī*) statements with the assistance of a few among us.³⁵

Under the heading “What kind of law does Iran want?” Kāraqānī divides the country into three groups who want three kinds of law: First, there is

the honorable, rational, believing, fair and patriotic Iran . . . the law of this Iran is the Islamic political law and equal rights which combines the world and the Hereafter. It is in accordance with the requirements of the temperament of the dominant Iranian element, which has become a second nature, and in accordance with the first principle of the Fundamental Law.

Second, the rational Iran, with a materialistic leaning (*tabīrī maslak*), without attachment to God, the Hereafter and religion but attached to Iran, the fatherland, and the honor of humanity. The law of this Iran consists in the translations of numerous laws from different nations of the world from which the sages and scholars of Iran choose what is in agreement with the Iranian temperament and customs and make it into a law. This is the second type of legislation which is contrary to religion but not contrary to reason, national honor and patriotism.

Third, the materialist (*tabīrī*), egoistic (*shakhsparast*) Iran, irresponsible toward Islam, the fatherland, reason and honor. The law of this Iran consists in the following: that a person who knows foreign languages should translate foreign law . . . correctly or incorrectly, in accordance to the law of Islam or contrary to it, in accordance with the Iranian temperament or contrary to it, and a few others enslaved by passions (*havāparast*) . . . should ratify it and another group should boast about executing such a law, concealing its enmity toward Islam. The current laws are of this third kind. They do not correspond to any religious, civil, rational and logical law . . . but are imitation of foreigners. By evidence, the execution of the laws of the industrial and materialist states of Europe in Iran has not had and will not have any results other than the corruptions of the morals, theft, anarchy and embezzlements in governmental agencies. It is therefore necessary for the Islamic nation to rise in the holy Islamic movement of *jihād* in order to eliminate the laws that originated in the minds and mouths of the foreigners and issued forth through the mouths of their imitators. . . .³⁶

35 Ibid., pp. 1–3.

36 Ibid., pp. 5–6.

Khāraqānī bitterly complains of “the private sphere of Tehran” which is filled by the materialist enemies of Islam and dishonorable traitors to the Iranian nation. “The dissemination of anti-Islamic laws” is likened to “poisonous shells of the monstrous looking cannons of the foreigners fired from Tehran.”³⁷ Khāraqānī considered two kinds of law legitimate, the Sacred Law which is restricted to God, and worldly material law. As regards the latter, “no one other than the nation has the right to legislate, and the legislative body must be from the people themselves and not dependent on the foreigners.”³⁸ He insists however, that the current laws are of neither of these two kinds.³⁹

Khāraqānī's more general book, *The Effacement of the Imaginary and the Brightening of the Certain. The Way to Renew the Islamic Greatness and Power* is, despite its subtitle, deeply pessimistic. It begins with a discussion of the decline and decadence of Muslims of all sects. This he sees in the context of a more universal trend of the spread of secularism. He sees world history as the arena of contention between two opposing ideas: religion and materialist philosophy. The struggle between the theologians and the materialists (*mādiyyīn*) is decisive proof that the scholars of all religions have not tried and endeavored to counter the materialists and are not doing so.⁴⁰ The present age is the age of Ignorance (*jāhiliyya*) because of the division among the Shī'a and because it is impossible to “forbid the evil.” The silence of the believers and the *'ulamā'* “in this fourteenth century which is the century of the onslaught of the materialists on the believers in God and of the destruction of the foundation of Islam” is not permissible. Foremost among the remedies proposed by Khāraqānī is the execution of the Islamic penal code “with utmost severity and without any consideration for the connections and worth of the individuals.”⁴¹

In 1923, Khāraqānī was joined by a younger cleric, Shaykh Muḥammad Khālīshī (d. 1963). He was the son of one of the two *marājī'* expelled from Iraq by the British during the summer of that year, and began his publicistic activity in Iran with a series of sermons in Tehran. In 1924, he took a leading part

37 Ibid., p. 6.

38 Ibid., pp. 8–9.

39 Ibid., p. 11.

40 Sayyid Asad Allāh Mūsavī Mīr-Islāmī [Khāraqānī], *Maḥv al-Mawḥūm va Shaḥv al-Ma'lūm ya Rāh-i Tajdīd-i 'Azīmat va Qudrat-i Islāmī*, Maḥmūd Ṭāliqānī, ed. ([Tehran:] Gh.-H. Nūr-Muḥammadi Khamsa-pūr, 1339/1960), p. 7. The sense of decline of traditional learning and the deficiency of the *'ulamā'* in reforming their educational system to meet the challenge of modernity is shared by another clerical author of this period: 'Abd al-'Aziz Jawāhir al-Kalām, *Āthār al-Shī'at al-Imāmiyya*, 'A. Jawāhir al-Kalām, tr., Tehran: Maṭba'a-yi Majlis, 1307/1928–9, pp. 108–09.

41 [Khāraqānī], op. cit., p. 144.

in the demonstrations against Republicanism.⁴² Like Khāraqānī, Khāliṣī is alarmed by the menace of secularism which he considers the chief weapon of British imperialism. The European powers, and Britain especially, have a grand design for the Islamic countries—to connect them to Christianity, and failing that, to turn them away from Islam into materialism and naturalism. This they have undertaken through direct missionary activity, but much more effectively, through the spread of materialism and naturalism by the Muslims themselves. This latter insidious means for destroying the foundation of Islam is chosen according to the rule that “iron must be cut with iron.”⁴³ In such dire circumstances, the *‘ulamā’* are engrossed in the minutiae of the Sacred Law concerning rituals, and the modern intellectuals are unaware of the plot to destroy Islam.

Islam is under pressure and discomfort between the necktie and the water for ablutions. You moderns, come and understand religion, and you the believers, come to the line of science and information. The foundation of religion is the protection of the realm of Islam, and the realm of Islam cannot be protected without science.⁴⁴

The remedy is Islamic Reform on the intellectual plane, and pan-Islamic unity on the political plane.

As the secularizing intentions of Riḍā Shāh’s government became unmistakable in the late 1920s, a few other clerics joined Khāraqānī, especially to write in protest against the secularization of the judiciary and the license granted to women.⁴⁵ Riḍā Shāh, however, reacted firmly, and Khāraqānī, Khāliṣī and others were persecuted and banished.⁴⁶ Khāliṣī survived Khāraqānī by many

42 [M.] Khāliṣī-zāda, *Sa’adat al-Dārayn va Kiltā al-Ḥasanayn ya Murāsila-yi Āqā-yi Khāliṣī-zāda bi Janāb-i Āqā-yi Qavām al-Salṭana, Nakhust Vazūr*, n.d. [1943], [?Tehran]: Daftar-i Nashriyyāt-i Dinī, pp. 18–20; [M.] Malik al-Shu’arā’ Bahār, *Tārīkh-i Mukhtaṣar-i Ahzāb-i Sīyāsī-yi Īrān* (Tehran: Amīr Kabīr, 1984–85/1363), vol. 2: p. 44. Inspired by the example of Mustafa Kemal in Turkey, Riḍā Khān’s supporters were planning to change the form of government in Iran from monarchy to republic in February–March 1924. Alarmed by the same example, and especially by Mustafa Kemal’s abolition of the Caliphate in the same period, Khāliṣī and other clerics opposed Republicanism and organized the bazaar of Tehran against it. Riḍā Khān abandoned the idea after a number of violent clashes. In the following year, the Majlis abolished the Qājār dynasty and Riḍā Khān himself became king.

43 Āyatallāh-zāda [Muḥammad] Khāliṣī, *Mavā’iz-i Islāmī* (Mashhad: Matba’a-yi Khurāsān, 1342/1923), pp. 6–7, 77–78.

44 *Ibid.*, p. 18.

45 Bilādī Bihbahānī, *op. cit.*

46 Khāliṣī-zāda, *Sa’adat al-Dārayn*, esp. pp. 34–35.

years and resumed his publicistic activity after the fall of Riḍā Shāh in 1941. He managed to publish eighteen numbers of a newspaper, *Nūr* (The Light) until his request for a franchise was turned down,⁴⁷ but he continued to write, preach and hold Friday congregational prayers. Khālīshī regarded the revival of the Friday congregational prayer as the cornerstone of his mission, and attacked the majority of the Shi'ite '*ulamā*' who questioned its incumbency during the Occultation of the Imam. Like his contemporary, Sharī'at Sangalājī,⁴⁸ Khālīshī was influenced by the Salafi movement in the Sunni world, and became increasingly critical of the Shi'ite '*ulamā*'. He attacked the majority of the Shi'ite '*ulamā*' not only for their political quietism but also on intellectual grounds, going so far as to consider the science of rational jurisprudence as practiced by the school of Shaykh Murtaḍā Anṣārī an aberration from the pristine teachings of Islam which had resulted from following "the superstitions of Greek philosophy."⁴⁹

In his *Truth of Veiling in Islam*, published in 1948, Khālīshī discusses the rules of the Sacred Law regarding the veil. He criticizes the obscurantist believers who insist on the complete coverage of women and maintains that the face, the hands and the feet need not be covered. This much lack of coverage is sufficient for the participation of women in society. Beyond this, the result is corruption, as is the case especially in Tehran where "the official governmental agencies, clubs, swimming pools, theatres and cinemas consist mostly of vulgar, uncovered, bare and naked women."⁵⁰ The eventual result can only be the destruction of Iranian society.

The situation of women is the result of the dilapidation of Islamic teachings which had become evident to Khālīshī during the three previous years of residence in Tehran. He had been appalled both by the gap between "the class claiming modernity" and "the class affecting religiosity" which could only be removed if both sides would submit to the rules of Islam. Khālīshī was particularly alarmed by the presence of the Bahā'īs, Communists, and materialists among the government functionaries.

This brings us to the typical feature of the 1940s and 1950s. The chief menace to the Shi'ite tradition defended by the clerical publicists was no longer the vague but ubiquitous secularism and materialism, but their concrete

47 Ibid., pp. 72–74.

48 See Chapter 7, p. 174 above.

49 M. Khālīshī, *Īrān dar Ātash-i Nādānī*, Persian translation of *Sharar Fitnat al-Jahl fi Īrān* by H.-'A. Qalamdārān, n.d., p. 128.

50 Shaykh Muḥammad Khālīshī, *Ḥaqīqat-i Hijāb dar Islām* (Tehran: Daftar-i Nashriyyat-i Dini, 1327/1948), p. 50.

embodiment in the Bahā'ī sect and the Tudeh Party.⁵¹ Khālīshī devoted much of his energy to combatting these manifestations of apostasy and atheism. His *Bandits of Right and Truth or those who return to Barbarism and Ignorance*, published in 1951, is a detailed refutation of a critique of religion that had been published by the Tudeh Party under the title of the *Guardians of Magic and Myth*. He admits that he is forced to abandon his usual offensive missionary posture and is forced to assume a defensive one to fend off the attack of “the mad and irresponsible Communists.”⁵²

Khālīshī did not gain much following among the Shi'ite *'ulamā'* and remained fairly isolated in Kāzimayn, Iraq, where he had returned after World War II. Nevertheless, he is an interesting figure, combining the non-conformism of Māmaqānī with the activism of Khumeinī. In his activism, Khālīshī may well have influenced Khumeinī and his followers. Such influence can be documented in one important instance: the unprecedented assumption of the title of Imam. On the front page of the Persian translation of one of Khālīshī's books by one of his followers, the author is referred to as “the warrior in the path of God, Imam, Āyatullāh al-'Uẓmā Āqā Ḥājj Muḥammad Khālīshī” (*al-mujāhid fī sabīl Allāh, al-imām*, etc.)⁵³ The appellation “Imam” is truly striking, even though it is used in an Arabic phrase in a Persian sentence.⁵⁴

While the clerical publicists attended to the evils of Bahā'ism and Communism, 'Alī Akbar Tashayyud, a lay intellectual, wrote to demonstrate the intimate links between Shi'ism and Iranian nationalism. He maintained Iran's tri-color flag was born during the rebellion of Mukhtār in Kūfa from 685 to 687, which he described as the first government of “the Twelver (*sic*) Imāmī Shi'a.”⁵⁵ In another work, he even went so far as to maintain that the Shi'ite population of Jabal 'Āmil in Lebanon belong to the Iranian race, being the descendants of the Iranians exiled there at the time of Mu'āwiya.⁵⁶

51 Khālīshī-zāda, *Sa'ādat al-Dārāyn*, pp. 55–59, 67.

52 Āyatallāh [Muḥammad] Khālīshī, *Rāhzanān-i Ḥaqq va Ḥaqīqat yā Bāzgashtigān bisū-yi Barbariyyat va Jāhiliyyat* (Baghdad: Ma'ārif, 1371/1951).

53 M. Khālīshī, *Ā'n-i Dīn yā Ahkām-i Islām*, Persian translation of *al-Islām, Sabīl al-Sa'āda wa'l-Salām* (Baghdad, 1372/1953–54) by H.-'A. Qalamdārān, Qumm: Ḥikmat, n.d. [before 1963].

54 In using this title, Khālīshī can be considered a forerunner of Imam Khomeini. See Chapter 9 above.

55 'Alī Akbar Tashayyud, *Tuḥfa-yi Tashayyud dar Tārikh-i Avvalīn Imārat-i Shī'a* ([Teheran:] Shihāb, 1324/1945), p. 1.

56 'Alī Akbar Tashayyud, *Hadya-yi Ismā'īlyā Qiyām-i Sādāt-i 'Alavī, etc.* (Teheran: Chāpkhāna-yi Majlis, 1331/1952), p. 90. It is interesting to note also that Tashayyud emphasizes that the Occultation of the Imam should not be equated with his nonexistence. His Majesty

The 1960s was a decade of fateful change in Shi'ism. Sayyid Maḥmūd Ṭāliqānī, who had been active in the 1950s and had published an edition of Nā'īnī's tract with an introduction, brought out Khāraqānī's *The Effacement of the Imaginary* in 1960. In his introduction, Ṭāliqānī sets the tone for the new publicistic style of the 'ulamā'. Islam is clearly distinguished from and contrasted with nationalism, and the term "Islamic Revolution" makes its appearance.⁵⁷ The Communists are not simply to be vituperatively attacked as was done by Khālīshī. Ideological notions that underlie their political appeal—notably, revolution and social justice—are to be assimilated and appropriated by the clerical publicists in order to create a distinctive Islamic ideology.

The death of the supreme *marja'i taqlīd*, Āyatallāh Burūjirdī in 1961 ushered in the new wave of publicistic activity. Ṭāliqānī and a group of younger 'ulamā' that included Murtaḍā Muṭaḥharī, Sayyid Muḥammad Bihishtī, Sayyid Mūsā Ṣadr, and Sayyid Murtaḍā Jazā'irī, formed a society in Tehran.⁵⁸ Meetings began with the recitation of the Qur'ān and were devoted to a series of lectures followed by discussions. The lectures were then published in *The Lecture of the Month in Pointing to the Straight Path of Religion* in March 1961, an interesting lecture was delivered by a young cleric, Sayyid Muḥammad Bihishtī. The subject of his talk was the believing intellectuals interested in reform whose mission was to reverse the decline of Islam and to awaken the Muslims after ten centuries of slumber. Bihishtī argued that a movement in this direction had begun in Iran some fifty to sixty years earlier, but its advocates had committed an important error. These reformers had adopted a hostile attitude toward the believers. This was now to be put right; and the first step in this direction was the coming of two hundred students from the University of Tehran to Qumm for the service on the fortieth day of Burūjirdī's death. Bihishtī claimed on the basis of personal observation in important Iranian cities that a new stratum of believing intellectuals interested in reform had emerged. This group was no longer a handful of individuals but had become quite numerous.

(*A'la-Hadratash*) miraculously intervened in the events of this world to protect the Shī'a. Furthermore, he has clarified the duties of the believers by referring them to the *mujtahidīn*. (Ibid., pp. 198–200).

57 Khāraqānī, *Maḥv al-Mawḥūm*, Ṭāliqānī's Introduction, p. h.

58 For a discussion of the activities of this group, see Shahrough Akhavi, *Religion and Politics in Contemporary Iran. Clergy-State Relations in the Pahlavi Period* (Albany: SUNY Press, 1980), pp. 117–29.

It was therefore necessary to establish links between the Shi'ite center of learning in Qumm and the universities.⁵⁹

In this period, with Burūjirdī's position as the supreme religious leader vacant and with more than half a dozen Grand Āyatallāhs competing to fill it, the idea of the reform of the religious institution, specialization of *ijtihād*, and the possible formation of a council of specialist jurists were discussed by the same group of clerical publicists.⁶⁰ Yet another cleric wrote a scathing critique of religious authorities, which was published pseudonymously somewhat later.⁶¹ In the spring and summer of 1963, Āyatallāh Rūḥallāh Khumeinī, one of the contenders for Burūjirdī's position, stole the thunder from the debating societies by challenging the Shah outright. The result was the unsuccessful uprising of June 1963 which was bloodily suppressed. Publicistic activities of Ṭāliqānī and his associates were suspended after the uprising but resumed in the latter part of the 1960s. Mahdī Bāzargān, a lay Islamic publicist, was with the group of clerical publicists from the beginning. In the late 1960s, the clerical publicists were joined by another lay intellectual, 'Alī Shari'atī (d. 1977) who soon began to outshine them and acquired wide popularity among the younger generation.

The ideal of the reform of religious leadership was dropped once Khumeinī had demonstrated the power and effectiveness of its older form. His person and example spurned the opposite tendency, and set in motion a vigorous movement of traditionalist clericalism. In 1970, Khumeinī himself apart, at least two clerics put forward theories of Islamic government based on the *vilāyat* (mandate) of the jurists on behalf of the Hidden Imam. In *The Fundamental Law of Islam*, a veteran anti-Bahā'ī publicist, Ḥasan Farid Gulpāyegānī, exploited the double meaning of the term *ḥukūmat*—government in ordinary Persian, judgeship in the technical Arabic of Shi'ite jurisprudence—to put forward a comprehensive theory of theocratic government.

The fully qualified *mujtahid*, in addition to occupying the high position of the jurisconsultancy (*fatwā*)—which means that the king and the beggar must follow him (*taqlīd*) in all personal and social aspects of life—is entitled to the high function of theocratic government (*ḥukūmat shar'īyya*).

Religious sovereignty comprises the two important branches of judgeship and *vilāyat*. . . . During the times of dissimulation (*taqiyya*) and Occultation, when government is in practice in the hands of usurpers and oppressors, both

59 *Guftār-i Māh dar Nimāyāndan-i Rāh-i Rāst-i Dīn* (Tehran: Kitābkhāna-yi Ṣadūq, No. 1 [1340/1961]), pp. 260–62.

60 *Baḥthī dar Marja'īyyat va Rūḥānīyyat* (Tehran, 1342/1962).

61 Naṣīr al-Dīn Amīr-Ṣādiqī Tihri, *Rūḥānīyyat dar Shī'a* (Tehran, 1349/1970), p. 5.

these branches in combination have been entrusted to the just jurist and *mujtahid*. The latter must, if possible, take over the reins of Islamic government and establish order and justice among the Muslims. And the Shi'ite nation must obey them.⁶²

Gulpāygānī then mentions some of the specific instances of the *vilāyat* of the jurists in Shi'ite jurisprudence, and exhorts his readers to refrain from resorting to the judiciary machinery of the illegitimate government and to refer their problems to the *mujtahids* instead. In the same vein, though in a more technical style and with substantiating references to such earlier jurists as Shaykh 'Alī al-Karakī, Sayyid Muḥammad Baḥr al-'Ulūm, and Shaykh Murtaḍā Anṣārī,⁶³ Shaykh 'Alī Tihrānī puts forward the principle of the *vilāyat-i faqīh* as the foundation of Islamic government.⁶⁴ It is important to note, however, that both Gulpāygānī and Tihrānī consider the *vilāyat* as the *collective* authority of the body of jurists and not that of any supreme jurist.

A portentous opening for the decade. Some of the Shi'ite '*ulamā*' were now ready to take the bull of secularism by the horns. They were ready for the effort to subjugate the chief agent of secularization, the modernized state, on the basis of the traditional clerical authority distinctive of Shi'ism.

3 The Islamic Revolution of 1979

The Islamic revolution in Iran was led by the Shi'ite '*ulamā*' in order to defend and preserve Shi'ism. They acted as the custodian of a religious tradition they considered threatened with corruption if not disappearance. Paradoxically, however, their attempt to restore and revitalize the Shi'ite tradition has constituted a true revolution in Shi'ism. I characterized the movement led by Āyatallāh Khomeinī as "revolutionary traditionalism."⁶⁵ It should be emphasized, however, that the Islamic revolution in Iran has not only been a political revolution but equally a religious revolution. Shi'ite revolutionary traditionalism in Iran has brought about an ideological revolution *in* Shi'ism.

The concern for the restoration of the pure and authentic Islam is evident in the Preamble to the Constitution of the Islamic Republic of Iran. It states

62 Ḥasan Farīd Gulpāygānī, *Qānūn-i Asāsī-yi Islām* (Tehran: Farahānī, n.d. [1349/1970]), p. 296.

63 Anṣārī's position was in reality contrary to Tihrānī's argument. See p. 379 below.

64 'Alī Tihrānī, *Madīna-yi Fāḍila dar Islām* (Tehran: Ḥikamat, 1354/1976). This work was completed in Mashhad in December 1970 (Ibid., p. 141).

65 S. A. Arjomand, ed., *From Nationalism to Revolutionary Islam* (Albany: SUNY Press, 1984), Chapter 10.

that after the earlier political movements of the present century, the movements against autocracy (1905–11) and the nationalization of oil (the late 1940s and early 1950s) became stagnant “because of their deviation from authentic Islamic positions.” A great deal of emphasis is put on the authenticity of the ideology of Khumeinī’s movement in comparison with the earlier movements.⁶⁶

In their relentless *Kulturkampf* against Westernized intellectuals and the “syncretic” thought (*iltiqāʿi*) of the Islamic modernists, Iran’s ruling clerics have claimed legitimacy as the authoritative interpreters of Islam in general and of the Shiʿite tradition by creating an Islamic *ideology* whose cornerstone is a novel theory of theocratic *government*. This major innovation has far-reaching ramifications. It has set in motion a profound transformation of the Shiʿite political culture which constitutes a watershed in the history of Shiʿism and will undoubtedly continue for decades to come.

There has been remarkable consensus among the Shiʿite jurists throughout the centuries regarding the interpretation of the “Authority Verse” of the Qurʾān (4:59). The major Shiʿite Qurʾān commentaries, al-Ṭūsī’s (d. 1067) *Tibyān*,⁶⁷ al-Ṭabrisī’s (d. 1153 or 1158) *Majmaʿ al-Bayān*,⁶⁸ and Muqaddas Ardabilī’s (d. 1585) *Zubdat al-Bayān*,⁶⁹ assert that “those in authority” (*uluʾl-amr*) are neither the secular rulers (*amīrs*) nor the *ʿulamāʿ*—neither of whom is immune from error and sin—but rather the infallible (*maʿṣūm*) Imams, ʿAlī and his eleven descendants. The Shiʿite consensus on the interpretation of the Authority Verse continued to hold until our time and down to the onset of Khumeinī’s formulation of a new Shiʿite political theory. It is worth quoting the most influential contemporary Qurʾān commentary, Ṭabāṭabāʾī’s *Tafsīr al-Mizān* (written in the 1950s and 1960s) on Verse 4:59.

Therefore “those in authority” must refer to the individuals from the *umma* who are infallible [*maʿṣūm*], whose recognition depends on the explicit designation of God or his Messenger, and to whom obedience is incumbent. All this corresponds only to what have been related from the Imams of the House of the Prophet, may peace be upon them, as “those in authority.”

66 See the Preamble, Chapter 17, pp. 371–72 below.

67 Muḥammad b. Ḥasan al-Ṭūsī, *Tafsīr al-Tibyān*, A. B. Tihirānī, ed., (Najaf: Maṭbaʿat al-ʿIlmiyya, 1957), vol. 2, pp. 236–37.

68 Faḍl b. Ḥasan al-Ṭabrisī, *Tafsīr Majmaʿ al-Bayān*, A. Bihishti, trans. (Qumm, 1349/1970–71), vol. 5, pp. 202–3.

69 Ardabilī, op. cit., p. 687.

As for the assertion that “those in authority” are the rightly-guided caliphs, the lords of the swords (*amīrs*), or the ‘*ulamā*’ who are followed in their sayings and views, *it can be completely refuted. . .*⁷⁰

The Shi‘ite notion of authority implied in the above interpretations of the Authority Verse was not confined to Qur‘ān commentaries but also informed the Shi‘ite jurisprudence. Shaykh Murtaḍā Anṣārī (d. 1865), for instance, in his discussion of authority sought, first, “to demonstrate how absurd it is to reason that because the Imams should be obeyed in all temporal and spiritual matters, the *faqīh* are also entitled to such obedience; and second . . . that in principle no individual, except the Prophet and the [infallible] Imam, has the authority to exert *wilāya* over others.”⁷¹ As has been pointed out, the *Uṣūlī* movement finally established the religious and juristic authority of the ‘*ulamā*’ on behalf of the Hidden Imam. As a consequence, a number of highly specific functions of the Imam covered in the medieval treatises in jurisprudence, such as the Muḥaqqiq al-Ḥillī’s (d. 1277) *al-Mukhtaṣar al-Nāfi‘* under the rubric of *Wilā’ al-imāma*,⁷² were now said to devolve, during the Occultation, upon the Shi‘ite jurists by virtue of their collective office of “general vicegerency” (*niyābat ‘amma*).

There is little discussion of *wilāyat* in the context of government and the maintenance of order in the Shi‘ite writings of the twentieth century other than in Nā’ini’s treatise.⁷³ In one instance in the 1920s, it is said that “according to the general opinion, the Shi‘ite ‘*ulamā*’ are the representatives of the Imam of the age and the lieutenants of the *valī-yi shar‘*, and true sovereignty (*salṭanat vāqī‘ī*) is only theirs.” The same author proceeds to explain that this true sovereignty puts the ‘*ulamā*’ above politics: “[as] in the opinion of the common people (*anzār-i ‘amma*) the ‘*ulamā*’ and leaders of the Shi‘ite religion are the lieutenants of the Imams and deputies of the Imam of the age, their position is holier than to allow them to interfere and participate in political affairs with

70 Muḥammad Ḥusayn Ṭabāṭabā’ī, *al-Mizān fi Tafṣīr al-Qur‘ān* (Beirut: al-‘Ilmi, n.d.), vol. 5, pp. 398–99. The same traditional Shi‘ite view is upheld by two less important commentaries on the eve of the Islamic revolution: M. Thaqaḥī Tihirānī, *Ravān-i Jāvid dar Tafṣīr-i Qur‘ān-i Majīd*, 2d ed. (Tehran: Burhān, 1398/1978), vol. 2, pp. 70–73; M. T. Najafī, *Tafṣīr-i Āsān* (Tehran: Islāmiyya, 1358/1979–80), vol. 3, pp. 277–81.

71 H. Enayat, “Khumayni’s Concept of the ‘Guardianship of the Jurisconsult,’” in J. P. Piscatori, ed., *Islam in the Political Process* (Cambridge: Cambridge University Press, 1983), p. 162.

72 Abu’l-Qāsim Najm al-Dīn al-Muḥaqqiq al-Ḥillī, *al-Mukhtaṣar al-Nāfi‘* (Najaf, 1383/1964), p. 273.

73 See Chapter 6, p. 143 above.

tyrannical and usurping rulers and emirs.”⁷⁴ By contrast, in the early 1930s, an important jurist identifies “the person in authority (*valī-yi amr*), the general shepherd and the person with absolute responsibility” as “The Imam or the ruler of the time (*sultān-i vaqt*).”⁷⁵ But usually, the discussion of *vilāyat* remained highly technical and specific, Khāliṣī’s treatment of *valiy ʿamm* in the early 1950s does not introduce anything significant into the discussion of the topic. Having affirmed that the *valiy* is in fact the Hidden Imam, whose longevity (over 1100 years) should not be subject to doubt, he adds that during the Occultation, “whoever knows the most about the commandments of Islam is the best qualified for government” on the condition that he observes the principle of consultation (*shūrā*), as had done the Queen of Sheba.⁷⁶ There follows a short section on *vilāyat ḥisbiyya* consisting of the following statement: if the “fully qualified mujtahid” is unable to undertake government, *vilāyat* becomes one of the *umūr ḥisbiyya* (matters concerning the maintenance of order and policing) and, as such, incumbent upon the just believers. If the just believers are not available, whoever rises to undertake the function of government, no matter how corrupt, should be supported and obeyed so long as he does not contravene the *sharīʿa*, and disobeying him is forbidden because the maintenance of order requires the prevalence of *vilāyat ʿamma*.⁷⁷ Note that Khāliṣī speaks of the *vilāyat ʿamma* and does not use the term *vilāyat al-faqih*. A systematic summary of the topic in Shiʿite jurisprudence specifies seventeen instances for the *vilāyat* (mandate) of the religious judge (*ḥākim*), including the implementation of the punishments of the Sacred Law, judging, guardianship of the insane, authority over the estate of the heirless, divorcing of a woman whose husband has disappeared, some authority with regard to general endowments, and the authority to issue a variety of receipts. This mandate is discussed along the *vilāyat* of the legatee, of the father or paternal grandfather, the *vilāyat* of “the just believers,” and finally, of policing (*ḥisba*). The last category comes closest to the functions of government. A number of instances are specified as requiring the permission of the religious judge—i.e., the fully

74 Jawāhir al-Kalām, op. cit., 105–06. It should be noted that the above is reported as the common opinion and not as that of the jurists, nor as a legal norm backed by Qurʾānic Verses and Imāmī Traditions, as Khumeinī was to do.

75 Muḥammad al-Ḥusayn Āl-i Kāshif al-Ghiṭāʾ, *Rīsha-yi Shīʿa va Pāyaha-yi Ān*, ‘A.-R. Khusravānī, trans. (Tehran, 1317/1938 [Persian translation of *Aṣl al-Shīʿa va Uṣūluha*, 1351/1932–33]), p. 92.

76 M. Khāliṣī, *Āʿin-i Dīn*, pp. 327–28.

77 Ibid., pp. 328–29. The presumably fuller discussion of the topic in Khāliṣī’s *Iḥyāʾ al-Sharīʿa* (Baghdad, 1370/1951–52) has not been consulted. The version used is Khāliṣī’s own abridgement of that discussion for a broader public.

qualified jurist—others are said to require no such permission.⁷⁸ By the end of the 1960s, the *vilāyat* transferred from the Imam to the jurists had these highly specific and well-defined connotations.⁷⁹

In his bid to overthrow the Shah from exile in early 1970, Khomeinī took a bold step by asserting that the *vilāyat-i faqīh* went beyond these specific types of authority and included a general right to rule. The *vilāyat-i faqīh* thus assumed the meaning of the mandate of the jurist to rule. Khomeinī extended the arguments of the early *Uṣūlī* jurists, which were designed to establish the legal authority of the '*ulamā*' on the basis of a number of Traditions from the Prophet and the Imams, to eliminate the duality of religio-legal and temporal authority altogether. Having firmly rejected the idea of the separation of religion and politics as instilled by imperialist plotters, Khomeinī argues that during the Occultation of the Imam, the right to rule devolves upon the qualified '*ulamā*'. This formulation still preserved the Shi'ite juristic pluralism, as *vilāyat* was presented as the collective prerogative of all Shi'ite jurists, or at least all the *marāji'-i taqlīd*. About a year later, Khomeinī attempted to reduce this juristic pluralism to a unitary theocratic leadership to be installed by an Islamic revolution. Having reaffirmed that the '*ulamā*' "possess with respect to government all that the Prophet and the Imams possessed," Khomeinī maintains that

wilāya falls to *al-faqīh al-'ādil*. Undertaking a government and laying the foundation of the Islamic state (*al-dawlat al-islāmiyya*) is a *kifā'ī* duty [i.e., duty of the community and not of any specific individual] incumbent on just *fuqahā*'.

*If one such succeeds in forming a government it is incumbent on the others to follow him. If the task is not possible except by their uniting, they must unite to undertake it. If that were not possible at all, their status would not lapse, though they would be excused from the founding of a government.*⁸⁰

In less than a decade, Khomeinī's theory was embodied in the Constitution of the Islamic Republic of Iran. On the basis of a revolutionary reinterpretation of *vilāyat-i amr* and an equally revolutionary reinterpretation of Imamate as the principle of continuous (*mustamarr*—i.e., uninterrupted by

78 Muḥammad Sangalajī, *Ḍavābiṭ va Qavā'id va Kuliyyāt-i Uqūd va Iqā'āt*, 4th ed. (Tehran, 1347/1968), pp. 134–40.

79 A. A. Nāširī, *Imāmat va Shafā'at* (Tehran, 1351/1972), pp. 4–5.

80 N. Calder, "Accommodation and Revolution in Imami Shi'ī Jurisprudence: Khomeinī and the Classical Tradition," *Middle Eastern Studies*, vol. 18, no. 1 (1982), p. 14; emphasis added.

the Occultation of the Twelfth Imam) theocratic leadership, the ruling jurist is identified as the *valī-yi amr*, and his supreme office is interchangeably defined as “Imamate” and “leadership” (*rahbarī*). The Constitution defines the Islamic Republic as an order based on the belief in:

1—the one God (there is no god but God) and the restriction of sovereignty and legislation to Him, and the necessity of submission to His command. . . . 5—Imamate and continuous leadership, and its fundamental role in the perpetuation of the Islamic revolution (Article 2).

Article 5 asserts that during the Occultation, “*vilāyat-i amr* and the Imamate of the *umma* is upon the just and pious . . . jurist.” A commentator on the Constitution unabashedly declares that the *ulu’l-amr* refers equally to the Imam and the Deputy (*nā’ib*) of the Imam, and the Deputy of the Imam is the jurist who is installed in this position with the necessary conditions.⁸¹

The clerical ideologues have sought to link the Islamic revolution irrevocably to the establishment of supreme clerical sovereignty. In the words of the late Āyatallāh Muṭahharī, “the analysis of this revolution is not separable from the analysis of the leadership of the revolution.” Or, as another Islamic ideologue has remarked more recently, “This revolution is the integrations of religion and politics, or better put, it is the refutation of the colonialist idea of ‘separation of religion from politics.’”⁸²

Incidentally, it is interesting to note that no mention is made of the principle of consultation (*shūrā*) or democracy as a defining characteristic of the Islamic Republic. The principle of *shūrā* makes its appearance only in Article 7. Madanī’s commentary⁸³ explains the subsidiary role of consultation. The principle of consultation is accepted, but as a subsidiary to the principle of Imamate. “Islamic consultation is only possible when Imamate is dominant. In other words, consultation is at the service of Imamate.” The Qur’ānic verse 3:153 (*wa shāwirhum fi’l-amr* etc.) is said to imply that the actual decision-maker is the Prophet, who was also the Imam. The commentator adds that the advocates of the *shūrā* during the drafting of the Constitution either did not firmly believe in Islam or were contaminated by “syncretic” thinking, and were trying “to link the *shūrā* to the principle of national sovereignty.”

81 J. Madanī, “Ḥuqūq-i Asāsī dar Jumhūrī-yi Islāmī,” *Surūsh*, no. 176 (17 Day 1361/January 1983).

82 Ḥaddād ‘Ādil in *Iṭtilā’āt*, 7 Shahrivar 1363 (August 1983).

83 *Surūsh*, no. 175 (11 Day 1361/January 1983), p. 41.

As we have seen, Khomeinī's theory of theocratic government extends the *Uṣūlī* norm of juristic authority as elaborated in the nineteenth century into a new sphere previously not covered by it: government. At this juncture, it is interesting to note that the term *Akhbārī* is used only as a pejorative label to designate the apolitical, "stagnant," and "superstitious" orientation of those clerics who do not subscribe to the politicized and ideological Islam of the militant '*ulamā*' and who reject the concept of *vilāyat-i faqīh*. Secular theories of government such as democracy and sovereignty of the nation apart, Khomeinī's theory of the Mandate of the Jurist is open to two forceful objections. The first is that the mandate or authority of the Shi'ite '*ulamā*' during the Occultation of the Twelfth Imam cannot be extended beyond the religio-legal sphere to include government. The second objection is that the mandate in question refers to the *collective* religio-juristic authority of *all* Shi'ite jurists and cannot be restricted to that of a single supreme jurist nor, by extension, to a supreme council of three or five jurists (as envisioned in the Constitution of the Islamic Republic). The above doctrinal objections to *vilāyat-i faqīh* had in fact been voiced by the *marāji'-i taqlīd*, Khu'ī, Sharī'at-madārī, Qummī, and a number of other Āyatallāhs. Therefore, the first obstacle to be removed to pave the way for the universal acceptance of *vilāyat-i faqīh* in its novel form was the Grand Āyatallāh Sharī'at-madārī, its most important critic in Iran. In April 1982, in a move unprecedented in Shi'ite history, some seventeen out of the forty-five professors of the Qumm theological seminaries were prevailed upon to issue a declaration "demoting" Sharī'at-madārī from the rank of Grand Āyatallāh. In May-June 1982, the leading pro-Khomeinī clerics further decided on a purge of the pro-Sharī'at-madārī '*ulamā*' and of other "pseudo-clerics" reluctant to accept *vilāyat-i faqīh*. The Society of Militant Clerics was put in charge of confirming the true clerics.

Hand in hand with the demotion of Sharī'at-madārī and the silencing of clerical opposition went a sustained effort to promote the theory of *vilāyat-i faqīh*. Āyatallāh Khaz'alī, who presided over a series of seminars convened for the discussion of *vilāyat*, would confirm the principle that "the Jurist (*faqīh*) is the lieutenant of the lieutenant of the lieutenant of God, and his command is God's command" (March 1982). Throughout May and June 1982 (and subsequently), the newspapers would regularly publish the martyrs' profession of faith in *vilāyat-i faqīh* and their praise for the Imām and the militant clergy. Statements to the effect that obedience to the '*ulamā*' as "those in authority" is incumbent upon the believer as a religious duty, were often excerpted from the will and made into headlines in bold letters.

The *Imām Jum'as* have incessantly preached in the doctrine of *vilāyat-i faqīh* and have enjoined their congregations to obey the '*ulamā*' as a matter

of religious obligation. A headline on the front page of the daily *Ittilā'āt* in the early days of December 1983 can be taken to represent the culmination of this trend. It was a statement by the Prosecutor General and referred to Khumeinī as *valī-yi faqīh* (the ruling jurist) as synonymous with *valī-yi amr*—an astonishing phrase in view of the fact that, as we have seen, the term *valī* has never been used in the Shi'ite tradition in this general sense except to refer to the twelve Imams. But the most important measure taken to enshrine the novel doctrine of theocratic government has been to teach it at schools. *Vilāyat-i faqīh* is now taught at schools throughout the country as a part of the compulsory course on Islamic ideology from the first grade of high school onward. From August 1983 onward, numerous conventions organized by revolutionary foundations and Islamic associations would pass resolutions endorsing and pledging full support to the concept of *vilāyat-i faqīh*, and declaring obedience to the *faqīh* a religious obligation.

It should be evident that Khumeinī's attempt to subordinate juristic pluralism in the form of the voluntary submission of the Shi'ite believers to the Grand Āyatallāhs as *marāji'-i taqlīd* has been at the expense of the latter.⁸⁴ The relationship between the interpretation of the new supreme leadership as *vilāyat-i amr* and the old positions of *marja'-i taqlīd* remains a thorny theoretical issue. Khumeinī himself could not put forward any juristic argument, and he justified his position on the purely pragmatic grounds of the necessity of maintenance of order in society. Recent discussions have not gone beyond Khumeinī's pragmatic justification of the superiority of one *faqīh* over the others. Sayyid Jalāl al-Dīn Madanī, for instance, conceives of the relationship between the supreme leadership and the *marja'iyat* as one between the general and the particular: the supreme leader has to be a *marja'-i taqlīd*, but not every *marja'-i taqlīd* can undertake the supreme leadership. Furthermore,

the maintenance of order in society necessitates that when the Leader or the Leadership Council is accepted, all should obey a single authority in social and general problems of the country within the framework of the Islamic Constitutions. Such obedience is implied in the title of 'valī-ye amr' and 'Imamate of the *umma*' and applies to all members of society without exception, and in this respect the *mujtahid* and the *non-mujtahid*, the *marja'* and the *non-marja'* are in an equal situation.⁸⁵

84 This explains why the chief opposition to the new theory, as we have seen, in fact comes from the *marāji'*.

85 *Surūsh*, no. 177 (25 Day 1361/January 1983), p. 41.

Despite this accommodation, however, the future of the institution of *marja'iyat* is in question. Doubts have been raised as to the legitimacy of individual as distinct from collective *ijtihād* now that, for the first time in the history of Shi'ism, an Islamic order has been created. One need only draw out the implications of this typical passage to understand that the institution of *marja'iyat* has a dark future:

With the establishment of Islamic government *marja'iyat*, in practice and officially, took the form of leadership and rule over society; and the *vilāyat-i faqīh*, which in past history had almost never been applied from the position of government, and had always been realized in a defective and incomplete manner, with this revolution reached perfection in practice and occupied its true station.⁸⁶

Some other notable changes in the political ethics of Shi'ism should also be mentioned. Despite the theoretical permanence and immutability of the *shar'ā*, its provisions have been subjected to change, either imperceptibly or as a result of heated juristic controversy. The function of leading the Friday congregational prayer was one of the functions of the Imam which the early Shi'ite jurists declared in abeyance during the Occultation. In a treatise on practical jurisprudence written with a view to its implementation in the local Shi'ite state of Sarbidaran in northeastern Iran, Makkī al-Āmilī, the First Martyr (d. 1384) ruled that the congregational prayer should be led by the deputy of the Imam even if the latter be a jurist.⁸⁷ With the establishment of a Shī'ite empire by the Safavids, the decisive majority of the Shi'ite jurists followed al-Karaki's ruling in favor of holding the congregational prayer during the Occultation of the Twelfth Imam.⁸⁸ Safavid monarchs themselves occasionally prayed behind the congregational prayer leaders.⁸⁹ During the Qājār period, Friday congregational prayer lost much of its socio-political significance because the prayer leaders were among the very few religious functionaries appointed by the Shah, and, therefore, had an ambiguous relationship with the autonomous Shi'ite hierocracy headed by the *mujtahids*. During the Pahlavi era, as we have seen, the activist Khālīshī made the resuscitation of the congregational prayer the centerpiece of his Islamic revivalist mission. Since the revolution, the Friday congregational prayer has been vigorously revived and fully institutionalized

86 Ḥaddād Ādil in *Ittīlā'āt*, 2 Shahrivar 1362 (August 1983).

87 Arjomand, *The Shadow of God and the Hidden Imam*, p. 71.

88 See Chapter 4 above.

89 Muḥammad b. Aḥmad al-Āmilī al-'Alavī, *Qavā'id al-Salātīn*, Library of the Majlis, Tehran, manuscript #516, ff. 163–65.

as one of the main pillars of the Islamic theocratic state.⁹⁰ The media regularly cover the Friday congregational prayers, which are routinely described as “the unity-creating and enemy-smashing congregational prayer” held in “the meeting-place of the lovers of God.” The Friday sermon (*khuṭba*), in Tehran as well as in the remotest towns, has emerged an important political instrument for announcing governmental policies and mobilizing popular support for them.

Hajj, another cardinal practical tenet of Islam, has been given a pronounced political interpretation. In a typical remark, the *imām jum'ā* of Rasht has asserted that “the political dimension of *hajj* is higher than its devotional dimension.”⁹¹ Consistently with this political reemphasis, Khomeinī has in recent years, to the great chagrin and alarm of the Saudi authorities, repeatedly enjoined the Iranian pilgrims to turn *hajj* into a forum of protest against imperialism, and to raise the cry of the “disinherited” of the earth against the world-eating *tāghūt* and the Great Satan, namely, the United States.

Not surprisingly, there has been an emphatic renewed stress on the incumbency of “enjoining the good” and “forbidding the evil” since the Islamic revolution. *Al-'Urwat al-Wuthqā* of Muḥammad Kāzīm Ṭabāṭabā'ī Yazdī (d. 1919), which has served as the model for all the subsequent treatises on practical jurisprudence (these are required to establish Shi'ite doctors as *marja'i taqlīd*), contains no specific section on *jihād*, “enjoining the good” and “forbidding the evil.” The treatise appeared in 1912/1330 and, in addition to conforming to the Shi'ite tradition, it perhaps also reflects the disillusionment of the leading Shi'ite religious authority of the period with clerical political activism during the Constitutional Revolution of 1906–11. Ṭabāṭabā'ī Yazdī's de-emphasis on political ethics set the tone for the authoritative interpretations of the practical requirements of Shi'ism in the subsequent half century. This de-emphasis was dramatically reversed with the onset of traditionalist clerical activism in the 1960s. Not only did the topic receive considerable attention, but a major qualification in Shi'ite jurisprudence for “enjoining the good” and “forbidding the evil”—i.e., that their performance entail no harm to the person carrying out these duties—came under heavy attack. Hand in hand with this emphatic insistence on the enjoining of the good and forbidding of the evil went a critical reinterpretation of the Shi'ite tenet of *taqīyya* (self-protection by dissimulation of faith) which clearly makes for quietism and non-assertiveness. *Taqīyya* has been generally denounced and declared impermissible whenever it entails “a corruption in religion.”⁹²

90 Arjomand, *The Turban for the Crown*, Chapter 8, Section 3.

91 *Iṭṭilā'āt*, 7 Shahrīvar 1362 (August 1983).

92 H. Enayat, *Modern Islamic Political Thought* (London: Macmillan, 1982), pp. 178–81.

Since the 1960s, *jihād* has also been predictably brought to the foreground in the discussions of political ethics. It is interesting to note, however, that the basic Shi'ite interpretation of the incumbency of *jihād* has so far remained unchanged; it remains restricted to defensive war during the Occultation of the Twelfth Imām.⁹³

Another change in the Shi'ite political ethic, a fairly minor one, took place almost imperceptibly in the early decades of the twentieth century. A collection of the practical rulings of Mirzā-yi Shīrāzī (d. 1895), the *marja'-i taqlīd* during the tobacco protest of 1891–92, edited by Shaykh Fazlallāh Nūrī (d. 1909), enumerates ten principal ethical duties (*furū'al-dīn*).⁹⁴ The last two, *tavallā'* (friendship [towards 'Alī and the House of the Prophet]) and *tabarrā'* (avoidance [of the enemies of the House of Prophet—i.e., the Sunnis]) had been given currency with the establishment of Shi'ism in Iran, and were emphasized through the centuries of Safavid-Ottoman and Qājār-Ottoman warfare and rivalry. Once such rivalry disappeared in the present century, these provisions of the Shi'ite Sacred Law fell into desuetude. They were omitted from the *furū' al-dīn* during the reign of the first Pahlavī, Riza Shāh.

The ideologues of the Islamic revolution have not restored the elevated status of *tavallā'* and *tabarrā'* as *furū'*. They have, however, reinterpreted these terms in line with the central idea of a purely Islamic theocratic state:

Tavallā' and *tabarrā'* mean the friendship of the friends of God and the avoidance of the enemies of God... [they are] the foundation of the independence of the Muslims, an independence based on faith and belief which would cause their bondedness to other Muslims and their lack of dependence on the enemies of God.⁹⁵

The devotional love for the House of the Prophet is replaced by the solidarity for the Muslim *umma*, and the avoidance of the enemies of the Imams, by the avoidance of the non-Muslim world-eating and imperialist enemies of God.

Last, but by no means least, we must turn to the topic of martyrdom—prototypically, that of Imam Ḥusayn in Karbalā. The conspicuous use of the imagery of martyrdom and Karbalā in the revolutionary activism of the recent years should not make us ignore the fact that for many centuries the tragedy of Karbalā constituted an apolitical theodicy of suffering.⁹⁶ The idea of

93 F. Rajaei, *Islamic Values and World View. Khumayni on Man, the State and International Politics* (New York: University Press of America, 1983), pp. 88–91.

94 Faḍlallāh Nūrī, ed., *Su'āl va Javāb* (Bombay, 1893), p. 79.

95 Ḥaddād 'Ādil in *Iṭṭilā'āt*, 25 Murdād 1362 (August 1983).

96 Arjomand, *The Shadow of God*, pp. 164–66, 240–41.

the martyrdom of Ḥusayn, the Lord of the Martyrs, as vicarious atonement undoubtedly prevailed over its interpretation as the militant assertion of the Shi'ite cause against oppression and tyranny.⁹⁷ A religious book from the last decade of the nineteenth century typically illustrates the conception of Imam Ḥusayn as the vicarious sufferer and other-worldly savior: "The Lord of the Martyrs' ark of salvation is greater than other ships of salvation."⁹⁸

A drastic change in the conception of the martyrdom of Imam Ḥusayn set in with the clerical agitation of the 1960s. In 1968, Ni'matallāh Ṣāliḥī Najafābādī, a student of Khumeinī's, published the *Shahīd-i Jāwīd* (the Eternal Martyr), offering a radically politicized interpretation of the events of Karbalā. Diverging from the doctrinal Shi'ite position on the infallible Imams' divinely inspired knowledge of the past, present, and future affairs, especially the knowledge of calamities (*'ilm al-balāyā*), Najafābādī denied Ḥusayn's foreknowledge of his fate and maintained that "Ḥusayn began his movement neither to fulfill his grandfather's foreboding, nor in a reckless mood of defiance, but as a wholly rational and fairly well-planned attempt at overthrowing Yazīd."⁹⁹ Ḥusayn's martyrdom is thus interpreted as a political uprising against an unjust and impious government, and thus the model for Shi'ite political activism.

The book first acquired fame in 1976, when a group said to be disciples of Najafābādī assassinated Āyatallāh Shamsābādī, the representative in Isfahan of the apolitical Grand Āyatallāh Khu'ī. After the revolution, the book was reissued with a foreword by Āyatallāh Muntazirī, Khumeinī's designated successor. Khumeinī himself has excelled in the glorification of martyrdom, at times attaining poetic and mystical heights.¹⁰⁰ He has enjoined martyrdom for Islam as a religious duty incumbent on each and every individual.¹⁰¹ The youthful Guardians of the Islamic Revolution dutifully acknowledge their eagerness for martyrdom when joining the Corps. This is done in a last will and testament which is published in the newspapers if they attain martyrdom.

4 Conclusion

The militant '*ulamā*' who followed Khumeinī in the 1960s and 1970s sought to defend and revitalize the Shi'ite tradition through a political revolution.

97 Enayat, op. cit., p. 183.

98 Abu'l-Ḥasan Iṣṭahbānātī, *Salsabil* (Bombay, 1894/1312), p. 341.

99 Enayat, op. cit., p. 193. The rationalist eleventh-century theologian, al-Mufīd, denied Ḥusayn's foreknowledge of his death, but the traditional position remained unaltered.

100 As in the sermon on the martyrdom of Āyatallāh Bihishtī on June 28, 1981.

101 Rajaei, op. cit., p. 70.

To secure the leadership of this political revolution for themselves, they have revolutionized the Shi'ite political ethos whose distinctive mark had been the secularity of temporal rule and the desacralization of political order.¹⁰² To establish and propagate their new conception of authority, the clerical rulers of Iran have incessantly insisted on the sacred character of all authority and thus the ongoing sacralization of the political order. Here are four examples:

In a lecture on the newly established Islamic order, the late Āyatallāh Muṭahhari emphatically maintained that authority is sacred (*muqaddas*) in Islamic government. This is so because the offices of government and judgeship devolve upon the 'ulamā'.¹⁰³

Āyatallāh Rabbānī Amlashī, temporary *imām jum'ā* of Tehran, would accordingly tell his congregation:

Obedience to the *vilāyat-i faqīh* is an incumbent duty (*vājib*). In the Islamic Republic obedience to the law is incumbent like the daily prayer and fasting, and disobeying it is like disobeying the Islamic Sacred Law.¹⁰⁴

Āyatallāh Mishkīnī, the *imām jum'ā* of Qumm, takes a step in a different direction to sacralize politics:

Political activity is an incumbent (*shar'ī*) duty. Today, one of the most important acts of devotion (*ibādāt*) is political activity because without politics our religiosity (*diyānat*) will not last.¹⁰⁵

Finally, Āyatallāh Mu'min, member of the Council of the Constitution, takes a further step to sacralize *all* authority, legal and political:

The legitimacy and legality of whatever is done and whatever institutions exist is due to the fact that they are buttressed by the *vilāyat-i faqīh*. As the *vilāyat faqīh* is at the head of all affairs and the main guarantor of the current laws of the country, it is the *divinely-ordained duty of all the people* to follow every law which is passed and given to the Islamic government for execution. . . . Disobeying such a law is forbidden (*ḥarām*) as drinking wine is forbidden by Islam.¹⁰⁶

102 This position is elaborated in my *Shadow of God*.

103 *Iṭṭilā'āt*, 14 Day 1362 (January 1983).

104 Friday sermon, 24 Shar'ivar 1361 (September 1982).

105 *Iṭṭilā'āt*, 28 Ābān 1362 (November 1983).

106 Ibid.

On occasion, the sacralization of politics even necessitates going beyond the requirement of the Constitution of the Islamic Republic. For instance, according to the Constitution, participation in the elections are voluntary. However, as Madanī points out in his commentary, people are usually enjoined by the Imam and the religious authorities to participate in the elections as Muslims fulfilling a religiously incumbent duty. However, “even though this matter becomes incumbent according to the Sacred Law, non-participation is [punishable] not materially but spiritually!”¹⁰⁷

The paradox of the actual insignificance of the political ethics in the Shi‘ite Sacred Law—the paucity of political provisions which reflect the age-old secularity of political authority and the political order in Shi‘ism—against the claim of the Islamic militants that Islam is a total way of life and a total ideology, which is above all political and activist, has struck some observers. For some nine years, the clerical rulers of Iran sought to resolve this paradox by using the legal distinction between the “primary rules” (*aḥkām awwalīyya*) and “secondary rules” (*aḥkām thānawīyya*). The first derive from the sources of the *shari‘a*, the second from expediency as the prerequisites for the implementation of the primary rules. This device has enabled the Āyatallāhs to “Islamicize” and appropriate an enormous amount of European legal material through the revision of the codes of the Constitutional and Pahlavī periods as laws necessary for the maintenance of order which in turn make possible the implementation of the primary rules of the *shari‘a*. More importantly, both categories of primary and secondary rules were said to be binding on the believer as a religious obligation. Thus, for the first time in Shi‘ite history, sacrality was claimed for a category of “secondary commandments” as a result *not* of the juristic competence of the Shi‘ite *‘ulamā’* but of their *alleged right to rule*. Finally, in January 1988, the charade of the primary/secondary distinction was discarded, and all governmental ordinances (*aḥkām ḥukūmatī*) were said to belong to the category of immediately incumbent primary rules. All pretense was set aside and clerical rule was officially termed the Absolute Mandate of the Jurist (*vilāyat-i muṭlaqa-yi faqīh*).¹⁰⁸

107 *Surūsh*, no. 187 (27 Farvardīn 1362/April 1983), p. 51.

108 *Jumhūrū-yi Islāmī*, 19–29 Day 1366/January 1988. The amended Constitution of the Islamic Republic of Iran (1989) incorporated this principle into its Article 57 as the “*vilāyat-i muṭlaqa-yi amr va imāmat-i ummat*.”

Shi‘ite Islam and the Revolution in Iran*

Baron Holbach’s epigrammatic description of religion as ‘the “eau de vie” of the people’ will undoubtedly outlive the memory of its author. On the other hand, Kingsley’s advocacy of Christian socialism to the masses clearly implied the presumption that religion could also be their amphetamine. This latter possibility was systematically explored by Troeltsch with reference to Christianity. Weber deepened the analysis of the revolutionary potential of religion and extended it to the other world religions of salvation. There was something the *philosophes* did not know; religion *could* be revolutionary.

If religion has a revolutionary potential, do modern political revolutions have a religious dimension? The Bolshevik Revolution was militantly anti-religious and atheistic. But the same is by no means true of all modern revolutions. According to Tocqueville, its spectacular campaign against all forms of religion was in fact incidental to the French Revolution, a transient phenomenon not related to its basic program. The essence of the Revolution was the love of liberty and the passion for equality. These could be, and in fact hitherto had been, achieved not through political revolutions but through religious revolutions. Because the revolution happened in the eighteenth century and because it happened in France, it became anti-clerical and anti-religious in spite of the general religious propensity of the masses. Out of its passionate idealism, therefore, ‘was born what was in fact a *new* religion.’¹ Furthermore, once successful, the Revolution became less anti-religious: ‘The more the political achievement of the Revolution is consolidated, the more its anti-religious elements are being discredited.’² Not only did the French Revolution create a new political religion, but traditional religion also persisted among the insurgent masses. Soboul has demonstrated the vitality of traditional religious sentiment among the *sans-culottes*, manifesting itself in such spontaneous phenomena as the cult of the ‘patriotic saints’ and the cult of ‘the martyrs of liberty.’³ The importance of religion in other revolutionary or potentially

* Originally published in *Government and Opposition*, 16.3 (1981): 293–316.

1 A. de Tocqueville, *The Old Regime and the French Revolution*, S. Gilbert tr. (New York 1955[1860]), p. 156.

2 *Ibid.*, p. 7.

3 A. Soboul, ‘Sentiments religieux et cultes populaires pendant la révolution’, *Archives de Sociologie des Religions*, No. 2, 1956. It is interesting to note that the initiative for

revolutionary movements of modern times has been underlined by a number of contemporary scholars, most notably Hobsbawm, and Semmel has gone so far as to consider the Methodist Revival as the English version of the 'Democratic Revolution'.⁴

As regards the Third World, colonial rule and imperial domination have in fact proved conducive to the growth of a variety of revolutionary religious movements. Furthermore, religion has played an important role in many of the political revolutions which have occurred under the direct or indirect impact of the Western imperialist expansion.

On the basis of a broad historical and comparative survey, Lewy puts forward a useful summary of four ideal types of upheaval in which religion assumes a revolutionary posture:

1. Millenarian revolts.
2. Militant religious nationalism, arising in times of awakening national consciousness in colonial or semi-colonial countries. (Religion supplies a sense of identity and serves as a basis for self-assertion.)
3. The situations which arise '*when leaders of ecclesiastical organizations support [or, we should add with emphasis, initiate] a revolution either because of general sympathy, or because they are protecting the interests of the religious institution. These interests can be temporal or spiritual or both.*'
4. When 'individual theologians or laymen support a revolutionary movement to give a concrete social and political meaning to the transcendent elements of their faith'.⁵

Lewy goes on to say that elements of more than one of these four ideal types may be found in concrete cases. As we shall see, all these types have a bearing on the Islamic revolution in Iran. The first three elements, above all the third, are important for explaining the revolution of February 1979 while the fourth is of special relevance to its aftermath.

dechristianization of the cult of the martyrs came from the militants occupying positions of political authority.

4 B. Semmel, *The Methodist Revolution*, New York, Basic Books, 1973, p. 7.

5 G. Lewy, *Religion and Revolution*, Oxford University Press, 1974, pp. 585–6.

1 The Nation and the State

The establishment of Shi'ism as the state religion of Iran dates from the foundation of the Safavid empire in 1501. The empire was created by the military force of a millenarian warrior order whose members adhered to an *aberrant* variety of Shi'ism. Once the conquest of Iran was completed, millenarianism lost its political utility for the new ruling dynasty and became more of a liability than an asset. The Safavids invited a number of Arab Shi'ite theologians to their kingdom to spread the *orthodox* Shi'ite creed among the predominantly Sunni population of Iran. The inflow of Shi'ite theologians and jurists from the Arab lands into Iran under royal sponsorship continued for two centuries. Meanwhile, the Safavid rulers took strong measures to suppress Sufism which was widespread among the masses in the fifteenth and sixteenth centuries. The Shi'ite theologians, for their part, incorporated many of the features and practices of popular Sufism into the official belief system in the seventeenth century. These developments eliminated the rivalry of the Sufi Shaykhs as popular religious leaders, and enabled the Shi'ite clergy to dominate the daily religious life of the masses to an extent unknown in other Islamic lands.⁶

Although the Safavid state remained 'caesaropapist' to its last day, the seventeenth and early eighteenth centuries witnessed the growth of an increasingly distinct religious institution which, though still heteronomous, was fairly clearly differentiated from other branches of the state. After the collapse of the Safavid empire in 1722, the Shi'ite clergy were forced to subsist on their own resources, totally independent of the state. The state, furthermore, assumed a ruthlessly hostile posture towards Shi'ism and its custodians under Nadir Shah (1736–48). The rigours of forced self-subsistence resulted in an immediate and drastic decline in religious learning; but in the long run, it bore fruit in the form of a religious/intellectual movement known as the *Usuli* movement. The *Usuli* movement consisted of a revival of Shi'ite jurisprudence which dominated the last decades of the eighteenth and the whole of the nineteenth century. It resulted in very considerable enhancement of the power and the independence of the Shi'ite religious institutions. The revival of jurisprudence greatly augmented the prerogatives of the Shi'ite clergy as the authoritative interpreters of the Sacred Law. Henceforth, their unrivalled dominion over the religious life of the masses was not just the result of the absence of rival Sufi Shaykhs

6 S. A. Arjomand, 'Religious Extremism (*Ghuluww*), Sufism and Sunnism in Safavid Iran: 1501–1722', *Journal of Asian History*, xv, 1, 1981.

but had a firm doctrinal basis which gained virtually universal acceptance in the nineteenth century.

The *Usuli* movement assured the independence of religious authority from the political authority and consequently the autonomy and autocephaly of the Shi'ite clergy. Furthermore, it assured a large measure of financial autonomy for the religious institution through the authorization of the collection of religious taxes on behalf of the Hidden Imam.⁷

Faced with the weak central government of the Qajars (1785–1925) the power of the religious leaders reached its zenith in the nineteenth century. A rough division of the 'political' and the 'religious' functions of government was worked out, and the Shi'ite clergy assumed independent control of the latter, comprising the religious, the judicial and the educational institutions.⁸

The upper ranks of the Shi'ite clergy enjoyed tremendous power and prestige during the nineteenth century. By virtue of their judicial and religious authority, they heard the complaints of the people against injustice and tyrannical misrule, and, on occasion, took up their cause. However, because of their *amorphous organization*, the clergy could not act as a unified body except on rare occasions.

Close ties between the clergy and urban petty bourgeois strata, i.e. merchants and craftsmen, are probably more the rule than the exception in pre-industrial societies. As Weber explains, these ties could give rise to enduring alliances against the patrimonial and feudal powers.⁹ On the basis of 'opposition to political charisma', *the elective affinity between bourgeois and religious powers*, which is typical of a certain stage in their development, *may grow into a formal alliance* against the feudal powers; this happened rather frequently in the Orient and also in Italy at the time of the struggle over lay investiture [The Investiture Contest of the eleventh and twelfth centuries].

The formation of such an alliance was hindered by the heteronomy of the religious institution and its subordination to the state during the Safavid period. Under the Qajars, from the last decades of the eighteenth century onwards, the autonomy of the Shi'ite clergy made an alliance with guildsmen

7 The (Twelver) Shi'ites believe in a line of Imams as divinely-inspired, infallible leaders of a community of believers and teachers in religion. The Twelfth Imam, Muhammad al-Mahdi, is believed to have gone into hiding in the year 874. He is considered to be the Lord of the Age, to reappear at the End of Time.

8 S. A. Arjomand, 'The Shi-ite Hierocracy and the State in Pre-Modern Iran: 1785–1890', *European Journal of Sociology*, XXII, 1, 1981.

9 M. Weber, *Economy and Society*, G. Roth & C. Wittich (eds), New York, 1968, p. 1160, see also pp. 1177–81.

and merchants possible and likely. An enduring alliance between mosque and bazaar came into being.

In the second half of the nineteenth century, this alliance was cemented by the common opposition of the two parties to Western penetration in defence of their respective cultural and economic interests.

Ironically, it was the late nineteenth century advocates of reforms, and the substantial merchants, who thought of exploiting the influence of the leading figures in the Shi'ite clergy and the latter's independence of the state for the purpose of putting pressure on the ruler to carry out badly-needed reforms and to preserve the national economic interests against imperialist encroachment. The idea worked brilliantly. A handful of intellectual activists, with the strong support of the important merchants, could uncover the tremendous political potential of the use of clerical domination over the masses for the purpose of mass mobilization. A nationwide strike in 1891–2 could thus be successfully orchestrated, and led to the repeal of a monopolistic tobacco concession to a British company. A decade and a half later, mounting popular discontent, the endemic inter-clergy rivalry and clergy-state clashes were exploited by the advocates of constitutional government, mostly active in secret societies, to generate a national movement and to obtain the grant of a constitution from the monarch in 1906.

Both the above movements were at the time viewed as confrontations between the nation (*millat*) and the state (*dawlat*), with the Shi'ite clergy assuming the position of 'leaders (*ru'asa'*) of the nation'. Of the two, the Constitutional Revolution, 1905–11, lasted much longer and produced far more enduring results. It should be emphasized that from 1907 onwards, eminent Shi'ite clerics began to realize one by one that, despite their indispensable role in mobilizing the masses and their continued ceremonial prominence, the directing spirit was that of the Westernized intellectuals, a spirit which posed a serious threat to their vested cultural and material interests. The large majority of the religious dignitaries supported the restoration of autocracy in 1908, but judiciously withdrew from the royalist camp once the failure of the attempt became evident in 1909. By 1911, the Shi'ite clergy had become disillusioned with constitutionalism and were predominantly hostile to it.¹⁰

For the Shi'ite clergy, the experience of the period of the Constitutional Revolution left a memory of bitter distrust towards the Westernized intelligentsia generally, and of alarm and resentment towards its leftist factions

10 S. A. Arjomand, 'The 'Ulama's Traditionalist Opposition to Parliamentarism: 1907–1909', *Middle Eastern Studies*, xvii, 2, April 1981.

(Social Democrats).¹¹ It thus created a rift between the religious and the secular intelligentsia, a rift reflected in the acrimonious debates of the Fourth Majlis (parliament) which preceded the rise of the first Pahlavi to power.¹² The mutual antipathy of the clerical and the lay intelligentsia persisted after the Second World War, and, reinforced by the clergy's fear of the growing influence of the leaders of the Tudeh (Communist) Party, eventually wrecked Mosaddeq's nationalist government. Finally, the clerics resented being let down by the National Front (Mosaddeq's followers) during their uprising in 1963. The oppositional clergy came to regard the Westernized intelligentsia as an integral party of a virtual xenocracy which had betrayed the Islamic tradition and double-crossed its custodians at critical junctures.

Distrustful of the secular intelligentsia in general, and of the leftist intellectuals in particular, the Shi'ite clergy twice turned to the Pahlavis, twice giving them crucial support in critical periods. During his rise to supreme power (1921–25), Reza Khan (subsequently Shah) Pahlavi feigned ostentatious displays of religiosity, successfully courted the clergy and exploited their fears of Westernism and republicanism. The leading Shi'ite religious dignitaries supported Reza Khan and helped him to oust the Qajars and ascend the throne. At least two of them publicly branded those who opposed Pahlavi's rule as enemies of Islam.¹³ Reza's son, Muhammad Reza Shah who died in 1980, was also given crucial clerical support at the most critical moment of his reign. Though the fact has been subjected to astounding amnesia on the part of the commentators, the support of the leading members of the Shi'ite clergy in Tehran was as important as that of the CIA in staging the return of Muhammad Reza Shah after his flight to Rome in 1953.¹⁴

If the clergy expected anything in return for their important support, they were to be rudely disappointed. In both instances, the cordiality between the clergy and the Pahlavis lasted only as long as it suited the latter: for some half decade after 1921 and a slightly longer period after 1953. Once securely ensconced on the throne, both Pahlavi monarchs felt they could dispense with

11 Some religious leaders had, by the 1970s, come to see the weakening of the clergy as a direct consequence of the Constitutional Revolution. As the Grand Ayatollah Musavi Shirazi, who came closest to Khomeini in intransigence during the 1978 crisis, put it: 'in reality, *mashrutiyyat* (Constitutionalism or the Constitutional Revolution) was only a game, and the foreign [powers] launched it to bring about the separation of the spiritual powers and government. The cause of all the calamities of the country is this very *mashrutiyyat*.' (Personal interview, August 1977.)

12 H. Makki, *Tarikh-e Bist-Saleh-ye Iran*, Tehran, 1945/1323, Vol. 2, p. 244.

13 A. H. Hairi, *Shi'ism and Constitutionalism in Iran*, Leiden, Brill, 1977, pp. 144–7.

14 R. Cottam, *Nationalism in Iran*, Pittsburg, 1964, pp. 154–5.

the support of the clergy. Reza Shah carried out a vigorous programme of modernization and centralization in the 1920s and 1930s, Muhammad Reza Shah in the 1960s and 1970s. Pahlavi centralization and modernization of the state destroyed the Qajar division of labour in the polity between the clergy and the state, and devastated the institutional foundations of clerical power. The Shi'ite clergy became irreconcilably alienated from the Pahlavi state.

When Khomeini embarked on his bid for the overthrow of the Pahlavi regime around 1970, he had in mind to settle not one but two old scores: to avenge himself and the Shi'ite clergy against the two Pahlavis; and to turn the tables on the Westernized intellectuals who, according to him, had cheated the clergy in all the important nationwide movements of the preceding century. Having ejected the Pahlavis, he wasted no time in initiating a massive *Kulturkampf* against the Westernized intelligentsia.

2 The Clergy

1926–41 and 1963–78 were years of bitter conflict between the clergy and the Pahlavi state. The state initiated a series of reforms which seriously undermined the foundations of the religious institution and curbed its cultural influence. The clergy succumbed and could not prevent the state's encroachment upon most of the institutional prerogatives they had secured in the Qajar period.

The erosion of clerical control over education had begun even before the Constitutional Revolution. It culminated in the creation of a secular, national educational system with the implementation of Reza Shah's educational reforms. Control over education was the least defensible of clerical prerogatives as it was a contingent fact, lacking any doctrinal basis. More defensible clerical citadels also fell under the attack of the centralizing state. The 1930s witnessed the major defeat of the clergy in the legal sphere, a sphere where clerical domination rested on a firm doctrinal basis. The judiciary was secularized and centralized under state control. Finally, the Endowments Act of 1934 established a centralized control over religious endowments throughout Iran which had largely been under direct or delegated control of the clergy.¹⁵

These developments seriously weakened the religious institution. They also had another important consequence: *the differentiation and the separation of religious and political powers became virtually complete*. The embedment of the

15 S. Akhavi, *Religion and Politics in Contemporary Iran. Clergy-State Relations in the Pahlavi Period*, State University of New York Press, 1980, pp. 33–40, 56–8.

clergy in the Pahlavi polity was undermined even further by Muhammad Reza Shah's Land Reform of the 1960s, which resulted in the redistribution of much land owned by mosques, seminaries and individual clergymen. The religious institutions became totally independent of the state. This independence was sustained by one last source of income which was inevitably immune from state encroachment: the voluntary payment of religious taxes to the chief Shi'ite leaders as the viceregents of the Hidden Imam. With the economic prosperity of the 1960s and 1970s, the revenue of the clergy as the representatives of the Hidden Imam increased considerably.

The loss of judicial and educational functions, on the one hand, and the loss of control of the religious endowments and of land-ownership, on the other, meant that the Shi'ite clergy became by and large 'disembedded' from the Pahlavi regime. They became, in the words of an observer, a *déclassé* stratum.¹⁶ This economic and political disengagement of the clergy was strongly complemented by their social 'disembeddedness': the upper echelons of the clergy formed a highly endogamous quasi-caste the entry into which by bright young men was almost invariably accompanied by marriage to daughters of their teacher.¹⁷ In his recent work on revolutions, Eisenstadt emphasizes the relevance of the degree of autonomy and disembedding of a leading social stratum—an elite—to the generation of revolutionary social change. Such autonomy facilitates development of coalitions with 'broader groups', and tends to result in far-reaching restructuring of social institutions.¹⁸ The disengagement of the Shi'ite clergy from the Pahlavi regime goes a long way towards explaining how they came to lead the first successful traditionalist revolution in modern history.

The disengagement of the clergy from the Pahlavi policy further disposed the religious institution to perpetuate the alliance with the bazaar. On the side of the bazaar, the merchants and the guildsmen, who constituted the traditional sector of Iran's urban economy in the 1970s, correctly perceived the

16 Ibid., p. 132. A cohesive *déclassé* stratum can potentially be revolutionary. Fascism, for instance, has been described as 'a revolutionary movement led by a declassed minority counter-elite'. (A. James Gregor, *The Ideology of Fascism*, New York, Free Press, 1969, p. 375.)

17 M. M. J. Fischer, *Iran From Religious Dispute to Revolution*, Harvard University Press, 1980, pp. 89–94.

18 S. N. Eisenstadt, *Revolution and the Transformation of Societies*, New York, John Wiley, 1979, pp. 245–6.

threat to their long-term economic interests posed by Muhammad Reza Shah's policy of industrialization, and sought to cement their bonds with the clergy.¹⁹

Furthermore, the clergy, progressively disengaged from the state, increasingly reaffirmed their engagement with the people. In the preceding paragraphs, we discussed the historical roots of unrivalled clerical domination over the masses. This domination entailed a considerable measure of 'populism' in the orientation of the clergy. Not unlike the Spanish clergy in the seventeenth and the eighteenth centuries and in the first decade of the nineteenth century, the Iranian clerics frequently took up the cause of the oppressed against the arbitrary excesses of temporal authorities. More important, from the mid-nineteenth century onwards, the clergy emerged as the champion of the Islamic nation against the economic penetration and cultural influence of foreign powers. Not unlike the Spanish priests and monks who led the masses in the war of independence against Napoleon and 'atheistic France' and whose wrath was subsequently turned against the 'atheistic liberals',²⁰ the Iranian clergy led the Shi'ite nation against the economic domination *and* the cultural influence of the imperialist infidels. To their traditional pattern of activity in defence of Islam—the persecution and killing of heretics, Sufis and Babis (subsequently Baha'is)—was added the combating of foreign cultural influences and violation of traditional cultural and religious norms by an increasingly Westernized political elite.

However, unlike the Spanish Church prior to 1814,²¹ a serious emphasis on social justice was lacking in the teachings of the Shi'ite religious institution. This was due in part to the extensive participation of the clergy in the Qajar polity and also to the fact that prior to the advent of modern (party) politics the loyalty of the masses could be taken for granted once heresy was suppressed. The situation changed drastically in 1961–78 when the religious institutions came under relentless attack by the Pahlavi state and had to court the masses more assiduously in order to mobilize them in its defence. Its populism became markedly more pronounced and an emphasis on social justice—largely borrowed from the advocate of Islamic reform, 'Ali Shari'ati—began to enter the writings of the clerical pamphleteers.

19 For comparative parallels, see Weber, *op. cit.*, p. 1194. A number of specific control measures and severely enforced price regulations in the mid-1970s more directly increased the disaffection and alienation of the bazaar.

20 G. Brenan, *The Spanish Labyrinth*, Cambridge University Press, 1976 [1943], pp. 37–43; R. Carr, *Spain 1908–1939*, Oxford University Press, 1966, pp. 45–8.

21 Brenan, *op. cit.*, pp. 45–6, 341–5.

During the 1926–41 period, the clergy were perhaps too surprised and stunned to react effectively. In any event, the foremost religious leader of the time, the Grand Ayatollah Ha'iri, opted for political quietism and the building up of a centre of religious learning in Qum. (This apolitical action was continued in the period after the Second World War by the Grand Ayatollah Burujerdi who led the clergy until his death in 1961.) The severe blows to the institutional power of the Shi'ite clergy in the 1930s were accompanied by the legally enforced adoption of European clothes and hats, rigid restrictions on the wearing of clerical garb, and the unveiling of women which especially outraged the clergy as the most violent rape of Islam. The first nationwide agitation of the clergy after the fall of Reza Shah was led by the Grand Ayatollah Tabatab'i Qumi in 1944. The clergy demanded a more strict observance of the provisions of the Sacred Law on morality and succeeded in removing the prohibition on wearing the veil and clerical garb. Imitation of the cultural patterns of the Western infidels came under heavy attack in the course of agitation. A collaborator of Qumi, Ayatollah Kashani, remained active in politics and became a dominant figure on the political scene until 1953. Emerging from the rigours of Reza Shah's dictatorship, the clergy showed an appreciation for the constitution which subjected the power of the monarch to very considerable restraints. Kashani's platforms, therefore, combined the elements of opposition to foreign domination over the Islamic people (the Anglo-Iranian Oil Company in Iran and Israel in the Middle East) and appeals to the Sacred Law, with a somewhat novel stress on the constitution as the source of legitimacy.²²

As we pointed out, by 1911 the Shi'ite clergy was predominantly hostile to constitutionalism. Nevertheless, because of their amorphous organization, the clergy did not, and could not, act as one body. The religious leaders had played a prominent role in the initial phase of the Constitutional Revolution and some religious dignitaries, as individuals, had remained active in parliamentary politics after the withdrawal of the clergy in general. It was therefore possible for the religious leaders to appeal to the constitution plausibly and effectively from the 1940s onwards to protest against the arbitrariness of the state.

By the 1950s most religious leaders had forgotten their old grievances against the first Pahlavi and were ready for an accommodation with the young Shah, who was in turn more than conciliatory while his rule remained precarious.

22 M. Sh. Razi, *Ganjineh-ye Danishmandan*, Tehran, Islamiyya, 1973–4/1352, Vol. 1, pp. 265, 269; H. Algar, 'The Oppositional Role of the *Ulama* in Twentieth Century Iran', in N. R. Keddie (ed.), *Scholars, Saints and Sufis*, University of California Press, 1972, p. 242.

Most but not all; and certainly not Ayatollah Ruhollah Khomeini, who saw the reassertion of royal power and the initiation of a new reform programme by Muhammad Reza Shah in the 1960s as replete with motifs already encountered during the dreadful reign of the first Pahlavi. The Shah's suddenly increasing popularity after an uproariously successful Peasants' Congress to celebrate the Land Reform in January 1963 must have alarmed Khomeini, and roused his apprehension. In March 1963, holding a copy of the Qur'an in one hand and a copy of the constitution in the other, Khomeini publicly accused the Shah of violating his oath to defend Islam and the constitution.²³ The authoritarian rule of the Shah was denounced as a violation of the constitution, and he was attacked for the maintenance of relations with Israel. Massive demonstrations by Khomeini's followers were brutally suppressed in June 1963. Khomeini himself, having been imprisoned during the violence, was exiled to Turkey and later settled in Najaf in Iraq.

The Shah scored a victory by presenting Khomeini's opposition as 'black reaction' to his reform programme. During the subsequent fifteen years of relentless opposition from exile, Khomeini did, on occasion, dismiss the Shah's reform programme as a fraud. The brunt of his attack, however, was against the following: (i) the Shah's autocratic rule, culminating in the violent denunciation of the celebration in 1971 of the 2500th anniversary of the founding of the Persian Empire; (ii) denunciation of close ties with and subservience to the United States, and (iii) the disregard of Islamic morals and the government-sponsored 'spread of prostitution' to corrupt the nation and perpetuate the imperialist cultural domination.

Meanwhile, the Shah had initiated a ruthless attack on religious institutions. In the 1960s and 1970s, he took a series of severely repressive measures which included assaults on the main theological college of Qum (1963 and 1975), and the destruction of most of the theological seminaries of the holy city of Mashhad in 1975 under the pretext of the creation of a green space around the shrine of the eighth Imam. Furthermore, the Shah replaced the Islamic calendar with a fictitious imperial one, and embarked on an attempt to invade the religious sphere proper by creating a 'Religion Corps' (modelled after the 'Literacy Corps'), and a group of 'Propagators of Religion'. Despite their lack of vigour and their inefficiency, the religious leaders perceived these measures as a bid to liquidate the religious institution and annihilate Shi'ism altogether.²⁴

23 Algar, *loc. cit.*, p. 245.

24 In the 1970s, the predicament of the Shi'ite religious institution was aggravated by the pressure from the Baathist regime on the Shi'ite leaders resident in Iraq, which did not relent after the Iraqi government's *rapprochement* with the Shah in March 1975. According

With their backs to the wall, the clergy within Iran increasingly heeded Khomeini's incessant appeals, and the latter's position among the Grand Ayatollahs was strengthened. Clerical reaction to the Shah's aggressive encroachments was to prove decisive. In an interview conducted in 1975, a prominent cleric spoke of 'the awakening of Iran's religious community after the frontal attack of His Majesty'. He went on to boast about the clergy's new political maturity: in the 1960s the eligibility of women for voting was a major preoccupation of the religious leaders, now they would not lose any popularity by incautiously opposing women's electoral rights.²⁵

As a result of the dislocation caused by excessively rapid social change and a mismanaged economic policy, popular discontent mounted while the petrodollars sapped the vigour and commitment of the upholders of the regime. When the first crack suddenly appeared and the seemingly imposing edifice of the Pahlavi state began to crumble from within, the autonomous clergy could rejoice at the prospect of defeating and subjugating the impiously arrogant state.

3 Significance of Khomeini

'The desired end of revolutionary mobilization of the masses', so writes Sorel in his *Reflections on Violence*,

... could not be produced in any very certain manner by the use of ordinary language; use must be made of a body of images which, *by intuition alone*, and before any considered analyses are made, is capable of evoking as an undivided whole the mass of sentiments which corresponds to the different manifestations of the war undertaken by Socialism against modern society. This problem [is solved] perfectly, by concentrating the whole of Socialism in the drama of the general strike; there is thus no longer any place for the reconciliation of contraries in the equivocations of the professors; everything is clearly mapped out, so that only one

to one informed estimate, the number of scholars and students at the Shi'ite centres of learning in Iraq had declined from 3000 to 600 in the year preceding the revolution in Iran. (Private interview in 1977.)

25 Interview No. 10, conducted by the researchers of the Iran Communications and Development Institute, Tehran, in 1974-75. Interviews Nos. 4 and 10 also support the above assertions. I am grateful to the Institute's director, Dr Majid Tehranian, for having put the interviews at my disposal in July 1978.

interpretation of Socialism is possible. This method has all the advantages which 'integral' knowledge has over analysis . . .²⁶

Substitute 'Islam' for 'Socialism' and couple 'general strike' with 'revolt against tyranny' and you can understand the efficacy with which 'Islamic government' acted as a social myth in the spiritual dynamic of the Iranian revolution, producing a general strike of unprecedented tenacity which lasted some five months and put an end to twenty-five centuries of monarchical rule. The condensation of social and political reality was brought about by the social myth of Islamic government conceived as a Utopia modelled on the four-year reign of the first Shi'ite Imam, Ali. But it was not so much this Utopia *per se* as its stark juxtaposition to the Shah's regime which primarily accounted for its effectiveness. The invidious contrast between the 'Islamic order' and the Shah's tyrannical regime was buttressed by sharply antithetical shibboleths whose crux was the emotive Koranic term *taqut*, a term which denotes tyrannical earthly power arrogating to itself that absolute authority over the lives of men which is God's alone.

The caption *Shah raft, Imam amad* (the Shah went, the Imam came) pithily captures the substance and outcome of the Islamic revolutionary struggle in Iran. It contains a rigidly binary juxtaposition between absolutist political power and God-ordained religious authority. Furthermore, the Shah was seen as the propagator of an alien culture, allegedly acting at the behest of his foreign masters in order to corrupt and emasculate the nation. In the latter part of the 1970s, with the massive influx of foreign civil and paramilitary technicians and the massive avalanche of European and American products, the antithetical opposition between spiritual authority and impious political power was amplified by Khomeini's resumption of the nineteenth- and early twentieth-century clerical role of the defender of the integrity of the 'Islamic nation' against the invading worldly culture of the imperialist powers.

Certain specific features of Shi'ite Islam were highly suitable for the mobilization of the masses. We have noted the non-cognitive character of social myth. In so far as the social myth of the Islamic revolution contained a concept embodying the desire to return to tradition and to preserve the threatened traditional norms of social relationships, this concept—i.e., 'Islamic government'—had to be linked in many ways with powerful images. Such images were drawn from the Shi'ites theodicy of suffering which centred around the martyrdom of the Third Imam, Husayn, and his family, in Karbala

26 Georges Sorel, *Reflections on Violence*, translated by T. E. Hulme and J. Roth, New York, Collier-Macmillan, 1972, pp. 122–3.

in the year 680. This theodicy had constituted a repertoire of highly emotive imagery used for mobilization of the Shi'ite masses. For over a century, the struggle of the Imam against the Umayyad caliph Yazid had, from time to time, been transfigured into the archetype of the conflict between justice and tyranny. When Khomeini compared the Shah to Yazid in 1963, and much more effectively in 1978, he was stepping along a well-trodden path. Edwards noted that an enormous development of 'oppression psychosis' precedes the major revolutions.²⁷ The Shi'ite theodicy of suffering provided the Islamic party with an armoury of emotive images for expressing the 'oppression psychosis' in terms of primeval tyranny (*zulm*) and for articulating the appropriate response in its glorification of martyrdom.

Another relevant feature of Shi'ite Islam was its millenarianism. We have noted that Shi'ism was established in Iran by the supreme leader of an aberrant millenarian warrior order. Though millenarianism was *contained* by the orthodox interpretation of the belief that the last Imam, the Mahdi, had gone into hiding, it could not be eradicated. The Mahdistic tenet remained inescapably chiliastic, and would from time to time be activated (the most notable instance being the rise of the Bab in the mid-nineteenth century). As part of the general revival of religion in the late 1960s and 1970s to be considered presently, there was a marked increase in the popularity of *du'a-ye nudbeh*, the supplication for the return of the Imam as the Mahdi; and special sessions were being arranged for its recital.²⁸ Without claiming to be the returning Mahdi, Khomeini ingeniously exploited this Messianic yearning by assuming, from about 1970 onwards, the philologically polyvalent title of Imam. An unmistakably apocalyptic mood was observable during the religious month of Muharram 1399 (November–December 1978) among the masses in Tehran. Intense discussions were raging as to whether or not Khomeini was the Imam of the Age and the Lord of Time. Those who answered in the affirmative were undoubtedly among the millions who massed in the streets of Tehran to welcome the returning leader in February 1979, and whose frenzy was to be televised across the globe. But many of those who answered in the negative were also ready to accept him as the Mahdi's precursor: Khomeini could not be the Lord of Time himself, since the Lord of Time would liberate the entire world, and Khomeini was going to liberate only Iran.²⁹ Khomeini's face was allegedly seen on the moon in provincial cities, and those who had been vouchsafed that

27 L. P. Edwards, *The National History of Revolutions*, University of Chicago Press, 1970 [1927], p. 54.

28 A. Shari'ati, *Intizar, Madhhab e P'tiraz*, Tehran, Abu-Dharr, 1971, p. 11, n. 1.

29 Interview with an informant who had participated in these discussions, January 1978.

vision duly proceeded with the sacrifice of lambs on the ensuing days.³⁰ As is usually the case, expectations of material gain were woven into the Messianic yearning. When the Aqa (Master) came, the Pahlavis and the Rockefellers would be stopped from robbing the oppressed; and every family would have a Mercedes-Benz.

In addition to the creation of a social myth and the coining of an accompanying set of slogans, the clerical party set out to create a new theory of government. Roughly around the time he assumed the title of Imam (1970), Khomeini dropped all reference to the constitution as a source of legitimacy. By then, the militant elements of the clergy whom he attracted no longer felt themselves bound by the implicit Qajar concordat which had in part been retained in the constitution of 1906–07, as this constitution had been in practice trampled upon by the Pahlavi state. Total exclusion from the political order obviated the need for any realistic acknowledgement of the balance of political and clerical power, while the clergy's isolation from the Western-oriented political and bureaucratic elite precluded the making of any concessions to the latter's view-point to achieve a consensus. Khomeini and other militant members of the Shi'ite clergy extended the highly technical and specific discussion of the rights of the gerent into a political theory which proposed the supremacy of the clergy over the state in the form of 'the sovereignty of the jurist'.³¹ They did so without any communication or discussion with the estranged secular intelligentsia; and the theory of the sovereignty of the religious jurist was put forward as the Islamic alternative offered by the clerical party in its fight against the Pahlavi regime. After the collapse of the monarchy, facing a paralysed and completely servile state, the militant clergy under Khomeini's guidance succeeded in incorporating the theory of sovereignty of the jurist into the constitution of the Islamic Republic of Iran which was ratified by the referendum of 2–3 December 1979.

Not everyone who decisively contributed to the fall of the Pahlavi regime was moved by the social myth of the clerical party or believed in or even knew about their political theory. 'All revolutions', writes Dunn, 'are supported by many who would not have supported them had they had a clear understanding of what the revolutions were in fact to bring about'.³² Such undoubtedly was the case with many elements of Iranian society which withheld their support from a compromise with the Shah and suicidally supported Khomeini

30 Razi, *op. cit.*, Vol. 8, n.d., 1979, pp. 26–7.

31 R. Khomeini, *Hukumat-e Islami*, Najaf, 1971; A. Tehrani, *Madina-ye Fazila dar Islam*, Tehran, 1975/6/1354.

32 J. Dunn, *Modern Revolutions*, Cambridge University Press, 1972, p. 236.

in the autumn and winter of 1978. The analysis of the comportment of this substantial group is beyond the scope of this paper.³³ In the remaining space, let us turn to the phenomenon of religious revival which affected the core of the enthusiastic supporters of Khomeini, and which underlay the triumph of the Shi'ite clergy over the Pahlavi state.

4 The Dilemma of Religious Reform

The facile presumption of a world-wide 'secularization of culture' is one of the most important commonly-held misconceptions to be convincingly dispelled by the recent upheaval in Iran. It should be noted that for those observers who cared to look, there was no evidence of reduced vitality of the religious culture in the Islamic world.³⁴ If anything, one could plausibly expect an upsurge of religiosity as a consequence of urbanization. A world religion with provisions for some form of institutionalized and organized religious authority seems at least as capable of catering for the ideological needs of the new migrants to towns as radical political parties. These migrant masses, suffering from anomic disorientation resulting from their social dislocation, could make do with a religious cognitive map of the universe, especially in the case of Islam where the religious cognitive map could be easily politicized.

The plausible expectation of an upsurge in religiosity among the newly urbanized masses finds strong lateral support from the well-studied social history of England during the industrial revolution. Though many other aspects of the Methodist revival are subject to continuing controversy, what is relevant from our point of view seems incontrovertibly established. For the three-quarters of a century after 1750, Semmel finds that 'a religious awakening appeared, district by district, to accompany industrial growth.'³⁵ Hobsbawm underlines the parallelism in the growth *and* decline of religious and political movements among the poor in England from the mid-eighteenth to the mid-nineteenth century. Both types of movement are found to have been particularly vigorous in periods of social strain.³⁶ In addition to Methodism and the politicized breakaway Methodist groups such as the Primitive Methodists, millenarian sects such as the New Jerusalemites and the followers of the

33 See Sharif Arani, *Iran: From the Shah's Dictatorship to Khomeini's Demagogic Theocracy, Dissent*, Winter, 1980.

34 See, for instance, M. Berger, *Islam in Egypt Today*, Cambridge, 1970.

35 Semmel, *op. cit.*, p. 9.

36 E. J. Hobsbawm, *Primitive Rebels*, New York, Norton, 1959, pp. 129-30.

prophetess Joanna Southcott flourished during the closing decades of the eighteenth and the first decade of the nineteenth century.³⁷

As a matter of *fact*, there is firm evidence of the increased vitality of religion in the 1960s and 1970s in Iran, and of a religious movement which the conventional wisdom misconceives as 'Islamic modernism' or a movement for religious reform.

Although there has been advocacy of religious reform in Islam, the phenomenon is much more restricted than the conventional wisdom of Middle Eastern scholars assumes. In Iran, this has particularly been the case because of the unusual influence of the clergy, which has stifled the tendencies towards 'Shi'ite modernism'. The advocates of religious reform in the 1930s and 1940s, Kasravi and Shari'at-Sangelaji, were both anti-Shi'ite. Kasravi wanted to found a new religion, significantly named Pak-Dini (Pure Religion), i.e. Islamic puritanism—while Shari'at-Sangelaji repudiated a cardinal tenet of Shi'ism: the return of the Mahdi. In 1943, Khomeini, writing as a custodian of the Shi'ite tradition, vehemently attacked both as imitators of the Wahhabis of Arabia—of the 'savages of Najd' in Khomeini's words.³⁸ Khomeini's polemics against the advocates of religious reform in the 1940s were a highly self-conscious defence of the Shi'ite tradition. It was an important mark in the development of Shi'ite *traditionalism*. Traditionalism is more rationalistic than unselfconscious adherence to tradition; a rationalizing element enters the realm of discourse by virtue of the necessity for the use of reasoned notions and logical arguments with rival groups. With the spread of literacy and the creation of a public sphere in the period after the Second World War, Shi'ite traditionalism, advocated through the writings of a number of clerics and laymen, became a distinct trend. From the mid-1960s onwards, traditionalism gathered impressive momentum.

Religious periodicals gained progressively wider circulation, and religious books became more and more popular (see the table below). A survey in 1976 found 48 publishers of religious books in Tehran alone, of whom 26 had begun their activities during the 1965–75 decade.³⁹

37 E. P. Thompson, *The Making of the English Working Class*, New York, Vintage, 1969 [1963], pp. 381–8.

38 Fischer, *op. cit.*, p. 132.

39 S. M. B. Najafi, 'Appendix (*peyvast*) on religious media, centres and organizations', in A. Asadi and H. Mehrdad (eds.), *Naqsh-e Rasanehha dar Poshtibani-ye Tause'a-ye Farhangi*, Tehran, Iran Communications and Development Institute, 1976/1355, pp. 151–3. The table is based on Najafi's data.

Year	No. of religious titles per year	As % of total titles of published books	Ordinal rank (Highest = 1)
From 1954–55 to 1963–64 (average) (1333 to 1342)	56.7	10.1	4
From 1964 to 1967–68 (average) (1342 to 1346)	153	n.a.	n.a.
From 1969–70 to 1971–72 (average) (1348 to 1350)	251.7	n.a.	n.a.
1972–73 (1351)	578	25.8	1
1973–74 (1352)	576	24.8	1
1974–75 (1353)	541	33.5	1

Other indicators such as the number of pilgrims to Mecca, visits and donations to religious shrines, support the assumption of the increased vitality of traditional religious sentiments. During the summer of 1977, when conducting interviews with prominent clerics in Tehran and the provincial towns, I was struck by the number of times the interviews had to be interrupted because of requests for *istikhara* (Qur'anic bibliomancy), usually over the telephone. *Maftih al-Jnan* (Keys to the Garden [of Heaven])—a book singularly maligned by the modernist Shari'ati for representing the most other-worldly aspects of fossilized traditional Shi'ism—sold 490,000 copies in 1973–74/1352, and was second only to the perennial bestseller, the Qur'an (about 700,000 copies).⁴⁰

Hand in hand with the dramatic rise in the number of religious publications went an astonishing growth in the number of 'Religious Associations'. These were often associated with the groupings of humbler occupations or of poorer city quarters. They met mostly during the religious months of Muharram and Ramadan but occasionally also at other times. In 1974, there were 12,300

40 Ibid., p. 152.

'Religious Associations' in Tehran alone, of which 1,800 had formal titles. Again, most of these associations were formed after 1965.⁴¹

A religiously-inclined section of the rapidly expanding middle class took part in the traditionalist movement. A number of 'Religious Societies' was formed in the universities and abroad, and by engineers and physicians. Now it is this branch of the movement which is mistakenly referred to as Islamic modernism or reformism. The examination of the publications and discussions of these societies does not show any evidence of an interest in religious reform and rethinking. They were, rather, gatherings, at regular intervals, by newcomers to an alienating modern world to consolidate their attachment to the Islamic tradition and to reaffirm their collective cultural identity. It is true that this group, because of its social position, could be expected to have an elective affinity for religious reform and modernism. Such an affinity can only make the group *receptive* to reform but cannot be assumed to generate it automatically. We can legitimately speak of Shi'ite modernism as a very recent intellectual movement which had its beginning in the writings of Mehdi Bazargan and found its important exponent in the person of 'Ali Shari'ati (d. 1977). The writings of Bazargan and Shari'ati were read alongside those of a host of traditionalist pamphleteers, and did not have a serious impact on the constitutive values and ideas of the middle-class Religious Societies by the late 1970s. Shi'ite modernism becomes an important political factor *after* the revolution when a different social group—the Mujahideen—emerges as its bearers.

With the spread of the Religious Associations, the demand for preachers and cantors outstripped the supply in the 1970s. The unsatisfied demand created a market for religious tapes and cassettes. By the mid-1970s, a survey reported some thirteen centres of recording and distribution of tapes.⁴² The contributions of the organizational network created through the Religious Associations to the success of the Islamic revolution was of crucial importance. Their organizers distributed Khomeini's taped messages and carried out the task of planning the massive demonstrations of the winter of 1978 and of enforcing order and discipline during those demonstrations.

Having examined the Islamic traditionalist movement, a branch of which has been misconstrued as modernism, we may now turn to Shi'ite modernism proper, or more specifically to Shari'ati's advocacy of Islamic reform. Shari'ati

41 Ibid., pp. 161–2. Here are some typical examples: Religious Associations of shoe-makers, of workers at public baths, of the guild of fruit-juicers (on street-corners), of tailors, of the natives of Natanz resident in Tehran, of the desperates (*bicharehha*) of [Imam] Husayn, of the Abjects (*dhalilha*) of [Imam] Musa ibn Ja'far.

42 Ibid., p. 162.

found Islam the most perfect of the Abrahamic faiths, and, at the present time, the most decayed or dilapidated. This decay was due to the fact that the Qur'an, containing the blueprint for the perfect social life, had been taken from the city, the centre of life, to the cemetery, the abode of the dead, and the 'book of prayers' (*du'a*) (to secure supernatural succour and intercession) had been brought to the city from the cemetery.⁴³ Shari'ati's attempt to recover Islam by going back to the Book results in the creation of a radically populist theology of revolution. In a manner highly reminiscent of Shatov in Dostoevsky's *The Possessed*, Shari'ati equates, as regards matters social, God and the People. He insists that the central Islamic principle of *tawhid*—unity of God—should correspond to a monistic or classless social order, and fulminates against all social and economic stratification as the consequence of coercive (military), economic and spiritual (clerical) domination. This 'trinity' of the forces of domination are held responsible for corrupting, throughout history, the pristine Abrahamic monotheism and the corresponding classless monism of the social order. In this levelling and populist interpretation of Islam, Shari'ati naturally champions the cause of the people, doubly oppressed by the internal forces of domination, and by the external force of imperialism. Shari'ati revives the graphic Qur'anic term *mustaz'afin* (the disinherited) to refer to the oppressed masses and renders Franz Fanon's *Les Damnés de la Terre* in Persian translation as the Disinherited of the Earth,⁴⁴ a term which was to occupy a central position in the revolutionary rhetoric.

Shari'ati's ideas directly contributed to the revolutionary outbreak through his influence on Iranian students and young intellectuals, especially the highly organized and motivated *Mujahideen-e Khalq* who did some of the decisive fighting in the fateful days of February 1979. His ideas also had an important influence on the writings of the clerical pamphleteers and preachers who were quick to take up the rhetoric of social justice and the cause of the Disinherited. Furthermore, Shari'ati's writings won over a substantial part of the lay intelligentsia to Khomeini's side by leading them to believe the Islamic revolution under his leadership would be a 'progressive one'. Presumably as a model to be followed by himself as a reformer, Shari'ati had written of the Prophet Muhammad that he preserved the *form* of traditional norms but changed their *content* in a revolutionary manner.⁴⁵ Had he lived to see the revolution which

43 'A. Shari'ati, *Hajj*, Tehran, 1971/1350 (reproduced by the Islamic Society of Students in America), pp. 2–6.

44 *Ibid.*, p. 120.

45 'A. Shari'ati, *Fatima Fatima Ast*, Tehran, 1971/1350, p. 40.

he had projected as the this-worldly enactment of Shi'ite millenarianism, he might have appreciated the wry irony of the fact that it was the clerical party who succeeded in preserving the form of the modern revolutionary rhetoric he had introduced while changing its content in a rigidly traditionalist manner.

The process set off by Shari'ati's politicized Shi'ite modernism corresponds to Lewy's fourth type of revolutionary potential of religion. It is an important and intriguing process, but its relevance is largely confined to the post-revolution (of February 1979) period. Especially against the background of the present clerical rule, some of Shari'ati's writings, notably two of his most popular works, *Expectancy*, *The Religion of Protest*, and *Religion against Religion*, have a strong anti-clerical tone. With the mounting discontent since the clerical *coup d'état* of November 1979, Shari'ati's ideas on the necessity of Islamic reform and populist egalitarianism, together with an increasingly emphatic anti-clericalism, are widely disseminated by the *Mujahideen*, the present bearers of Shi'ite modernism. But the problem belongs to the next chapter of the Iranian revolution and not to the one under consideration here.

5 Precariousness of the Clerical Regime

Among the political regimes of the modern world, monarchies are singularly vulnerable to revolution. Their legitimacy has become irredeemably shaken; and they have the property of focusing discontent emanating from various sources on the person of the monarch and the institution of monarchy. The autonomy of the Shi'ite religious institution and its irreconcilable alienation from the monarchical state enabled it to turn the Iranian revolution, when it came, into an *Islamic* revolution. The Shi'ite clergy with a steadfast charismatic leader, and because of the total disarray, cowardice, disorientation and political naiveté of, aggregately, very considerable secular elements in Iranian society. In assuming the leadership of the Islamic revolution, the Shi'ite clergy were crucially aided by the long-established historical alliance between the bazaar and the mosque. Equally crucial was the vitality of religion during the 1960s and 1970s. This religious revival enabled the clergy to harness the intensification of traditional religious sentiments, especially those nurtured by Shi'ite millenarianism and the Shi'ite theodicy of misfortune. At the same time, the clergy were able to borrow certain key ideological concepts from the limited modernist or reformist elements of the religious revival. Finally, the clerical leadership of the masses and or the bazaar was facilitated by the clergy's century-old anti-foreign stand and their championship of 'the Islamic nation'.

The course of events since the revolution of 12 February 1979 and the triumph of the Shi'ite clergy have proved that to resist and oppose the state is much easier than to rule through it. To compete with rivals in the revolutionary political arena, the Shi'ite clergy have had to employ blatant demagoguery, form a political party, use a variety of fascist techniques and promote the 'squadism' of the Guardians of Islamic Revolution. The clerical party has become engaged in the rousing of the knife-wielding, bottle-hurling rabble, the *Hizbullahis* (the Party of God), to intimidate and eliminate all opposition. Meanwhile their vengeful *Kulturkampf* against the Westernized intelligentsia—the Islamic cultural revolution in the form of purges of the educational system and the state bureaucracy—has been politically very costly and economically ruinous, thereby alienating the bazaar as well.

In retrospect, it seems difficult to escape the conclusion that the tenacious attempt to subjugate the state to the clergy is the *hubris* of Khomeini. If Khomeini appears to be condemned to defeat by the ruse of history, it is because he did not understand the secret of the strength of the Shi'ite clergy and the subtle dialectic which underlay it. He did not realize that it was the *separation* of religious and political powers which preserved the uncontested authority of the Shi'ite religious leaders and enabled them to intervene in politics effectively during times of national crisis. Khomeini's failure to recognize the beneficial consequences of the separation of the two powers makes his a Pyrrhic victory. Despite his consummate Machiavellianism in out-manoeuvring the secular politicians, he has unleashed social forces which, in the long run, are more than likely to destroy the foundation of Shi'ite clericalism. In all probability the point has been impressed on the ailing patriarch by the defections of an increasing number of the Grand Ayatollahs and other clerical dignitaries in recent months. What is done, however, cannot be easily undone.

Shi‘ite Conceptions of Authority and Constitutional Developments in the Islamic Republic of Iran*

Although ‘Islamic government’ (*hokūmat-e eslāmī*) was the most conspicuous slogan during the revolutionary turmoil of 1978–79, there was virtually no discussion of Āyatollāh Rūḥollāh Khomeinī’s theory of theocratic government or the *welāyat-e faqīh* (Mandate of the Jurist). The theory of the Mandate of the Jurist became the subject of public debate only as it was being incorporated into the final draft constitution of the Islamic Republic in the summer of 1979. Its adoption resulted not only in a unique modern theocratic Constitution, but also in the revolutionary transformation of the traditional Shiite theory of authority. The constitutional developments in the Islamic Republic of Iran since 1979 have primarily consisted of a series of adjustments required for a working synthesis of the theocratic idea of the Mandate of the Jurist with the legal principles and organization of the modern Iranian nation-state.

According to the traditional Shiite theory, the political authority of the infallible Imams fell into abeyance after the disappearance of the Mahdī in the ninth century. The authority of the Imams as teachers in religion and the Sacred Law (*sharī‘a*), however, was transferred to the Shiite jurists. The scope of clerical authority gradually expanded over the centuries, but Khomeini was the first Shiite jurist to open the discussion (*fath-e bāb*) of “Islamic government” in a work of jurisprudence. He took the radical step of claiming that the Imams’ right to rule also devolved upon the jurists, and argued further that, if one of them succeeded in setting up a government, it was the duty of the other jurists to follow him.¹ This last step, contrasting sharply with the traditional Shiite principle that no jurist has any authority over other jurists, radically undermined the position of the other pre-eminent jurists, the *marāje‘-e taqlīd* (sources of imitation) who, already as *mojtaheds*, were categorically independent according to the traditional Shiite theory. As Hīshemī-Rafsanjānī attested in the Friday sermon following Khomeini’s death, this was a revolutionary

* Originally published as “Authority in Shi‘ism and Constitutional Developments in the Islamic Republic of Iran,” in W. Ende & R. Brunner, eds., *The Twelver Shia in Modern Times: Religious Culture & Political History*, Leiden: Brill, 2001, pp. 301–32.

1 Khomeinī, *Kitāb al-Bay‘*, vol. 2, pp. 461–90; *Hokūmat-e Eslāmī*. For a critical discussion, see Kadiwār, *Naẓariyehā-ye Dawlat*, pp. 22–26.

departure from the Shiite tradition: “The writing of *The Mandate of the Jurist* itself at that time in Najaf was a great revolution: that he should come from the jurists and write on such a topic!”²

Needless to say, Khomeinī was not setting up a government in a vacuum but was taking over an existing one which had undergone considerable modernization in the course of the twentieth century. His project of Islamicization of the Pahlawi state into a Shiite theocracy required a drastic transformation of the Shiite legal system. The modern state, as characterized by Max Weber, is the typical organization of rational-legal authority. The basis of this legal organization was a written constitution. From being a “jurists’ law,” the Shiite law would have to be transformed into the law of the state. It would have to be extended to cover public law fully; and law-finding, the typical activity of the Shiite jurists, needed to be supplemented, if not replaced, by legislation and codification. Before all else, Shiite jurisprudence had to come to terms with constitution-making.

The aim of this chapter is to analyze the mutual transformative impact of Shiite jurisprudence and the constitutional law of the Islamic Republic of Iran with the help of the concept of constitutional politics. “Constitutional politics” refers to the struggle for the definition of social and political order, and takes place among groups and organizations whose interests align them behind different principles of order. These principles of order are heterogeneous and potentially contradictory. The contending organized groups in constitutional politics are forced to reconcile the respective logics of these heterogeneous principles of order through compromise, concession and reinterpretation in order to translate them, more or less adequately, into an institutional order sustained by effective force.³

1 Khomeinī’s Theory of Theocratic Government and the Islamic Revolution

When declaring the formation of the Council of the Islamic Revolution on 12 January 1979, Khomeinī had specified as one of its tasks “the formation of a constituent assembly composed of the elected representatives of the people in order to approve the new constitution of the Islamic Republic.”⁴ There can be no doubt that this item in the declaration emanated from Bāzargān and the

2 Cited in Arjomand, “Shi’ite Jurisprudence and Constitution Making”, p. 104.

3 Arjomand, “Constitutions and the Struggle for Political Order”, pp. 39–40.

4 Algar, *Constitution of the Islamic Republic of Iran*, p. 8.

other Liberals and Islamic modernists in the revolutionary coalition. Faithful to this declaration, the Bāzargān government prepared a draft constitution and published it on 14 June 1979. This preliminary draft was modeled on the 1958 Constitution of the French Fifth Republic, with a strong Presidency and a Prime Minister responsible to Parliament. The President was made responsible for the implementation of the Constitution, in line with the French model.⁵ It was also close to the 1906–07 constitution in many respects, and especially with regard to the role of clerical authorities, where it envisioned a council consisting of five *majtaheds*, to be elected by the *Majles* from a list supplied by the *marāje'-e taqlīd*, and six lay legal experts in place of the committee of five *majtaheds* in the Supplementary Fundamental Law of 1907. This council was assimilated to the French *Conseil Constitutionnel*, and called the Council of Guardians of the Constitution.⁶

Khomeinī himself does not appear to have attached much importance to constitution-making. It has been noted that the draft of June 14 made no reference to his theory of theocratic government. There was no mention of the *welāyat-e faqīh*, and no provisions for a supreme jurist as the leader of the Republic. Nevertheless, Khomeinī only made some minor changes on the margins, and urged its quick approval.⁷ The draft was signed by Khomeinī and a number of other Āyatollāhs.⁸ Khomeinī, in fact, proposed to bypass the promised constituent assembly, and to submit the draft directly to a referendum.⁹ But Bāzargān and Banī-Şadr insisted on the election of a constituent assembly while Ḥojjat al-Eslām Hāshemī-Rafsanjanī asked the latter, “Who do you think will be elected to a constituent assembly? A fistful of ignorant and fanatical fundamentalists who will do such damage that you will regret ever having convened them.”¹⁰ The lay modernists, Bāzargān and Banī-Şadr, won their Pyrrhic victory. It was decided to hold elections for an assembly on August 3, but Khomeini was by then alarmed by the secularity of the public debate on the constitution and insisted on an Assembly of Experts (*majles-e khebragān*) instead of the promised constituent assembly. Of the 73 members of this assembly, 55 were clerics.

5 Hāshemī, *Ḥoqūq-e asāsī*, vol. 2, pp. 344–45.

6 *Rāhnamā-ye estefāde*, p. 20; Hāshemī, *Ḥoqūq-e asāsī*, vol. 2, pp. 123–25.

7 Schirazi, *The Constitution of Iran*, p. 23.

8 Hāshemī-Rafsanjanī, “Hāshemī-Rafsanjanī chagūnagī-ye entekhāb-e rahbar wa jarayān-e marja'iyat-rā sharḥ dād”, *Eṭṭelā'āt*, 12/1/97, p. 9.

9 Nahzat-e Āzādi-ye Īrān, *Welāyat*, p. 12.

10 Bakhsh, *The Reign of the Āyatollāhs*, pp. 74–75.

Khomeinī urged his clerical followers not to leave the task of constitution-making to secular intellectuals. Āyatollāh Ḥosayn-‘Alī Montazerī responded by writing a commentary on the draft constitution of the provisional government, airing the idea of the Mandate of the Jurist and refuting the separation of the three powers as all the three were said to be subordinate to the just jurist,¹¹ and was elected to the Assembly of Experts to become its president. Ayatollah Moḥammad Ḥosaynī Beheshtī was also elected and served as vice-president, playing a particularly important role in the making of the new constitution.

In his inaugural message, Khomeinī distinguished the clerical members of the Assembly of Experts from the rest by giving them exclusive authority for determining the conformity of the constitution with “the ordinances of Islam,” while emphasizing that any member who expressed an opinion or a proposal contrary to Islam would forfeit the constituent authority implicit in the terms of his election.¹² The overwhelming clerical majority in the Assembly dutifully pushed aside Bāzargān’s draft and introduced the discussion of the Mandate of the Jurist. While discussing a proposal which declared as their objective the removal of the traditional duality and contradiction between customary government (*ḥokūmat-e ‘orfī*) and hierocratic government (*ḥokūmat-e shar‘ī*), Montazerī made an important distinction between two kinds of ordinances: Koranic and jurisprudential (*feqhī*) ordinances derived from the Traditions, and “governmental ordinances” (*aḥkām-e ḥokūmatī*). The latter type is *not* derived from the Koran and the Traditions by methods of jurisprudence, but is based on generalities and the necessity of maintenance of order. An example would be traffic regulations enacted by a legislative assembly:

Such is a governmental ordinance (*ḥokm-e ḥokūmatī*). If this ordinance is from the hierocratic authority/judge (*ḥākem-e shar‘*), it is incumbent on us to obey its authority and we are obliged to act upon it.¹³ But if it does not rest on the Sacred Law (*shar‘*), it would not be enforceable upon the conscience, which means that it would not be necessary for me

11 Izadi, *Gozārī*, pp. 272–78.

12 *Šūrat-e mashrūh-e modhākerāt-e majles-e barrasī-ye nahā‘ī-ye qānūn-e asāsī-ye jomhūrī-ye eslāmī-ye Īrān* (Tehran, 1985/1364), vol. 1, p. 5. Henceforth, *1979 Proceedings*.

13 The play on the two senses of the term *ḥākem*, the technical sense of judge, and the new and more general sense of governor is very significant in this attempt to extend hierocratic authority to government and its transformation into a mandate to rule; the same is true of the substantive, *ḥokūmat*, for government. It is interesting to note that in his more careful lectures in jurisprudence, Montazerī was later to criticize Khomeini’s loose and unwarranted extension of these terms in his inaugural discussion of “Islamic government” in the late 1960s. Montazerī, *Dirāsāt*, vol. 1, pp. 444–51).

personally to observe it. Many of the laws passed by the *Majles* are of this kind. They are governmental laws, and so long as the *mujtaheds*, whom we consider the appointees of the (Hidden) Imam albeit in a collective and general fashion, have not approved and endorsed them and have not commanded us to execute them, we are not obligated to execute them. Therefore, if we want to follow the Sacred Law, we must say that the enactments of the Consultative Assembly (*Majles*) are not legal and enforceable without the approval of the jurists of the Council of Guardians.¹⁴

With the incorporate of the Mandate of the Jurist, the preliminary draft constitution was altered almost beyond recognition.¹⁵ The new draft was no longer a republican constitution consistent with Shiite Islam, but a constitution that purported to be fundamentally Islamic and to incorporate specifically Shiite principles of government. To demonstrate this, Koranic verses and Traditions in support of many of the Articles were cited in an Appendix to the Constitution. The Assembly concluded its deliberations shortly thereafter in mid-November, and its draft constitution was ratified by the referendum of December 2–3, 1979.

The idea of theocratic government is enunciated in the Preamble and translated into law in Articles 2, 4, 5, 107 and 110. According to the Preamble:

In keeping with the principle of the Mandate to Rule (*welāyat-e amr*) and the continuous (*mostamerr*) Imamate, the Constitution provides for the establishment of leadership by a jurist (*faqih*) possessing the necessary qualifications and recognized as leader by the people.

Article 2 explicates theocracy by making sovereignty and legislation the exclusive possession of the One God, and by defining the Islamic order as an order based on the belief in the five principal articles of faith (*oṣūl-e dīn*) in Shiite Islam, one of which, namely the Imamate, is extended according to Khomeini's theory to establish the political authority of the religious jurists. Thereafter, the underlying principles of the previous Constitution such as national sovereignty, separation of the powers and the legislative power of the *Majles* are systematically reassessed and reformulated from this particular Islamic theocratic perspective.

To extend the traditional connotation of the term Imamate in the novel revolutionary direction in the above passage, the unwonted qualification,

14 1979 *Proceedings*, vol. 2, p. 1083.

15 Only 23 of its 151 articles were retained.

continuous (*mostamerr*), is added to Imamate just as it is coupled with the *welāyat-e amr*. Article 2.5 speaks of “Imamate and continuous leadership and its fundamental role in the continuation of the Islamic revolution,” (emphasis added), thus equating Imamate with “continuous leadership.” All the above is then juxtaposed to “continuous jurisprudence (*ejteḥād*) of the jurists” (yet another unwonted construction) in the following subsection, 2.6a.¹⁶ This paves the way for the transfer of the Imamate from the twelve infallible holy Imams to the Jurist as the Leader of the Islamic Republic in Article 5:

During the Occultation of the Lord of the Age . . . , the Mandate to Rule (*welāyat-e amr*) and Imamate devolve upon the just and pious Jurist (*faqīh*), who is acquainted with the circumstances of his age; courageous, resourceful, and possessed of administrative ability; and recognized and accepted as leader by the majority of the people.

As an ideological constitution,¹⁷ the articles pertaining to the bill of rights and several others were restricted by the requirement of conformity to “the Islamic standards” (*mawāzen-e eslāmī*). When the first of these, Article 4, came up for discussion, Āyatollāh Loṭfollāh Ṣāfi proposed what became the most sweeping of all Islamic articles of the Constitution. It required all the laws of the country, including the Constitution, generally or in part, to be in conformity with the Islamic standards whose determination was left to the Council of Guardians. Article 4 gives the jurists of the Council of Guardians the power to suspend not only ordinary laws but also the Constitution itself by declaring it contrary to Islam.¹⁸ This explicit downgrading, together with the extra-constitutional derivation of the Mandate to Rule from the Imamate, violates the status of the Constitution as “the higher law.” Article 107 specifies *marjaʿiyyat* as a necessary qualification for the position of Leadership (or for membership in the Leadership Council which is to consist of three or five jurists). It also entrusts the selection of the Leader of the Leadership Council to popularly elected “experts” (*khebragān*) whose number and qualifications, according to the ensuing Article 108, were first to be determined by the Council

16 This unusual expression, eventually chosen in preference to “revolutionary *ejteḥād*”, caused some concern among many clerical members of the Assembly of Experts. See *1979 Proceedings*, vol. 1, pp. 215–36, 260–68.

17 As defined in Arjomand, “Constitutions and the Struggle for Political Order,” pp. 45–46. For Beheshti’s conception of ideology as the basis of constitutions, see *1979 Proceedings*, vol. 1, pp. 380–81.

18 For the constitutional interpretations of Article 4, see Mehrpūr, *Didgāhhā*, ch. 1.

of Guardians and approved by the Leader, and thereafter by the Assembly of Experts (*majles-e khebragān*) itself. This body is, furthermore, entrusted with the important task of dismissing the Leader in cases of incapacitation and loss of qualifications in accordance with regulations to be laid down in its first session (Article 111). Article 110, finally, enumerates the extensive powers of the Leader, which include the supreme command of the armed forces and appointment and dismissal of the chief of the general staff, and of the commanders of the army, navy, air force and the revolutionary guards, confirmation of the President of the Republic and his dismissal upon either a verdict of the Supreme Court or a vote of "political incompetence" (*'adam-e kefāyat-e siyāsī*) by the *Majles*, appointment of the highest judiciary authority, and of the jurists of the Council of Guardians.

The *Majles* as the organ of national sovereignty is unquestionably the most important institution retained from the old Constitution of 1906–7. Its legislative power, however, is subjected to important new limitations. Its enactments must conform to the principles and ordinances of Islam. The determination of this conformity is with the jurists of the Council of Guardians (Article 72). The Council of Guardians is in effect an upper house with veto power over all *Majles* legislation, and consists of six plenipotentiary members, who are the clerical jurists appointed by the Leader, and six lay lawyers, who are selected by the *Majles* from a list submitted by the highest clerical judiciary authority and whose jurisdiction is restricted to the determination of the constitutionality of the *Majles* enactments¹⁹ (Articles 91–93).

The *Majles* was given no jurisdiction over the election and constitution of the Assembly of Experts. These matters were regulated by laws passed by the Council of Guardians in October 1980 and October 1982, and by amendments in August and in November 1982. The most important qualification for the candidates was specified the requisite level of *ejtehad*, established by the explicit or tacit approval of the Leader or by reputation in the learned circles, or certification by three reputable professors. The Assembly of Leadership Experts was elected in December 1982, and was inaugurating on 14 July 1983. Four days later, the Assembly passed its internal regulations in accordance with Article 108 of the Constitution.²⁰

It should be noted, however, that Khomeinī enjoyed very considerable extra-constitutional powers. In fact, he did not wait for the Constitution to assert his supreme authority in the new regime, nor did he abide by the definition

19 For a discussion of the other features of the Constitution, see Arjomand, "Constitution of the Islamic Republic of Iran", *Elr*, Vol. 6 (1992), pp. 150–58.

20 Madanī, *Hoqūq-e asāsī*, vol. 2, pp. 97–118.

of the scope of the authority of the Leader in the new Constitution. Not only did he assume the title of Imam, which had not been used in Shiism for eleven hundred years, but he also acted as an Imam immediately upon the victory of the revolution. He appointed a Revolutionary Council and a provisional government, and he treated the property of the fallen royal family and the old elite as war booty, ordering their confiscation and constituting them into independent foundations. The Imam's representatives were appointed to many governmental agencies and organizations, including the armed forces, and did not hesitate to make major decisions. Khomeinī set up revolutionary courts and appointed their judges himself, and set up new organs of government such as the Supreme Council for Cultural Revolution and the Special Court for Clerics. He acted as the highest legislative power for a year and a half, until the *Majles* began functioning in August 1980, and thereafter continued to issue several decrees, notably the first guarantee of rights to life and property against revolutionary organs in December 1982. He also issued many *fatwās*, which were recognized as law, and his manual of practical jurisprudence, the *Tahrīr al-Wasīla*, was given superior legal status over all state laws. Furthermore, his position as the Leader in the Constitution itself endowed him with the extra-constitutional powers of the supreme jurist, and assured his continued supremacy over the Constitution.²¹

2 The Constitutional Crisis of the 1980s and Khomeinī's Second Revolution

The first constitutional crisis of the Islamic Republic of Iran did not involve Islam. Its parameters were rather set by the French model for the cohabitation of the President and the Prime Minister, and it immediately drew in the pro-Prime Minister *Majles* as soon as it convened. Constitutional conflict took a new form as this crisis ended with the dismissal of President Banī-Şadr in June 1981. Before long, however, Islam posed major constitutional questions. Adhering to traditional Shiite principles of jurisprudence and using their power to determine the consistency of the *Majles* enactments with the Islamic standards, the jurists of the Council of Guardians raised objections to over one third of the bills passed by the *Majles*, which were returned for modification, and vetoed several bills for land distribution, nationalization of foreign trade, labor, distribution, hoarding and other economic measures in the 1980s. These had been found to be at variance with the rules of the Sacred Law, usually on

21 Schirazi, "Constitution of Iran", pp. 62–71, 97.

grounds of the infringement of the rights of private property and freedom of contract. As early as in October 1981, *Majles* Speaker Hāshemī-Rafsanjānī sought Khomeinī's explicit intervention as the Jurist to overcome the veto of the Council of Guardians. The position taken by Hāshemī-Rafsanjānī rested on a radically broadened interpretation of the Shiite jurisprudential principles of public expediency or interest (*maṣlahat*), and overriding necessity (*ẓarūrat*). In the first instance in 1981, when the Council of Guardians had vetoed a bill on land within the limits of cities, Khomeinī refused to intervene, but issued an order delegating his authority as the Jurist to the majority of the deputies of the *Majles* to determine overriding necessity and posit laws, on a temporary basis, as "secondary titles" (*anāwīn-e thānawīyya*). The Council of Guardians, however, persisted in its veto, and it was not until four years later that Khomeinī reaffirmed the delegation of his authority to determine overriding necessity to the *Majles*, this time requiring a majority of two thirds. In January 1983, Hāshemī-Rafsanjānī tried once more to invoke Khomeinī's extra-constitutional authority to solve the constitutional deadlock, but Khomeinī's intervention again fell short of the explicit exercise of the legislative authority of the supreme jurist. In 1986–87, legislation designed to tightening of the government's grip on the private sector in its fight against "economic terrorism" was vetoed by the Council of Guardians. In July 1987, Khomeinī issued a *fatwā* delegating to the government his authority as the Jurist to enable it to regulate prices and execute "governmental punishments" (*ta'zīrāt-e ḥokūmatī*).²²

In January 1988, Khomeinī finally did what he had been reluctant to do earlier. He reprimanded President Sayyed 'Alī Khāmana'ī for saying that the authority of Islamic government could only be exercised within the framework of the ordinances of the Sacred Law (*aḥkām*). Government in the form of the God-given absolute mandate (*welāyat-e motlaq*) was "the most important of the divine commandments and has priority over all derivative divine commandments... [It is] one of the primary commandments of Islam and has priority over all derivative commandments, even over prayer, fasting and pilgrimage to Mecca." Five days later, in another letter which set the tone for a chorus of affirmations and clarifications by the ruling clerical elite, Khomeinī referred to the President as a brother who supported the Absolute Mandate of the Jurist. There immediately followed a campaign to promote the new elaboration of Khomeinī's theory; and a chastened President Khāmana'ī not only understood the principles of the new theocratic absolutism but propounded them:

22 Nahzat-e Āzādi, *Welāyat*, pp. 8–11; Hāshemī, *Ḥoqūq-e asāsī*, vol. 2, p. 70; Mehrpūr, *Didgāhā*, chs. 3 & 5.

The commandments of the ruling jurist (*walī-ye faqīh*) are primary commandments and are like the commandments of God... The regulations of the Islamic Republic are Islamic regulations, and obedience to them is incumbent... [They are all] governmental ordinances (*aḥkām-e ḥokūmatī*) of the ruling jurist... In reality, it is because of the legitimacy of the Mandate [of the Jurist] that they all acquire legitimacy... The Mandate of the Jurist is like the soul in the body of the regime. I will go further and say that the validity of the Constitution, which is the basis, standard and framework of all laws, is due to its acceptance and confirmation by the ruling jurist. Otherwise, what right do fifty or sixty or a hundred experts have...? What right do the majority of people have to ratify a Constitution and make it binding on all the people?

This explicit degradation of the Constitution of the Islamic Republic was new, and indicative of a new phase in the constitutional development of Iran. On 6 February 1988, Khomeini appointed a commission, which included the six jurists of the Council of Guardians, the President and the Prime Minister, to determine “governmental ordinances” in cases of disagreement between the *Majles* and the Council of Guardians.²³ The Commission for the Determination of the Interest of the Islamic Order (*majma‘-e tashkḥīṣ-e maṣlaḥat-e neẓām-e eslāmī*) held its first meeting a week later, set its procedural rules and elected President Khāmana’ī as its chairman. With this final step to end the decade of constitutional crisis, and to resolve the uncertain status of the novel “governmental ordinances” as well as the difficulties in Islamicizing the Iranian public law, “*maṣlaḥat* was declared to be the final decisive principle of legislation.”²⁴ Āyatollāh ‘Abdol-Karīm Mūsawī-Ardabīlī, the President of the Supreme Judiciary Council who was among those who had pressed Khomeinī to set up the *Maṣlaḥat* Council and was appointed to it, hailed its creation as “the most important of all the achievements of the revolution.”²⁵

On 28 March 1989, Khomeinī forced his successor-designate, Āyatollāh Montazerī, to resign. To the already pressing need for working out the constitutional implications of the statements on the Absolute Mandate of the Jurist was added the urgency of a constitutional resolution of the problem of succession. On 18 April 1988, one hundred and seventy *Majles* deputies, and the Supreme Judiciary Council separately, urged the ailing Imam to order the revision of the Fundamental Law. He agreed within a week, assigning the

23 For all the citations and dates, see Arjomand, “Shiite jurisprudence,” pp. 96–98.

24 Schirazi, *Constitution of Iran*, p. 237.

25 Cited *ibid.*, p. 236.

task to a committee consisting of eighteen clerics and two laymen, to which the *Majles* was invited to add five of its members. They were given two months to complete their task, which was to revise the Constitution with regard to the following: (1) Leadership, (2) centralization of authority in the Executive, (3) centralization of authority in the Judiciary, (4) centralization of management of the radio and television network, (5) the number of *Majles* deputies and the changing of its official designation to National Islamic Assembly, (6) the place of the new Commission for the Determination of Interest, and finally, (7) the making of provisions for subsequent constitutional amendments. The committee met on April 26 and designated itself the Council for the Revision of the Constitution (*shūrā-ye bāznegārī-ye qānūn-e asāsī*). It did not assume any general constituent powers, but rather saw its scope limited strictly to the above items according to the Imam's authorization.²⁶

Āyatollāh Mūsavi-Ardabīlī was right to consider the creation of the *Maṣlaḥat* Council the most important achievement of Khomeinī's revolution. The resolution of the decade-long constitutional crisis with the creation of the *Maṣlaḥat* Council was Khomeinī's last revolutionary step. It was revolutionary in that it solved the paradox created by the actual insignificance and paucity of political provisions in the Shiite jurisprudence against the revolutionary claim that Shiite Islam is a total way of life and total ideology. This insignificance was undoubtedly a consequence of the fact that the Shiite Sacred Law had hitherto been a jurists' law and not the state law or "the law of the land". As Āyatollāh 'Alī Meshkīnī, Chairman of the Assembly of Leadership Experts, was forced to admit during the confused attempts to clarify the Absolute Mandate of the Jurist:

In my opinion, the broad subject of this seminar [the Absolute Mandate of the Jurist] needs extensive time for research . . . The problem of government has had no place in the books of jurisprudence and has not been properly worked on . . . The issue of a nation liberating itself from tyranny and finding the power to form a state has not been posed in our books of law even at the hypothetical level.²⁷

In recognition of this need, the secretariate of the Assembly of Experts later set up a research unit whose journal, *Hokūmat-e Eslāmī*, has been devoted to

26 *Šūrat-e mashrūḥ-e modhāherāt-e shūrā-ye bāznegārī-ye qānūn-e asāsī-ye jomhūrī-ye eslāmī-ye Irān* (Tehran, 1990/1369), vol. 1, p. 164. Henceforth, 1989 *Proceedings*.

27 Cited, alongside other similar statements, in Arjomand, "Shi'ite Jurisprudence," p. 104.

the analysis of the topic since it began publication in 1996/1375, and brought some interesting texts to light.

For close to a decade, the clerical rulers of Iran denied the existence of this paradox and sought to overcome it by a number of devices. The most important of these was the legal distinction between the “primary ordinances” (*aḥkām-e awwalīyya*) and “secondary ordinances” (*aḥkām-e thānawīyya*). The first derive from the sources of the Sacred Law, the second from expediency or are the prerequisite for the implementation of the incumbent primary ordinances (*moqaddama-ye wājeb*). Both categories of primary and secondary ordinances were said to be binding on the believer as a religious duty. By utilizing the principle of public interest (*maṣlaḥat*), any act could be considered necessary for the prevalence of Islam and the implementation of its primary ordinances. Then, for the first time in Shiite history, incumbency was claimed for a category of “secondary ordinances” that comprised all state laws and government regulations; and this incumbency was derived *not* from the juristic competence of the *mojtaheds*, but from the alleged right of the supreme jurist to rule. In January 1988, the charade of the primary and secondary distinctions was definitively given up. Khomeini now ruled that all governmental ordinances belong to the category of primary ordinances of the Sacred Law and are immediately incumbent upon all. But this ruling created as many problems as it solved. In March 1990, Ḥojjat al-Eslām Ṭāherī Khorramābādī proposed a tripartite division. “In view of the fact that under Islamic government law is posited by God and society is ruled by divine laws alone,” he argued, there are three kinds of laws and ordinances for the administration of the country: “primary ordinances and laws”, “secondary ordinances”, and “governmental ordinances and regulations”.²⁸ This significant statement can be taken as an acknowledgment of the failure to create a consistent synthesis between Shiite jurisprudence and the constitutional law of the Islamic Republic. The attempt to stretch the established categories of Shiite jurisprudence, such as “overriding necessity” (*zarūrat*) and “secondary titles/ordinances” (*‘anāwīn/aḥkām-e thānawīyya*), had not worked. Only by setting up a novel category could contradiction be avoided. The new category, “governmental ordinances,” as we have seen, had been introduced by Āyatollāh Montazerī in the first year of the Islamic Republic, but it was not appropriately translated into new institutions until the creation of the *Maṣlaḥat* Council.

Khomeinī’s statements on the Absolute Mandate of the Jurist represented the logical conclusion of his earlier attempts to modernize Shiite jurisprudence by making it more practical. It crowned the revolutionary transformation of

²⁸ Cited *ibid.*, pp. 104–5.

Shiite law from a formalistic “jurists’ law” into the public law of the Iranian state by institutionalizing the legislative authority of the supreme jurist and establishing the *Maṣlaḥat* Council as its bureaucratic organ. This solution, however, meant the triumph of the state law over the Shiite jurisprudence, and it made the theocratic state highly authoritarian.

From another point of view, this development resulted from the adoption of the Sunni principle of *maṣlaḥat*, which had been firmly rejected by the Shiite tradition, and amounted to considerable Sunnitization of Shiism. With the traditional dualism of religious and political authority being replaced by theocratic monism, the Leader of the Islamic Republic assumes a position similar to the Ottoman Sultan as the Caliph: (a) he legitimizes the entire apparatus of the state and all public law as Islamic; and (b) he can legislate on the basis of expediency and public interest. There is, however, a significant difference: the conciliar institutionalization of the legislative authority of the supreme jurist that was made possible by the distinctly clericalist Shiite heritage.

3 Constitutional Amendments of 1989 and the Conciliar Clerical Rule after Khomeinī

Khomeini died on 3 June 1989. The Assembly of Leadership Experts met the following morning, and after a long session, elected President Khāmana’i as Khomeinī’s successor, the Leader of the Islamic Republic, by 60 out of 74 votes. Except for “Imam”, all of Khomeinī’s political titles were transferred to Khāmana’i. Within three weeks, the new Leader of the Islamic Republic had asserted his supreme authority as the Jurist by confirming one of the last decrees issued by the deceased Jurist, Imam Khomeinī. Khāmana’i either confirmed Khomeinī’s representatives in various governmental and revolutionary organizations or appointed his own, now officially referred to as the representatives of the *walī-ye faqīh* (instead of Imam under Khomeinī). This was the most remarkably smooth succession in the history of world revolutions. The fact that the regime set up by Khomeinī after the overthrow of monarchy survived its charismatic leader without any crisis of succession was in part due to his resolution of the constitutional crisis that accompanied the determined effort to translate the idea of Mandate of the Jurist into constitutional reality within the legal framework of a modern nation-state.

The Council for the Revision of the Constitution continued its work at full speed, and completed it on 8 July 1989. According to the official figures, the revised Constitution was approved by over 97% of the votes in the referendum held alongside the presidential elections on 28 July 1989. Although

most important revisions were made in the month after Khomeinī's death, the Council faithfully followed his instructions. The office of the Prime Minister was abolished, putting the cabinet directly under the President as the Head of the Executive Power. An Assembly for Constitutional Review (*shūrā-ye bāznegarī-ye qānūn-e asāsī*) was established. A new Article (112) established the Council for the Determination of Interest of the Islamic Order as an organ of the state at the service of the Leader. The functions of the *Maṣlaḥat* Council were, however, expanded beyond arbitration between the *Majles* and the Council of Guardians. It was also to advise the Leader on "the determination of the general policies of the regime" (Article 110), and on any other matter he referred to it. The Supreme Judiciary Council was replaced by a single Head of the Judiciary Power to be appointed by the Leader for five years.

The first and foremost task, and the most difficult one, had of course been the constitutional implementation of the highly problematic Absolute Mandate of the Jurist, or minimally the settlement of the Leadership issue. In accordance with Khomeinī's instructions,²⁹ the qualification of *maja'yyat* for the Jurist was eliminated in the amended Article 109. Āyatollāh Yazdī argued extensively against the institution during the constitutional debate, pointing out that it was "an expression that has recently come into being," and irrelevant to the functions of the *mojtahed* occupying the position of the Leader which concern "governmental problems and not the explanation of the *shar'ī* commandments of God."³⁰ The provisions for a Leadership Council to fulfil the function of the Jurist, which mentioned *marja'yyat*, were eliminated in the amended Articles 5 and 107.³¹ Thus, the powers of Leadership were to be concentrated in a single person, as were the executive and judiciary powers. The already extensive powers of the Leader were expanded, giving him the power to appoint and dismiss the head of the Iranian radio and television (the "Islamic Voice and Vision"), by transferring to him the responsibility for coordinating the relations among the three Powers from the President,³² and

29 1989 *Proceedings*, 58.

30 *Ibid.*, pp. 181, 185.

31 Khomeinī was said to have overruled a council in one of his last verbal instructions. The fact that not only the *marja'yyat* but also the qualification of "*ejtehād moṭlaq*" was at the last minute omitted for the leader is surely indicative of the incompatibility of the old and the new Shiite theories of authority. See 1989 *Proceedings*, vol. 2, pp. 642–54, 707.

32 Hāshemī, *Hoqūq-e asāsī*, vol. 2, p. 88. The Leadership Committee of the Council for the Review of the Constitution had asked for a far more sweeping extension of the Leader's power, including that of the dissolution of the *Majles*—one of the constitutional gaps that remained unfilled—but presumably because of the death of the charismatic revolutionary leader, some of them lapsed. See 1989 *Proceedings*, pp. 642–700.

entrusting to him “the determination of the general policies of the regime” (formerly included among the Prime Minister’s responsibility in a more restricted fashion) (Article 110). But not much of substance could be done to incorporate the theoretically flawed idea of the Absolute Mandate into the Constitution. Nevertheless, despite sharp disagreements among his colleagues, the Revision Council President Āyatollāh Meshkīnī pressed for some token acknowledgment, and only in the very last session ominously succeeded in incorporating Khomeinī’s latter day terminology in the Constitution in somewhat displaced fashion in Article 57 on the independence of the three Powers under “the Absolute Mandate to Rule” (*welāyat-e moṭlaq-e amr*).³³ The legislative power, by contrast, became further diffused, even though in principle it emanated from Leadership. It could be exercised by all citizens, lay and clerical, through their participation in the *Majles*, by the six clerical jurists of the Council of Guardians, all of whom were appointed by the Leader, and as we shall see presently, by the clerically dominated *Maṣlaḥat* Council.

The critical importance of the Assembly of Leadership Expert had been demonstrated by its swift choice of Khomeinī’s successor. The Revision Council has rejected the idea of a term appointment for the Leader,³⁴ but instead increased the Assembly’s power to dismiss the Leader not just for incapacitation, as previously, but also “if it should become apparent that he had lacked one of the qualifications from the beginning”. This new formulation appears to give the Assembly virtually unrestricted latitude in view of the fact that the qualifications specified by Article 109 include not only jurisprudential competence but also a “correct political and social perspective, administrative and managerial competence, courage and adequate power for Leadership”. In its internal regulations passed in 1983 (Articles 1 & 19), the Assembly had set up a seven-man Investigation Committee to supervise the conditions and comportment of the Leader on a continuous basis. This Committee was further given the responsibility of “supervising the administrative organization of Leadership in coordination with the Leader”.³⁵ With its enhanced power of dismissal, and the mechanism for continuous vigil in the form of the Investigation Committee, the Assembly of Leadership Experts has become an influential organ in the collective conciliar clerical rule.

The consolidation of conciliar clerical regime during the years following Khomeinī’s death involves other important organs. The Constitution of 1979

33 Ibid., vol. 3, pp. 1374–81, 1629–39. Even so, Āyatollāh Yazdī and others who had wanted the precise wording, “Absolute Mandate of the Jurist,” were disappointed.

34 Ibid., vol. 2, pp. 641, 657.

35 Hāshemī, *Hoqūq-e asāsī*, vol. 2, pp. 59–60; Madani, *Hoqūq-e asāsī*, vol. 2, pp. 99–115.

had given the Council of Guardians the power to supervise the presidential and *Majles* elections. The first presidential elections took place a month after the ratification of the Constitution, and, with no clear guidelines for the supervision of elections, the Council of Guardians approved the candidacy of 106 and rejected only 18, mostly Leftists. The Guardian jurists must have regretted this lenience, which allowed Banī-Şadr to become Iran's first President. In the next presidential elections in July 1981, they were more strict in determining whether a candidate was among "the religious and political figures (*rejāl*)" and a "believer in the bases of the Islamic Republic of Iran," with such vaguely defined qualities as management capability, trustworthiness and piety (Article 115). From then on in each presidential election, only two, three or four men would meet the Council of Guardians unspecified criteria; and in 1997, 234 out of the 238 candidates were rejected. The Council of Guardians also took its supervisory power to mean the vetting of the candidates for the *Majles* on whose qualifications the Constitution had been silent. It rejected between 12% and 17% of the candidates of the first three *Majles*, over a quarter of those for the fourth and over a third of those for the fifth *Majles*. Furthermore, the constitutional amendments of 1989 explicitly added the supervision of the elections for the Assembly of Leadership Experts to the functions of the Council of Guardians, while a law of 1990/1369 transferred the determination of the candidates' requisite level of *ejtehad* to it.³⁶ The Council used these powers to disqualify over one third and one half of the candidates for the Assembly in the 1990 and 1998 elections respectively.³⁷ With such arbitrary and blatant use of its power, as one newspaper put it, the eligibility to run for elections was "no longer a right but a privilege".³⁸ In 1991, the Council exercised its authority to interpret the Constitution according to Article 98 to assert that "the supervision mentioned in Article 99 of the Constitution is approbationary (*esteswābī*) and applies to all stages of the electoral process, including the approval or rejection of the qualification of the candidates." The formula was adopted by an amendment to the electoral law in July 1994.³⁹

The *Maşlahat* Council, the other major clerically-dominated organ of the regime, has outgrown the confines of Khomeinī's original terms of institution which stipulated that it "should not become a power alongside the other [three] Powers," and even its expanded scope in the constitutional amendments of 1989, and has become a new legislative body of major importance.

36 Hāshemī, *Hoqūq-e asāsī*, vol. 2, p. 54.

37 Malekhamadi, "The Sociological Intersection".

38 Schirazi, *Constitution of Iran*, p. 89.

39 Cited in Madanī, *Hoqūq wa asāsī*, p. 509; Hāshemī, *Hoqūq-e asāsī*, vol. 2, p. 315.

Unlike the Council of Guardians, the *Maṣlaḥat* Council is under no obligation to return changed items of legislation to any other organ. It began its independent law-making immediately by changing items of legislation other than those subject to disagreement between the Council of Guardians and the *Majles*. In fact, the latter group of items only amounted to less than a third of its enactments in the first four years of its existence. Nevertheless, according to the Council of Guardian's constitutional interpretation of 15 October 1993 "no legislative organ has the right to annul or rescind an enactment of the *Maṣlaḥat* Council." Notable instances of legislation by the *Maṣlaḥat* Council include the introduction of alimony and appointment of female judges in November 1992, which paved the way for the amendment, in April 1995, of the law of judiciary appointment to allow appointment of women as judges, the July 1994 law of military courts and the May 1995 law of governmental punishments concerning smuggling and foreign currency.⁴⁰

The constitutional politics of the first decade of the Islamic Republic centered around two issues: the radical depreciation of the traditional Shiite institution of *marja'iyat-e taqlid* in order to make room for the new theory of theocratic government, and the increasing centralization of authority in the post-revolutionary state. The institutionalization of the Mandate of the Jurist into a monistic authority structure of the nation-state was directly detrimental to the traditional pluralism of the institution of *marja'iyat-e taqlid*. The lack of compatibility between the two institutions of *welāyat-e faqih* and the *marja'iyat-e taqlid* had been fairly clear to the constitution-makers of 1979, who did their best to bring about a modicum of reconciliation between the two in the provisions for a Leadership Council (Article 107).⁴¹ As one of them pointed out, they all knew the problem would result in "fundamental changes in the Shiite religion."⁴² The latest stage of the constitutional implementation of the Mandate of the Jurist in 1989 entailed a reconsideration of the foundation of hierocratic authority and a radical step back, from *maja'iyat* and acclamation by following, to *ejteḥād* and qualification by formal training. This step was required for the *conciliar* institutionalization of hierocratic authority in the key organs of the new state. The six jurists of the Council of Guardians are *mojtaheds*. It should be pointed out that the creation of the *Maṣlaḥat* Council has in fact increased the power of these jurists who have been included among its member from the very beginning. The jurists of the Council of Guardians now wear two hats. As one of the jurists, Āyatollāh Emāmī-Kāshānī once

40 See Hāshemī, vol. 2, pp. 467, 648–59 for all the citations.

41 1979 *Proceedings*, vol. 1, pp. 1067–98.

42 *Ibid.*, vol. 1, p. 1085.

boasted, "I have one responsibility in the morning, another in the evening. My responsibility in the morning is to speak according to the *sharī'a* [in the Council of Guardians], my responsibility in the evening is to see to the public interest [in the *Maṣlaḥat* Council]!... The *Maṣlaḥat* Council is legitimate (*mashrū'*) on the basis of the *welāyati* order... [its members] can suspend the law, if they consider it in the public interest, and they can suspend the *sharī'a* temporarily, if they consider it in the public interest."⁴³ The members of the Assembly of Experts also must be *mojtaheds* (or close to becoming ones) by virtue of their formal training in religious jurisprudence. The *Maṣlaḥat* Council, finally, is appointed by the Leader, and the dominant majority of its members are clerics.

The transition from Khomeinī's charismatic rule to a system of collective conciliar rule by the clerical elite required political control of the clerical class for whose disciplining Khomeinī had already set up the Special Court for Clerics. One of Khāmana'ī's early acts as the new Leader was the approval, in August 1989, of the regulations for the branches of this Court, which was in effect organized into a court system independent of the Judiciary and under direct control of the Leadership.⁴⁴

The conciliar institutionalization of hierocratic authority in the 1980s set the stage for the clerical constitutional politics of the 1990s. The 1990s are in fact marked by the clash of the state-based newly institutionalized political authority of the clerical elite of the Islamic Republic and the traditional *madrassa*-based authority of the *marāje'-e taqlīd*. The clash was highlighted with the successive death of three Grand Āyatollāhs: Khū'ī, in August 1992, Golpāyghānī in December 1993 and Arākī in December 1994. The crisis produced by the deaths of these sources of imitation in fact revealed the structural fault line of the regime.

Already in the first year of the Islamic Republic, some radical clerics considered the institution of *marja'iyat* outdated, because it was anarchic and would create havoc in the system of authority if not modified. During the debates on the draft constitution in 1979, for instance, Ḥojjat al-Eslām Rabbāni-Amlashī had argued that it was time to rescue the institution of *marja'iyat-e taqlīd* from its "present unsatisfactory condition" by transforming it into the *welāyat-e faqih*, pointing out that if plans for doing so had been devised earlier the Islamic revolution might have triumphed fifteen or sixteen years sooner.⁴⁵ The institution of *marja'iyat* was said to belong to the period when the Shiites

43 Ibid., vol. 1, pp. 211, 215.

44 Hāshemī, *Hoqūq-e asāsī*, vol. 2, pp. 533–36.

45 Presumably an allusion to the uprising of June 1963, *1979 Proceedings*, vol. 1, p. 62.

were excluded from government which was then in the hands of tyrants. Now that the Shiite religious leaders had taken over, there was no room for the bifurcation of authority between the Jurist and the *marja'ē* as representatives of the Hidden Imam. This position was not officially espoused, but it had force as the logical conclusion of Khomeinī's theory. Khomeinī himself did not take the step of abolishing or modifying the institution of *marja'yyat*. What he did order was the house arrest of the Grand Āyatollāh Ḥosayn Tabātabā'i Qomi and, much more significantly, the historically unprecedented "demotion", in April 1982, of the Grand Āyatollāh Moḥammad Kāẓem Sharī'atmadārī for being a "pseudocleric" reluctant to accept the Mandate of the Jurist.⁴⁶

When Grand Āyatollāh Abu'l-Qāsem Khū'i died in August 1992, the Head of Judiciary, Āyatollāh Moḥammad Yazdī, suggested that his followers and the Khū'i Foundation should recognize Āyatollāh Khāmana'i as the source of imitation and pay their religious taxes and voluntary contributions to him. Āyatollāh Yazdī made a more elaborate argument when Grand Ayatollah Golpāygānī died a year and a half later in December 1993. The plurality of the sources of imitation, he argued, had been acceptable before the creation of the Islamic Republic, but was intolerable now that an Islamic state was securely in place. The existence of several sources of imitation was intolerable when "guarding the sovereignty of Islam is an incumbent necessity."⁴⁷ As religion and politics were not separable, both the centralization and the unification of religious and political authority were needed for the preservation of the Islamic state. Yazdī, however, could not carry the day. As the second best interim solution, the ruling clerical elite promoted an aging Āyatollāh who was rumored to be senile, Moḥammad 'Alī Arākī, into the position of *marja'-e taqlīd*. The endorsement was accompanied by the promise to bring out Arākī's manual (*resāle-ye 'amaliyye*), which was eventually published in mid-August 1989. Meanwhile, they advised Khomeinī's *moqalledīn* (followers in law and ritual) to imitate Arākī, and the latter permitted them to continue following Khomeinī's rulings.⁴⁸

When Grand Āyatollāh Arākī died at the age of 101 in December 1994, the ruling clerical elite was ready to push for the final realization of Āyatollāh Yazdī's project of abolition of the institution of *marja'yyat*. The project, however, foundered on the resistance of the professors of the seminaries of Qom, who enjoy official recognition as the *modarresīn-e ḥawza-ye 'elmiyye-ye Qom*, and have assumed responsibility concerning the designation of religious authorities

46 Arjomand, *The Turban for the Crown*, p. 156.

47 Cited in Bakhsh, "Iran: the Crisis of Legitimacy", p. 111.

48 *Kayhān-e Hawā'i*, 8/23/1989. Some *mojtaheds* allow the "imitation of the dead".

on the basis of the traditional principles of jurisprudential competence and superiority in learning (*a'lamīyyat*). Despite all the imaginable arm-twisting to make them recognize the Leader of the Islamic Republic, Khāmana'i, as the sole source of imitation, the professors of the seminaries of Qom proposed seven religious authorities as possible sources of imitation. The fact that Āyatollāh Yazdī had achieved the minimalist goal of having Khāmana'i, designated Grand Āyatollāh, included among the seven was cold comfort and fell far short of the objective of declaring him the sole *marja'*, and Khāmana'i himself could not disguise the embarrassment of the regime in the speeches he made after the event.⁴⁹

Āyatollāh Yazdī knew the great age and imminent death of the Grand Āyatollāhs Khū'i, Golpāyghānī and Arākī created a unique opportunity for solving the problem created by the incompatibility between the old and the new principles of Shiite authority in the 1990s. Now that his attempt at its solution has failed and a new generation of jurists in their 60s and 70s has forced its way into the highest Shiite clerical rank, the issue can only be shelved, not solved, and the regime's structural fault line remains unrepaired.

A brief comment is in order concerning the Islamicization of law and judiciary organization which was a major goal of the Islamic revolutionary movement against the Shah and was written into the Constitution of 1979. We have surveyed some of the difficulties in the attempt to Islamicize all laws through the Council of Guardians which led to the creation of the *Maṣlahat* Council. There has nevertheless been some effective Islamicization of the law, the most significant instance being the new criminal law which incorporates the *ḥudūd* and *qīṣāṣ* provisions of the *sharī'a* and has been in effect, with periodic modifications, since 1982. Other instances of substantive Islamicization include the 1988 law of punishment for speculation (*eḥtekār*) and the 1983 rent law.⁵⁰ This modest measure of successful Islamicization of the law, however, stands in sharp contrast to the failure of effective Islamicization of the Judiciary, especially during the decade 1989–1999, when Āyatollāh Moḥammad Yazdī held the newly created position of the Head of the Judiciary. Faced with the chronic shortage of religious jurists and mounting backlog of cases, the 4 June 1994 Law of General and Revolutionary Courts abolished the position of prosecutors and the appeal system in an attempt to revert to the Kadi courts as prescribed in the *sharī'a*. The resulting chaos has been generally acknowledged. The new Head of the Judiciary, Āyatollāh Maḥmūd Hāshemī Shāhrūdī, declared the Judiciary

49 According to Hāshemī-Rafsanjānī ("Chegūnagī," p. 9) Khāmana'i was reluctant to be designated a source of imitation at all, and had told the latter not to push the idea.

50 Schirazi, *Constitution of Iran*, pp. 191–98.

to be seventy years behind other institutions, and promised major reforms and reorganization.⁵¹ The chronic shortage of judges with the requisite training in Shiite jurisprudence, however, makes any further Islamicization unlikely. There are only 5,000 judges for 10,000 positions, while recognized institutions produce only 600 graduates a year.⁵² Only a small proportion of these come from the *madrasas* or can become *mojtaheds*.

4 Constitutional Politics of Iran under President Khātāmī

After his candidacy was approved by the Council of Guardians at the eleventh hour, Sayyed Moḥammad Khātāmī became the “accidental President” (the fifth) of the Islamic Republic of Iran, with over two thirds of the popular vote in an election with a very heavy turnout.⁵³ His advocacy of the rule of law and civil society set in motion a constitutional crisis which marks a new phase in the history of post-revolution Iran. By far the most important and repeated slogan of Khātāmī’s election campaign was ‘*ḥokūmat-e qānūn*’ (the rule of law). The implicit contrast to ‘*ḥokūmat-e eslāmī*’ (Islamic government), the slogan of the Islamic Revolution, stands out clearly in hindsight. A novel and consistent political discourse has grown around Khātāmī’s theory of political development under the rule of law, a discourse which stands in sharp contrast to the Islamic revolutionary discourse and rhetoric. This new political discourse, to which Khātāmī himself contributed a number of key neologisms, is spread by a popular pro-Khātāmī press that has grown with the removal of many of the restrictions by his government.

In the new political discourse, popular election has replaced revolutionary charisma and divine mandate as the basis of legitimacy of government. Ever since the presidential elections, the pro-Khātāmī press and supporters have incessantly appealed to his landslide victory—“the over twenty million votes”, the (nearly) “70% popular vote”—as the grounds of his legitimacy, and have referred to his election as a great, historically unprecedented event—“the epic of 2 Khordād (23 May)”, the historic “national event of 2 Khordād”, and the like. Although Khātāmī never disputed the principle of clerical supremacy as inscribed in the Constitution, the invidious contrast between the popular mandate of the President and the Mandate of the Jurist was barely beneath the surface at the beginning, and is now completely in the open.

51 *Eṭṭelā’āt*, 11/23/1999.

52 *Ibid.*, 11/30/1999.

53 Bakhsh, “Iran’s Remarkable Election”, p. 90.

Early in 1997, following the advice of the influential Investigation Committee of the Assembly of Leadership Experts, the Leader, Āyatollāh Khāmānāʿī, reconstituted the *Maṣlahat* Council with the mandate to assume its function of offering advice on major policies of the regime according to Article 110 of the Constitution.⁵⁴ He broke the precedence of having the President as the chairman of the Council,⁵⁵ and appointed the outgoing President, Hāshemī-Rafsanjānī. The clear intention was to demote the elected President by appropriating for the Council the function of the determination of state policy. The move should be seen as the continuation of the trend in the consolidation of conciliar clerical rule. The election of Khātāmī to Presidency suddenly pulled this quiet trend in clerical institutionalization into the arena of contested constitutional politics. The President as the head of the executive was pitted against the Leader at the apex of the system of clerical councils and courts.

The immediate result of his election was the reopening of constitutional politics and the reexamination of the fundamental principles of order in the Islamic Republic of Iran. In November 1997, disgruntled senior Āyatollāhs, who had been pushed aside by the present Leadership after a very long association with the regime, spoke out against the Leader. Āyatollāh Montazerī and the late Āyatollāh Āzarī-Qomī, who died in 1999, openly challenged the Leader and the principle of Leadership on the basis of the Mandate of the Jurist. Montazerī had developed his constitutional ideas after his constitution-making experience in 1979, and put forward a somewhat modified interpretation of the theory of the Mandate of the Jurist which made the Supreme Jurist into an indirectly elective office.⁵⁶ Āzarī-Qomī was a staunch conservative who now came to Montazerī's aid with an open letter. The clerical ruling elite organized noisy demonstrations against Montazerī and Āzarī-Qomī on November 19, 1997, and their offices and homes in Qom were ransacked. Āyatollāh Meshkīnī, President of the Assembly of Leadership Experts, reaffirmed the sanctity of the office of the supreme Jurist and the qualification of its present occupant, while Āyatollāh Yazdī, Head of the Judiciary, threatened Montazerī with trial for treason. Meanwhile, the former *Majles* Speaker, Ḥojjat al-Eslām Mehdī Karrūbī, complained of clerical abuse of judiciary power against the ousted radical clerics who had become newspaper editors and against the technocrats who had long served the regime.⁵⁷ Two other

54 According to the Vice President of the Assembly whom I interviewed in May 1997.

55 Internal regulation of 1989 (Article 2), cited in p. 650.

56 Montazerī, *Dirāsāt*.

57 *Eṭṭelāʾāt*, 11/24/97.

influential former members of the clerical ruling elite who had retreated to Qom to teach and assumed the rank of Grand Āyatollāh, 'Abdol-Karīm Mūsawī Ardabilī and Yūsuf Şāne'ī, became ensconced in consistently reformist positions.

This open expression of dissent within the clerical elite broke the ice, and enabled lay groups opposed to the principle of clerical rule to voice their opposition. Various organizations issued proclamations in support of Āyatollāh Montazerī; and the idea that the office of the Leader be made elective and for a limited term was publicly discussed. The taboo on the discussion and questioning of the principle of theocratic government in the press was thus broken for good.

One of the few features of the French model of the preliminary draft constitution, which had been retained by the Assembly of Experts and was not altered in the revision of 1989, makes the implementation of the Constitution the responsibility of the President.⁵⁸ Khātāmī made this surviving presidential prerogative an instrument of his promotion of the rule of law. Exercising this authority according to Article 113 of the Constitution, he appointed a Commission for the Implementation of the Constitution and constitutional supervision in December 1997. Its work was to be divided among five subcommittees, and its spokesman invited anyone aware of violation of public rights to inform the Commission.⁵⁹ The Commission has, however, displayed little energy. When it met President Khātāmī to submit its report on 30 November 1999, its Chairman pointed out that the Commission had received some four hundred complaints, many of which it did not consider appropriate. The President nevertheless took the occasion to emphasize that the rule of law was the most fundamental principle of the Islamic revolution, and that only through "its main manifestation, the Constitution, can many of the principles of the revolution such as piety, justice, national reconciliation, national security and freedom find real meaning."⁶⁰

The central paradox of Khātāmī's program of the rule of law is that the Judiciary had become increasingly an instrument of political control under Āyatollāh Yazdī. The Judiciary has shown no hesitation in using the courts for the political purpose of embarrassing the President and the reformists. In April 1998, after the trial and imprisonment of the municipal officials of some Tehran districts, clerical judges arrested the mayor of Tehran himself. He was fined and sentenced to five years in prison. The conservative clerics who were in firm

58 See above, p. 303.

59 *Ettelā'āt*, 2/10/1998.

60 *Ibid.*, 12/1 and 12/3/1999.

control of the courts closed down the newspaper *Jāme'ē* in June 1998, after it had leaked the remark by the Commander of the Revolutionary Guards, about their readiness to “cut the throats and tongues” of the journalists. In September 1998, heeding an “ultimatum” by the Leader to stop the undermining of Islam by the press, the same clerical judges closed down the reformist newspaper, *Tūs*, and the weekly *Rāh-e Naw* for publishing a refutation of the idea of the Mandate of the Jurist by the late Grand Āyatollāh Khuī (and a highly critical interview on the same topic with the reformist ‘Abdollāh Nūrī). *Zan* (Woman), published by Fā’ēza Hāshemī, the daughter of the former President Hāshemī-Rafsanjānī, was also closed down. The rebaptized reformist newspaper, *Neshāt*, was closed down, and its editor arrested in October 1999 for printing disrespectful material on “the Koranic sacred beliefs and certainties”. When his trial opened in the following month, political abuse of judiciary power was evident in the clerical judge’s refusal to summon the press jury.⁶¹

In January 1999, Khātāmī insisted on the arrest of a number of officials in the Ministry of Information (read Intelligence), including the powerful Deputy Minister, Sa’īd Emāmī (*alias* Eslāmī) for the chain of murders of a number of writers and liberal politicians. Some of the conservative Āyatollāhs were reliably said to have issued *fatwās* (injunctions) justifying the killings. The reformist Āyatollāh Mūsawī Arbadīlī declared any such *fatwās* invalid. Ḥojjat al-Eslām Moḥsen Kadiwar, a younger but prominent reformist cleric who had written a direct and detailed refutation of Khomeini’s theory of theocratic government,⁶² delivered a speech in Isfahan in which he declared terrorism forbidden by the Sacred Law. Kadiwar was arrested at the end of February 1999, and his trial by the Special Court for Clerics became a *cause célèbre*. The national press and student associations protested that the Court was unconstitutional, and that it was in contravention of the International Human Rights Instruments signed by the Government of Iran which disallows special courts for special classes of persons. The Commission for Islamic Human Rights sought to intervene on behalf of the accused, while the Head of the Judiciary defended the legitimacy of the Special Court for Clerics on grounds of its approval by the late Imam Khomeinī as the supreme Jurist, and its jurisdiction with reference to Articles 110 and 112 of the Constitution pertaining to Leadership.⁶³ Disregarding the widespread public protest and Kadiwar’s elaborate defense, which was soon

61 Ibid., 10/19, 11/10 and 11/16/1999. A Press Jury was envisioned under the press laws of August 1979 and March 1986, and Khātāmī had actually created one while he was the Minister of Culture and Islamic Guidance. (Hāshemī, *Hoqūq-e asārī*, vol. 2, pp. 558, 565).

62 Kadiwar, *Ḥokūmāt-e Welāī*.

63 *Eṭṭelāz’āt*, 3/4/1999.

published as a book in paperback, the Special Court for Clerics sentenced him to 18 months in prison on 19 April 1999.⁶⁴

The Court, however, continued its political activism unabashed; and its closure of the newspaper *Salām* provoked the student riots of July 1999. Emboldened by the suppression of the student riots, it proceeded with the closure of *Khordād* and trial of its editor, the former Interior Minister, 'Abdollah Nūrī. The trial of Nūrī in November 1999 by the notorious Special Court for Clerics was remarkable in many ways. There was hardly any legal argument in the charges whose nature was crudely political: deviation from the opinions of Imam Khomeinī in domestic and foreign politics, and publication of the views of Āyatollāh Montazerī and the liberals and nationalists whom the Imam had disowned. The trial also provided the occasion for the widespread questioning of the legality of the Special Court for Clerics as well as the legitimacy of theocratic rule and Leadership. Among those who questioned the Court's constitutionality was the Chairman of the Presidential Commission for the Implementation of the Constitution, Dr. Ḥosayn Mehrpūr. The clerical judge, however, offered a different argument for the Court's legitimacy, one which bypassed the issue of constitutionality altogether. He justified the authority of the Special Court for Clerics from the charismatic legitimacy of Khomeini: "The revolution derived its legitimacy [in the Sacred Law] (*mashrū'īyyat*) from His Highness the Imam, and this Court, too, derives its legitimacy [in the Sacred Law] from the decree of the late Imam."⁶⁵ The all-clerical jury turned in its verdict before receiving Nūrī's final written defense, and he was sentenced to five years in prison. *Khordād* was closed down.

The decisive impact of the Nūrī trial can be seen in the failure of the attempt to co-ordinate the electoral campaigns of the two organized clerical political groupings a week or so after the formation of the pro-Khātāmī electoral coalition (see below)—that is, in the latter part of November. This attempt was doomed by Nūrī's conviction. In a sharply worded condemnation of the verdict of the Special Court for Clerics, Āyatollāh Ṣāne'ī alluded to the Koranic view of humankind as "the deputies of God" and asked: "How is it possible to give priority to the opinion of one person [the Supreme Jurist] or a few persons or a small social group [the clerical class] over the opinion and vote of all or the majority of people? This is the highest form of despotism and its ugliest face..." The association of professors and researchers of the seminaries of Qom also condemned the verdict. So did Āyatollāh Ṭāherī, the

64 *Bahā-ye āzādī*.

65 *Eṭṭelā'āt*, 11/3/1999.

influential *Imām Jom'a* of Isfahan, who also expressed the hope that the next *Majles* would solve such problems as the Special Court of Clerics.⁶⁶

The power of the clerical jurists of the Council of Guardians to approve the qualification of candidate for all elected office, too, was first effectively challenged by the disqualified clerical or clerically endorsed candidates. In April 1999, the Ministry of the Interior announced it was preparing legislation to deprive the jurists of the Council of Guardians of this supervisory power which was said to have no basis in the Constitution. *Khordād* (5/19/1999) went so far as to state: "For the people who overthrew the 2,500-year-old regime of monarchy . . . the overthrow of the law of supervision of a special wing will, *a fortiori*, not be difficult." The Leader retorted immediately by endorsing the supervisory power of the jurists of the Council of Guardians.⁶⁷ The vigorously contested supervisory power of the clerical jurists of the Council of Guardians was reconfirmed by the conservatives in the *Majles* in the aftermaths of the student riots, as we have seen, and the jurists did not shy away from disqualifying some 668 candidates for the February 2000 national elections, or from annulling a few elections for seats won by reformists. Nevertheless, the percentage of candidates disqualified (under 10%) is the lowest in the history of the Islamic Republic. This relative restraint can be attributed to the constant pressure from the Ministry of the Interior, which organized the local electoral boards and insisted on the right of the rejected to hearings, and from the President. Following public requests that he intervene as the protector of the Constitution and require its implementation, Khātāmī met with the jurists of the Council of Guardians, and even had one of them use the new political vocabulary of the rule of law: Āyatollāh Reżā Ostādī stated that the Council of Guardians would welcome the advice on acting lawfully (*qānūn-madārī*).⁶⁸

Participation had been a major component of Khātāmī's favorite idea of political development and he considered the village, town and provincial Councils envisioned in the Constitution of 1979 "the most evident channel for participation is the election of the Councils." The law of the organization and elections of the councils had eventually been passed in December 1996, and Khātāmī promised to have them elected. The elections took place in February 1999, as Khātāmī had promised, and gave his supporters another landslide victory with over 4/5 of the popular vote. On the anniversary of his now epic presidential victory, May 23/Khordād 2, Khātāmī addressed the gathering of some 107,000 elected members of the village and town councils in Tehran,

66 Ibid., 11/22, 12/2 and 12/3/1999.

67 Ibid., 5/20/1999.

68 Ibid., 1/6 and 17/2000.

again emphasizing the importance of political development and the need to struggle for “the consolidation of Islamic democracy and popular government (*mardom-sālārī*)”. He noted that “sacred terms such as ‘revolution’, ‘freedom’, ‘Islam’ and [NB] ‘leadership’ are not the monopoly of any group”. The Leader was pointedly absent, and his message was read by the director of his bureau. In the course of the year, the councils elected some 718 mayors and are slowly defining their functions in relation to central government.⁶⁹

Needless to say, the central organ of political participation in Iran was the *Majles*, as both the pro-Khātāmī reformists and their opponents knew well. Sa’id Ḥajjāriyān and the President’s brother, Moḥammad Reżā Khātāmī, organized a group which made popular participation its central objective and took the name of the Participation Front of Islamic Iran (*Jebhe-ye moshārekāt-e Irān-e eslāmī*). It was one of the eighteen political groups which formed the Khordād 2 coalition in mid-November 1999 in preparation for the *Majles* elections, and brought out its own newspaper, *Moshārekāt* (Participation), early in January 2000. The Participation Front did far better in the landslide February 2000 elections than other members of the Khordād 2 coalition, and were poised to control the Sixth *Majles* when it convened after the second round of elections in April 2000, and has declared its intention to dismantle the Special Court for Clerics, and the approbationary veto power of the Council of Guardians.

It is clear that the struggle between the reformists and the conservative clerics has already set another constitutional crisis in motion. In April 2000, the Council of Guardians postponed the second round of elections, annulled a number of elections for seats won by reformists, and asserted its superiority over the *Majles* by virtue of the appointment of its jurists by the Leader. The clerically-dominated Expediency Council has sought to pre-empt any *Majles* investigations into breaches of law by depriving it of the right to investigate the Special Court for Clerics, the national radio and television, the armed forces or any other organization which is under the control of Leadership. Meanwhile, the political activism of the clerical judges continued with a major clamp-down on the reformist press. By May 2000, all but one or two of the reformist newspapers were closed down, and a number of leading journalists arrested and imprisoned. In August, the Leader told the *Majles* to stop its deliberations on the new press law, and clerical judges were emboldened to close down the last important reformist paper, *Bahār*, and arrest more journalists.

Although the position of the Leader has been weakened by the loss of conservative support in the *Majles*, he has blocked the reformists effectively and it

69 Arjomand, “Civil Society”.

is difficult to foresee any attempt to dismantle the major institutions of clerical power. If re-elected in 2001, Khātāmī may challenge some of the Leader's prerogatives and the authority of the Representatives of the supreme Jurist who are not mentioned in the Constitution, and much of whose extensive powers can be said to be unconstitutional. The same is true of some four hundred Congregational Prayer Leaders (*Imām jom'as*). Such a move, however, is not very likely and cannot succeed without radically transforming the theocratic republic.

5 Conclusion

The constitutional history of the Islamic Republic of Iran from 1979 to 1997 was the story of the realization of one man's vaguely-adumbrated project into a unique political regime. Khomeinī died in the middle of this period, but not before setting the pattern for the continued consolidation of clerical power. The constitutional politics generated by Khomeinī's firm determination to realize his project of theocratic government were defined and delimited by two sets of contradictions. The first are the contradictions between the heterogeneous principles of theocratic government by the Shiite jurists and those of the rational-legal authority structure of the modern state with an elected legislature and a bureaucratic administrative system. The second set of contradictions are internal to Shiism and oppose the novel idea of the Mandate of the Jurist to the traditional theory of juristic authority. The absence of the people in the constitutional politics of the period should be noted. The people had had their say in the overthrow of monarchy but were largely excluded thereafter. Instead, the protagonists faced by Khomeinī and his followers in the constitutional arena were, on the one hand, government functionaries representing the executive branch of the bureaucratic state and pushing the logic of state law and centralized bureaucratic authority, and the traditional jurists and *marāje'e taqlīd*, on the other. The people's representatives in the *Majles*, the legislators, entered the arena primarily as the creators of state law, and were aligned behind the principles of state law and the autonomy of *raison d'état*.

The period after 1997 is different because its constitutional politics stem from a different set of contradictions. The pattern is now set by the clash of the contradictory principles of legitimacy underlying the (divine) Mandate of the Jurist and the (democratic) mandate of elected President and legislature. The people are finally drawn into constitutional politics in this period. Nevertheless, in this new phase, too, the parameters of Iranian constitutional development have been set by the contradictory principles of the

Constitution—namely, the Mandate of the Jurist, the rule of law, and participatory representative government. Contradictions among these heterogeneous principles of political order can fully account for the confrontation between the Leader, or clerical monarch, and the elected President. The Leader stands for the first principle, and aligned behind him are the conservative clerics who came to power as a result of the Islamic revolution and are in control of the revolution-generated organizations, foundations and foundation-supported unofficial vigilante groups, the Judiciary and the commanders of the revolutionary guards. The President stands for the last two principles which are fused together in his new political discourse of the rule of law cum civil society cum political development through participation, and behind him are the technocrats, the reformist and excluded clerics and the disenfranchised middle classes.

Shi'ite Dissent in Iran before and after the Islamic Revolution*

One could not ask for a better example of a sense of moral outrage against modernization as Westernization than Khomeini's Islamic revolution in Iran. It dominated the decade of revolution, war and institutionalization of theocratic government from 1979 to 1989. While Khomeini's successors presided over an era of economic reconstruction and, unexpectedly, of political development, an entirely different moral sense of modernization emerged in the 1990s and had entered the arena of the constitutional politics of the Islamic Republic of Iran since the first election of President Mohammad Khātami in 1997.

1 Moral Outrage, Nativism and Refuge in Ideology

Moral indignation against Westernization in Iran predated the outburst of revolution in 1979 by a few decades. It began as a series of nativistic protests which gradually cohered in the shape of an Islamic ideology. The mythical construction of the West was not exclusively or primarily a religious affair. It was rather a fairly general indigenous or nativistic response to Western cultural domination in which Islam played a varying and fluctuating role before the revolutionary crescendo of the late 70s and early 80s. The essence of this nativistic cultural response was what Boroujerdi (1996) analyzes as Occidentalism, or, borrowing a phrase from Edward Said's Syrian critic, Sadiq al-'Azam, as "Orientalism in reverse." Although Khomeini's own publicistic career has a modest beginning in the 1940s, the indigenous response to Western domination in the two decades after the Second World War came from another group: lay intellectuals with a clerical background and upbringing. The most notable members of this group were the neglected Sayyed Fakhr al-Din Shadman

* An earlier version of this Chapter was published as "Modernity, Tradition and the Shi'ite Reformation in Contemporary Iran," in G. Skapska, ed., *The Moral Fabric in Contemporary Societies*, Leiden: Brill, 2003, pp. 241–61.

(d. 1967) (Borujerdi 1996:54–63), and the well-known Sayyed Jalal Al-e Ahmad (d. 1969).

The Islamic ideology as a distinct and moderately coherent nativistic response gathered momentum as a result of the confluence of discordant attempts at myth-making which were, however, all obsessed with the West and shared the same goal of construction a new collective identity vis-a-vis the West. This Islamic ideology became increasingly revolutionary and culminated in Khomeini's theocratic redefinition of Shi'ism. The modernist writer, Al-e Ahmad, who initiated the process of reception of ideology in Iran, set the direction of future development in two steps: first by characterizing the Iranian cultural malaise as "Westoxification" (*gharbzadegi*), and then by turning for cure (towards the end of his career) to the Islam of his clerical family. His "Westoxification" proved definitive as the diagnosis of the age, and constituted what sociologists call "the definition of the situation" for a whole generation. Al-e Ahmad was followed by the Sorbonne-educated sociologist, 'Ali Shari'ati (d. 1977), who is the best known of the Islamic ideologues before the revolution. It is interesting to note that Shari'ati, too, came from a clerical family; his father was a former cleric who had become an Islamic publicist. With Shari'ati, the process of ideologization of Islam gathered full momentum. Both Al-e Ahmad and Shari'ati were Marxists for a significant period, which can tell us where the notion of ideology came from. Shari'ati, in particular, adopt what was a Western instrument of protest, namely ideology, as a weapon for combating what the pernicious cultural domination of the West. In the end, the pouring of Islam into the ideological framework borrowed from Marxism amounted to a "colossal redefinition of Islam" (Dabashi 1993:406), a colossal redefinition which was, furthermore, revolutionary. For them, "the West" was the projected civilizational other, the point of reference toward which they "painted themselves into a corner of a revolutionary self-definition." (Dabashi 1993:395) The great irony of Al-e Ahmad's life, as Dabashi (1993:75) has noted, was that "the Islamic ideology" is "the deepest, most effective form of Westoxification ever."

Shari'ati promoted the notion of Islamic sociology as the ideology in his search for a reinvigorated collective conscience through the reform of Islam. His search for the authentic source of collective conscience after completing his graduate studies in Paris and returning to Iran led him to Islam. He thus became the first proponent in Iran in the late 1960s of Islamist sociology which had already had advocates in Egypt. (Arjomand 2013)

Shari'ati rejected nationalism, Marxism, Freudianism and other Western fallacies as inauthentic importations. On the other hand, he combined this search with the modern myth of revolution he had inhaled in intoxicated

atmosphere of the Latin Quarter in Paris while studying Durkheim's sociology of religion. Islam had to be rediscovered, however. Only an Islamic revolution could remove the distortions and deviant encrustations of centuries and recover the potency of pristine Islam as the source of a reinvigorated collective conscience. I have emphasized the collectivist, if not fascist, aspects of his thought (Arjomand 1982), which laid the epistemic foundations of the dominant mentality of the first decade of the Islamic Revolution. (Vahdat 1999)

The clerics, however, had not leave the ideological field to laymen for long. Al-e Ahmad's cousin, Ayatollah Sayyed Mahmud Taleqani (d. 1979), was closest among the emerging clerical ideologues to the Marxist camp and absorbed its terminology into his Islamic economics. Other clerics, too, notably Ayatollahs Mortaza Motahhari (d. 1979), Mohammad Hosayn Tabataba'i (d. 1981), and last but not least, Khomeini, had turned to publicistic activity to combat Western materialism. It is interesting to note that Tabataba'i shared Khomeini's atypical interest in philosophy, while Motahhari had studied the subject with him. Motahhari was to become one of Khomeini's main lieutenants in the revolutionary struggle, alongside Ayatollah Hosayn-'Ali Montazeri who had also studied philosophy with Khomeini. These clerics turned ideologues redefined Shi'ism in a revolutionary direction. This redefinition and revolutionary transformation culminated in Khomeini's construction of an ascetic revolutionary political ethic, and above all, in his new theory of theocratic government. Particularly important for the clericalist modification of Shari'ati's revolutionary Islamic ideology, and for its subordination to Khomeini's theory of theocratic government on the basis of *velāyat-e faqih* (mandate of the jurist), was Ayatollah Mohammad Hosayni Beheshti (d. 1981), who had been the Director of the Islamic Center in Hamburg before the revolution and played a major role in the incorporation of Khomeini's theory into the 1979 Constitution of the Islamic Republic of Iran. With the creation of the Islamic revolutionary ideology and its clericalist institutionalization by Beheshti, Shi'ite Jacobinism under Khomeini's charismatic leadership dominated revolutionary Iran without a serious challenge for a full decade.

The obsessive concern of the secular intellectuals with the West was not necessarily shared by Khomeini and his clerical colleagues who led the revolutionary movement against the Shah to restore and preserve a Shi'ite tradition threatened by modernization and Westernization. It should be pointed out that the clerical ideologues were not particularly tormented by ambivalence toward the West and were much more securely grounded in the Shi'ite tradition they wanted to save. The Islamic Revolution was undoubtedly a traditionalist revolution. (Arjomand 1984) However, the restoration of a tradition in practice always entails its transformation. In fact, the traditionalist revolution of 1979

has brought about a revolution in Shi'ism.¹ As early as in December 1984, in an outburst against the recalcitrant traditionalists who considered taxation at variance with the Islamic Sacred Law (*shari'a*) in December 1984, the Majles (Iranian parliament) Speaker (later President) Hāshemi-Rafsanjāni reminded his opponents that they were sitting in Parliament, which had no precedent in Islamic history, any more than having a president, cabinet of ministers, prime minister and the like, and affirmed that there was no legal precedent or ruling "in Islam for 80 per cent of the things on which today we base Islamic government." (Arjomand 1989:116) In fact, the Islamic Revolution in Iran resulted in both the traditionalization of a modernizing nation-state and the modernization of the Shi'ite tradition.

2 Reformation of Islam, Modernity and Pluralism

The unexpected, eleventh-hour victory of Sayyed Mohammad Khātami on a platform of political reform in the presidential elections of May 1997 opened a new phase in the history of post-revolutionary Iran. From the sociological point of view, President Khātami's landslide victory in 1997 can be regarded as the tip of an iceberg, the political edge of a deep cultural movement for the Shi'ite reformation that was well under way in the 1990s and received a considerable boost from his election. (Rouleau 1999) This movement for the reform of Islam was very much a product of the children of the Islamic revolution, and can be presented as one of its long-term, unintended consequences. The movement's leading figure since the early 1990s, 'Abdolkarim Soroush, is a philosopher of science who had been trained in pharmacology in London and was appointed a member of the Commission for Cultural Revolution by Khomeini after the closure of the universities in 1980. The most forceful theorist of the religious reform movement since the latter half of the 1990s, Mohammad Mojtahed-Shabestari, is a Shi'ite cleric who had been Ayatollah Beheshti's colleague at the Islamic Center in Hamburg in the 1970s, and was elected to the first Majles after the revolution in 1980. Mohsen Kadivar, the recently jailed cleric who has written a detailed work in Shi'ite jurisprudence refuting Khomeini's theory of theocratic government (Kadivar 1998), was a student of electrical engineering at the time of the revolution and switched to the seminaries of Qom as an enthusiastic Islamic revolutionary. Last but not least, Khātami himself had served as the revolutionary Minister of Culture and Islamic Guidance. What

1 See Chapter 17.

these clerical reformists shared with the lay intellectual, Soroush, was a keen interest in philosophy and rational theology, which they have used as a tool for the reconstruction of religious thought.

During Khātami election campaign in May 1997, another child of the Islamic revolution and a leading figure in the new breed of reformist journalists, Akbar Ganji, published a series of dialogues with Iranian intellectuals entitled, *Tradition (sonnat)*, *Modernity (modernité)*, *Post-Modern*.² The ‘post-modern’ has not done too well in Iran, and tends to be identified with a group of so-called Heideggerian, some would say fascist, intellectuals led by Rezā Dāvāri (1999). This post-modern trend originated in the group had been created by Al-Ahmad’s mentor, Ahmad Fardid (d. 1994), which has elaborated the jargon of Islamic authenticity as a remedy for Westoxification. (Boroujerdi 1996:63–76, 159–65) It can properly be called ani-modern. (Tabātabā’i 1998:18–20) The most perceptive observer of current intellectual situation in Iran who considers the discussion of “modernity, pre-modernity and post-modernity the most important discourse (*goftemān*, a key neologism in Persian) in our intellectual space and among all groups,” also states that the “Heideggerian” post-modern trend “never acquired philosophical and theoretical depth, and is today, in my opinion spent and dead.” Not so the dichotomy, Tradition/Modernity, which had superseded the anti-Western, anti-imperialist and center/periphery discourse, nor the sustained effort to unite its two poles by the “religious intellectuals” who dominate the reform movement. In the opinion of the same observer the future of Iran primarily depends on this movement of religious enlightenment (*rawshanfekri*) which is capable of bringing about a synthesis between tradition and traditional thought and the heritage of the modern world.” (Āshuri 1998:20–21) The same sentiment was echoed in one of President Khātami’s campaign speeches in 2001 in which he affirmed that the future of Iran lay with the “new religious thinking,” adding that “if we try to impose on a changing society issues which do not belong to our time, we will end up harming religion.” (*New York Times*, 5/26/01)

Eastern European intellectuals should be familiar with the situation in which a set of ideas and a type of discourse that seems dated or hackneyed to trendy Western academics have extensive currency and intense vigor in their own societies. Thinking that I had dealt with the modernity/tradition dichotomy as a graduate student at the University of Chicago in my first published paper, “Modernity and Modernization as Analytical Concepts: An Obituary,” I have been interestingly surprised by the hot debate on modernity and tradition in Iran since 1997. It should be noted that the debate was not been

2 Ordibehesht 1376.

confined to the reformist press and publications. The conservative periodical, *Naqd o Nazar*, published in the holy city of Qom since 1995, also published a series of articles on the "Sociology of Modernization" by Hosayn Bashiriyyeh, a professor of sociology at the University of Tehran, and devoted a special double issue to *Tradition and Modernity* in 1999.³ Tradition and modernity are often contrasted dichotomously in the debate, and even Javad Tabataba'i, the non-religious modernist who insists on the irrelevance of the post-modern to the predicament of contemporary Iran in contrast to the centrality of modernity, admits the crucial importance of coming to terms with tradition. (Tabataba'i 1998) In other words, in traveling from the nineteenth century European thought, and more immediately the structural-functionalist sociology of post-World-War II to post-revolutionary Iran, the first term of the dichotomy, tradition, has lost the rigid fixity attributed to it by the classic eighteenth-century enlightenment thought (Oakshott 1991:36), and is seen in a fully dialectical relationship with modernity. Religious intellectuals are the architects of a critical theoretical framework for understanding the dialectic of tradition and modernity. The focus of this critical perspective is the tension between modernity and religion.

In 1992, Soroush made a radical break with the revolutionary characterization of Islam as an ideology in a critique of the Islamic revolutionary ideologue, 'Ali Shari'ati, arguing that Islam as a world religion is "richer than (*farbahtar*) ideology" because it allows for a variety of different interpretations. (Matin-asghari 1997:104) An equally radical break with the twentieth-century apologetic Islamic modernism came with Soroush's advocacy of religious pluralism at the close of the century. In a 1997 article entitled "Strait Paths" (*serathā-ye mostaqim*), which significantly pluralizes the key Koranic phrase, Soroush totally disregarded legalistic Islam and drew heavily on the tradition of gnostic mysticism (*'irfān*), especially in the poetry of his favorite Rumi (d. 1273) to establish the principle of religious pluralism. In "The Expansion and Contraction of the Sacred Law," a celebrated 1990 article which was later expanded to a book (Soroush 1991), Soroush was still relying on philosophy of science to establish the dependence of the normative validity of Islamic legal norms on the changing scientific world views of different epochs. His argument was, however, flawed because the rules of Shi'ite jurisprudence have in fact been largely invariant with respect to the changes in the natural sciences. The replacement of the philosophy of science by hermeneutic enabled him to shift the discussion of truth from causal and rational arguments to the level of meaning: "We must not integrate truth [of propositions] with either reasons

3 *Naqd va Nazar*, 5,1-2 (Winter and Spring 1377-78): *Sonnat va tajaddod*.

or causes, but must rather attribute it to meanings and interpretation.” (Soroush 2000:116) From this new hermeneutic perspective he could shift the focus of discussion from the religious sciences to religion itself and write of the *Expansion of Prophetic Experience* (1999:21): “The prophet is a human being and his experience is human, so are his disciples.” Upon this premiss, not only the entire corpus of the Sacred Law, but also the very expression of the Islamic revelation in the Arabic language and the culture that grew around it could be consistently established as historically “contingent” rather than “essential” features of religion. (Soroush 1999:55, 80)

Historically speaking, Soroush’s break with the twentieth-century apologetic Islamic modernism is more fundamental than his break with the political Islam of the 1970 and 1980s through his refutation of the Islamic ideology of Shari‘ati. It can be said generally that the advocates of Islamic modernism throughout the twentieth century and the Muslim world, like Bāzargān, maintained that Islam is the most perfect religion and therefore has the best answers to all problems of modern social and political organization, purporting apologetically to deduce democracy, equality of women, principles of social justice and human rights from its sources. To them, Islam was the Straight Path, and could as such generate the perfect modern social and political system by reexamining its fundamentals. The distinctive mark of the Shi‘ite reformation of the 1990s as formulated by Soroush and Mojtabeh-Shabestari, is a critique, explicitly of political Islam but implicitly also of the apologetic Islamic modernism which they, however, do not disown. The movement for the reformation of Islamic thought thus marked the birth of critical theory in modern Shi‘ism. It offers a radical critique of contemporary Islamic thought for (a) mistaking the historically contingent forms of Islamic for its revealed essence, and (b) for disregarding religious pluralism as the inevitable result of the reading of revealed texts in specific human languages and socio-historical contexts—as more than one reading is inevitable, so there must be more than one straight path to salvation.

Soroush has not been shy in making the political implication of his religious hermeneutics explicit. He began the essay on “Straight Paths” by noting that accepting religious and cultural pluralism necessitates the acceptance of “social pluralism,” and ended it by affirming that “a pluralistic society is a non-ideological society—that is, [a society] without an official interpretation and [official] interpreters—and founded on pluralist reason.” (Soroush 1998:1, 49) Soroush (2000:215) proceeded to characterize the view of the ruling clerical elite as “the fascist reading of religion,” and spoke of them as the ‘bearers of religious despotism,” affirming that “the new generation that has now arisen in Iran does not see the jewel of religion in jurisprudence and ideology.” (Soroush 2000:220) Last but not least, in a major departure with his earlier purely

instrumental, “managerial” view of democracy as “a successful and scientific method of management (*tadbir*) in the social arena” (cited in Matin Asghari 1997:111), Soroush (2000:376–77) now offers a normative definition of democracy as resting on three pillars: rationality, pluralism, and human rights.

The managerial conception of democracy is shared by Mojtabeh-Shabestari (2000:18), who appears to view democracy as required by “the scientific management and on-term planning” typical of modern life, and derives from the view of medieval Muslim philosophers as “management of the polity.” I am inclined to attribute this to the unavailability of Aristotelian and his idea of constitutional government and the rule of law as normative principles. Aristotle's *Politics* is the only major work of his which was not translated into Arabic. (Arjomand 2001) *Politics* only became available in Persian to Khātami's generation in a translation by the late Hamid Enayat (d. 1982).

An equally radical break with the apologetic modernism of the earlier generation and a more rigorous critique of the foundations of theocratic government in legalistic Islam was made by Mojtabeh-Shabestari with the publication of *Hermeneutics, the Book and Tradition* in 1996.⁴ Mojtabeh-Shabestari draws on the mastery of modern hermeneutics he had acquired in his years in Germany to delineate a critical theory for rethinking Islam in the contemporary world. Noting that many observers insist that “the concept of tradition (*sonnat*) and its derivatives have primarily a religious-doctrinal sense for the Muslims,” Mojtabeh-Shabestari considers this idea the cause of “many difficulties and errors in the study of the problems of tradition, modernity and development in Islamic countries.” He argues, by contrast, that the confrontation between tradition and modernity is easier in Islam than in Christianity, where “tradition” is tied up with the idea of the church as the vehicle of sacred history. The confrontation of tradition and modernity in Islam can therefore be confined to the “anthropological viewpoint,” and need not assume the form of confrontation between religion and atheism. (Mojtabeh-Shabestari 1997:100) This may well be wishful thinking, but Mojtabeh-Shabestari proceeds to specify the conditions for speaking of faith in the contemporary world and within the limits of modern rationality as set by natural and historical sciences. (Mojtabeh-Shabestari 1997: ch.8)

In *A Critique of the Official Reading of Religion*,⁵ Mojtabeh-Shabestari adopts the historical perspective of modernization, a process which began about 150

4 The subject was broached in a lecture to the Philosophical Society of Tehran in 1993/1372, if not earlier.

5 The title first appeared in an interview with the literary magazine, *Rah-e Naw*, in August 1998/ Shahrivar 1377.

years ago with the resolution of the Muslims to overcome backwardness by adopting a new style of life, and was at first called “the adoption of the modern civilization” and “progress,” and nowadays referred to as “development” (*tawse’ah*). (Mojtahed-Shabestari 2000:13–15) He then puts the Islamic revolution in this perspective: “When Iran’s Islamic revolution attained victory in 1357 (1979), over a century had passed since the entry of our country into modern life, development and progress.” (Mojtahed-Shabestari 2000:21) The process of modernization radically changes the character of Muslim societies and consequently the social functions of Islamic jurisprudence. (Mojtahed-Shabestari 2000: ch. 1) Not wanting to dissociate himself and the reform movement from the Islamic revolution, he argues, somewhat tenuously, that, because the Constitution of 1979 was the product of rational law-making rather than traditional jurisprudence, and included values that were the “fruits of modernity (*modernité*),” the Islamic revolution was accompanied by a “rational-humanistic” reading of Islam. (Mojtahed-Shabestari 2000: ch.2) The “official reading of religion” originated in a phenomenon called “jurisprudential Islam” (*eslām-e feqāhātī*), which justified totalitarian control of culture by theocratic government, gradually gained the upper hand after the revolution. The official reading of Islam is now undermined by a crisis of legitimacy for three reasons. It is a reading that advocates non-participation, theorizes violence and lacks scientific validity. (Mojtahed-Shabestari 2000:30–34) The last reason, the loss of plausibility and scientific validity of the official reading of religion is in part due to hermeneutic challenge. (Mojtahed-Shabestari 2000:37–46) The use of modern hermeneutics as a critical theoretical tool by the reformists has shaken the belief that there is only one correct interpretation of “the Book and tradition,” and consequently the “absolute theoretical authority” of the religious jurists which prevailed before the revolution and under Khomeini. (Mojtahed-Shabestari 2000:194) Furthermore, the official reading of Islam had legitimacy during Khomeini’s lifetime because the majority of the Iranian people accepted his charismatic leadership as a form of “political following” (*taqlid-e siyāsi*) of the religious jurist. Now that the majority which accepted the ‘political following’ of religious jurists has dwindled to a small minority, we witness a crisis of legitimacy, as modern political regimes derive their legitimacy solely “from political rationality and popular vote.” (Mojtahed-Shabestari 2000:34–36)

The political implications of Mojtahed-Shabestari’s religious hermeneutics and spelled out further. According to him, “a major element in modernization is the rationalization of the political order.” In fact, “the most important source of tension between modernity and religion in Iran today is the political order.” (Mojtahed-Shabestari 2000:184) Mojtahed-Shabestari uses the hermeneutic

principle as a generally accepted and key element of modern epistemology to refute the fundamental claim that it is possible to base a form of government, or for that matter any social institution, on religious jurisprudence. Only “a small minority” of Muslim thinkers consider “the political instructions of the Book and (the Prophetic) tradition to include even the form of government.”⁶ (Mojtahed-Shabestari 1997:73) In fact, no political regime was founded on the basis of the science of jurisprudence in the past, or can be founded in the future. Rather, the science of jurisprudence can only offer answers to certain questions that arise within the institutional framework of existing political regimes. (Shabestari 1996:46–66) Mojtahed-Shabestari (2000:12) explicitly refutes the two cardinal tenets of the official clericalist reading of Islam, namely that “Islam as a religion has political, economic and legal regimes based on the science of jurisprudence” suitable for all ages, and that “the function of government among the Muslims is the execution of the commandments of Islam.”

3 The Political Impact of the Reform Movement and Democratization

The reform movement became a force in Iranian constitutional politics with Khātami's election in 1997, and reopened the question of the fundamental principles of order in the Islamic Republic for the first time since 1979. Khātami's platform of civil society and “the rule of law (*hokumat-e qānun*)” evoked an implicit contrast with “*hokumat-e eslāmi* (Islamic government),” the slogan of the revolution. Ata'ollāh Mohāherāni, his first reformist Minister of Culture and Islamic Guidance, removed many of the restrictions on the press, and a popular pro-Khātami press immediately flourished. Before long, a number of these newspapers were closed down by the clerical judges seriatim, while their editorial staffs were given licences by the Ministry of Culture to start new ones. This press spread Khātami's new political discourse which owes much to the reform movement. Neologisms such as civil society (*jāme'a-ye madani*), legality (*qānun-mandi*), and citizens (*shahrvandān*),⁷ and “law-orientedness” (*qānun-gerā'i*), many of them coined by Khātami himself, circulated, as did Khātami's other favorite term, “political development.” Two key neologisms came from the

6 When this view is accepted, however, the crucial issue that arises is whether the determination of the compatibility of the political regime with Islamic values is the exclusive prerogative of religious jurists and the ordinary people are bound to follow them in political matters. (Mojtahed-Shabestari 1997:75–76).

7 These terms are taken from Khatami's inaugural speech of August 4, 1997. (*Ettelā'āt*, 8/5/97:3).

reformist hermeneutics: “pluralism” (*plurālizm*, *takkathur-garā’i*) and “reading” (*qerā’at*) [of Islam].” In a major speech in April 1999 (*Ettelā’āt* 1/30/78), Khātami elaborated his favorite theme of political development which required the recognition of the right of opposition within the framework of law. He then announced that “the first step in political development is participation, and the most evident channel for participation is the election of the Councils.” The Councils he was referring to were the local and municipal councils provided for in the Constitution of 1979, but never elected. The elections for the councils took place, as Khātami promised, and gave his supporters another landslide victory with over 4/5 of the popular vote.⁸ On the second anniversary of his Presidential victory, Khātami addressed the gathering of some 107,000 elected members of the village and town councils in Tehran, again emphasizing the importance of political development and the need to struggle for “the consolidation of Islamic democracy and popular government (*mardom-sālāri*).” He noted that sacred terms such as “revolution,” “freedom,” “Islam” and [NB] “leadership” are not the monopoly of any group.” The coalition that was formed for the parliamentary elections in the following year and won the great majority of the Majles seats in 2000 called itself the Participation Front, and started a newspaper, *Participation* (*moshārekat*).

Although Khātami has never disputed the principle of clerical supremacy as inscribed in the Constitution, the invidious contrast between the popular mandate of the President and the Mandate of the Jurist (*velāyat-e faqih*) soon became evident. Once a legal matter becomes a contested issue in constitutional politics, the gates are wide open for debate over the fundamental principles of order. In November 1997, Khomeini’s successor-Designate, Ayatollah Hasan-‘Ali Montazeri spoke out against theocratic government. Montazeri had developed his constitutional ideas after his constitution-making experience in 1979, and put forward a somewhat modified interpretation of the theory of the Mandate of the Jurist which made the Supreme Jurist into an indirectly elective office. Around this time, he published a booklet, *Popular Government and the Constitution* (*hokumat-e mardomi va qānun-e asāsi*), in which he refuted the idea of the Absolute Mandate of the Jurist and the authority of the jurists of the Council of Guardians to reject candidates for elected office. This open expression of dissent within the clerical elite broke the ice, and enabled lay groups opposed to the principle of clerical rule to voice their oppo-

8 Khatami’s supporters, including a coalition that has chosen *Moshārekat* (participation) as its name, set their eyes on the national elections of February 2000, and on the control of the Majles.

sition. Various organizations issued proclamations in support of Ayatollah Montazeri; and the idea that the office of the Leader be made elective and for a limited term was publicly discussed. The taboo on the discussion and questioning of the principle of theocratic government in the press was thus broken for good. Terms such as "supervision of the jurist" (*nezārat-e faqih*) began to appear as watered down version of the *velāyat*. A critical trend within the Shi'ite jurisprudence was born. Two other influential former members of the clerical ruling elite who had retreated to Qom to teach and assumed the rank of Grand Ayatollah, 'Abdol-Karim Musavi Ardabili and Yusof Sāne'i, became ensconced in consistently reformist positions. One of Montazeri's students, Hojjat al-Islam Mohsen Kadivar, who also belonged to the reform movement and was completing a doctoral thesis in philosophy, wrote a book on different approaches to government in Shi'ite jurisprudence (Kadivar 1997), followed by another treatise which offered the most thoroughly detailed critique of every aspect of Khomeini's theory of theocratic government from within the tradition of Shi'ite jurisprudence. (Kadivar 1998)

4 Conclusion

The complicated constitutional politics of Iran under President Khātami is the subject of a different paper I presented in Budapest last week, and was only touched upon indicate the impact of the movement for the Shi'ite reformation. To conclude, I must return to my subject today, which is the new life of the tradition/modernity dichotomy in Iran. Through Shari'ati's sojourn in the Paris of 1960s and of Beheshti's in the Hamburg of 1970s, "the Jacobin dimension of modernity," to use Eisenstadt's (1998) felicitous phrase, entered the process of Iranian modernization and powerfully shaped the moral indignation against the centralizing state into political Islam. Yet the force of dominant political Islam seemed largely spent in Iran by the 1990s, while it continued to thrive under repression in countries like Algeria and Egypt. In the decade preceding the Iranian revolution in London and Hamburg, however, the influences fostering the non-Jacobin dimensions of modernity in the form of Karl Popper's philosophy and Karl Rahner's theological hermeneutics had also left their imprint on the intellects of Soroush and Mojtabeh-Sabestari. What is interesting about the coming to fruition of these influences in the 1990s is that they are neither anti-religious nor anti-moral, but on the contrary, represent an emphatic attempt to make moral sense of modernization and its normative governance.

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